

MINUTES
TOWN OF GROTON
ZONING BOARD OF APPEALS
APRIL 13, 2016 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 1

Chairman Stebbins called the meeting to order at 7:00 p.m.

I. ROLL CALL

Regular members present: Stebbins, Manning, Mencer, Russotto
Absent: Grady, Kravits
Staff present: Allen, Silsby

II. MEETING FOLLOWING PUBLIC HEARING

1. ZBA#16-03 – 15 Elm Street, Mystic, Russell E. Sergeant, Architect/Applicant, Gates Realty Holdings LLC/Owner

Deliberations began with Mencer stating that this request is a non-conformity and would be an expansion of the floor plan and an expansion of a use. He explained that this variance should have been broken out into 3 different sections, as he would not support the expansion of the building.

Manning referred to the special permit that was approved on November 19, 1998. Even though the applicant has done an excellent job in rehabbing the building, he believes that adding a three-season porch would be an expansion of a non-conforming building. He noted the difficulty in determining a hardship. He agreed that the variance application should have been broken out into 3 different requests, as he would be in favor of the basement access due to topography being the hardship.

Additional details were given about the basement. Staff noted that there would be no footprint change for the basement access. Discussion continued about breaking the variance into 3 different requests, which was determined to be appropriate.

Russotto asked for clarification about the use of the building. Stebbins reviewed the 1998 special permit. Russotto inquired about other buildings in the area that may also have a non-conforming lot. He noted that the 1998 special permit was granted to change the use only. Russotto agreed that the variance application should have been broken out into 3 different sections. He explained that if the applicant removes the porch request, they could put in a patio, whereby they would not have to ask the Zoning Board of Appeals for permission as it is not considered a structure. Russotto added that the patio could be elevated to no more than 30 inches above the ground. He stated that the basement access request is necessary. He does not believe that the three-season porch expands the non-conforming use.

Stebbins understands the need for the basement access and can find a hardship but constructing a three-season porch and constructing balconies would be expanding the non-conforming use. As an alternative, a patio could be put outside, which would not require approval by the Board.

Manning reviewed Section 8.6-2A of the zoning regulations. He believes that the proposed porch would be expanding the structure. Stebbins clarified that a patio is

not a structure but a three-season room is. Russotto disagrees and believes that putting in a patio is still expanding the use. He continued to make the distinction between the structure and the use.

Section 8.6-2A of the zoning regulations was reviewed again. Board members appeared to interpret the regulations differently. Determining a hardship was difficult for most members. Mencer expressed appreciation to Russotto for his comments but would not be in favor of a three-season porch or balconies. An alternative would be putting in a patio instead of a three-season porch.

The Board decided to split the application into three different sections.

MOTION: To grant a variance to allow a 20 foot x 26 foot three-season porch at the rear of the 1st floor.

Motion made by Russotto, seconded by Mencer, so voted 1 in favor (Russotto), 3 opposed. The motion was DENIED due to no hardship being shown.

MOTION: To grant two 6 foot x 10 foot balconies at the rear on the 2nd floor.

Motion made by Mencer, seconded by Russotto, so voted 1 in favor (Russotto), 3 opposed. The motion was DENIED due to no hardship being shown.

MOTION: To grant a 7 foot x 7 foot above grade basement access to replace the areaway.

Motion made by Russotto, seconded by Mencer, so voted unanimously

Russotto noted that he is interested in talking to the Building and Zoning Officer about the original approved plans.

III. CORRESPONDENCE – None

IV. APPROVAL OF MINUTES

1. March 23, 2016

MOTION: To adopt the minutes of March 23, 2016, as written

Motion made by Russotto, seconded by Mencer, so voted unanimously

V. OLD BUSINESS

MOTION: To postpone the Election of Officers until the next meeting

Motion made by Russotto, seconded by Mencer, so voted unanimously

VI. NEW BUSINESS

1. New Applications

Staff gave a brief summary of 3 new applications.

Manning stated that he may not be present at the May 11, 2016 meeting.

Stebbins inquired about the roof overhang at the Oyster Club and the approved setback under the variance application. Staff will look into this inquiry and report back to the Board.

VII. REPORT OF STAFF - None

VIII. ADJOURNMENT

Motion to adjourn at 7:54 p.m. made by Russotto, seconded by Mencer, so voted unanimously.

Tom Manning, Secretary
Zoning Board of Appeals

Prepared by Robin Silsby
Office Assistant II