

Town of Washington Zoning Commission

Special Permit Application

A Special Permit is required for specific uses as listed in the Zoning Regulations for each Zoning district.

Address of Proposed Use: 72 Upper Church Hill Road

Name and Mailing Address of Property Owner:

Jack Rosenberg & John Murphy, c/o Kelly Law Offices, PO Box 469, Washington Depot, CT 06794

Name and contact information for authorized agent (if applicable – attach letter of authorization):

James G. Kelly, Esq. , 860-868-1230

Application is for (Check One):

New Special Permit - Fee: \$150

Proposed Use: Detached Accessory Apartment

Zoning Regulation Section: 13.11.3

Zoning District: R-1 Historic District: yes no

Attach a written statement with a Description of the Proposed Use. For new buildings include information such as the height and dimensions, for new businesses: type of business, hours of operation, number of employees, square footage of business area, etc. Also attach description of how the proposed use complies with each of the requirements of the specific special permit section listed above.

Attach site plan or survey map showing location of proposed or existing building, location of septic system, distance from each boundary line and from the septic system to the proposed structure, parking spaces, etc.

Attach a floor plan.

*****ALL PLANS/MAPS MUST BE FOLDED TO FIT IN LEGAL SIZE FOLDER*****

Modification of an existing Special Permit – Fee \$50

Approved Use: _____

Zoning Regulation Section: _____

Date of Approval: _____

_____ Attach a written description of the proposed revision and why it is needed.

_____ Attach a site plan or survey map showing the location of the proposed revision with distances to property lines, well and septic system

_____ Attach a revised floor plan, if applicable

*****ALL PLANS/MAPS MUST BE FOLDED TO FIT IN LEGAL SIZE FOLDER*****

Also required for ALL applications:

X Health Department Approval: Health Department Agent Sign-off Date: _____

X Application fee as listed above plus \$60 State Tax – Check payable to Town of Washington

X Letter of Authorization signed by the property owner if he will be represented by an agent

X Signed Mandatory Land Use Pre-Application Form re: Conservation Easements

N/A Proof of Inland Wetlands Commission approval, if applicable

_____ Proof of Zoning Board of Appeals approval and filing on the Land Records, if applicable

N/A Proof of Historic District Certificate of Appropriateness, if applicable

N/A Driveway sign-off from the First Selectman, if applicable

Site plans and sketch plans shall meet the standards listed in Section 14 of the Zoning Regulations

Additional documentation may be required depending on proposed use.

This application must be submitted to the Land Use Office.

The Undersigned hereby certifies that the information provided in this application, including its supporting documentation, is accurate and true.

Signature of Property Owner:  Date: 10/22/21

Telephone Number: _____ Email Address: _____

*****UNFOLDED PLANS/MAPS WILL NOT BE ACCEPTED*****

FOR OFFICE USE:

Received by: _____ Date: _____

Amount Paid: _____ Check # _____ Date: _____ Written by: _____

Scanned _____ Building _____ Index _____

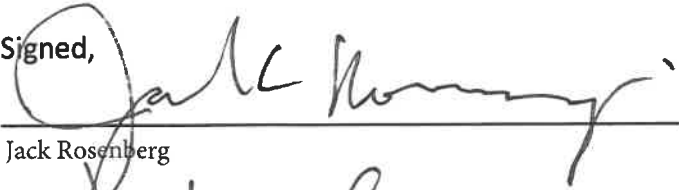
Town of Washington Zoning Commission

Agent Authorization Letter

Jack Rosenberg & John Murphy

I (print property owner name) _____ of (print property address)
72 Upper Church Hill Rd _____ authorize (print contractor name) James G. Kelly, Esq _____ to apply for all
permits regarding (describe work below)

~~our special permit application for a detached accessory apartment or any variances related thereto.~~
~~This authorization shall remain in force throughout any and all land use applications until revoked by~~
~~us in writing.~~

Signed, 

Jack Rosenberg



John Murphy

Date: 10/27/21

TOWN OF WASHINGTON

MANDATORY LAND USE PRE-APPLICATION FORM

This form is *required* for all health, wetlands, zoning, planning, and building applications *except* for interior or exterior work on *existing* buildings, which *in no way* expands or alters the footprint.

No planning, zoning, inland wetlands and watercourses, or historic district commission; health department; building; or zoning board of appeals application for a permit may be filed until the holder(s) of any conservation restriction or preservation restriction on the subject property has been notified. Please see the State legislation in its entirety, reprinted for your convenience on the reverse of this form, Public Act 05-124, Effective October 1, 2005.

Provide the legal name of the property owner(s) and the street address of the property for which one of the above applications will be submitted, then complete either section A or B below.

Property Owner(s) of Record Jack Rosenberg & John Murphy

Subject Property Address 72 Upper Church Hill Road

A. I hereby certify that **there are no** conservation easements or restriction, nor any preservation restrictions on that portion of the property on which the subject of this application applies to.*

Signature of Property Owner 

Date

10/22/21

*CGS 47-42d (b) as amended by PA 10-85 states: Nothing in this section shall be construed to prohibit the filing of a permit application or to require such written notice when the activity that is the subject of such permit application will occur on a portion of property that is not restricted under the terms of such conservation or preservation restriction.

Signature of Property Owner _____

Date _____

B. **There are** conservation easements or restriction, or preservation restrictions on the above-referenced property.

The name of the easement or restriction holder is _____

The phone number of the easement or restriction holder is _____

You must obtain and attach one of the following:

(1) proof that the easement or restriction holder was notified not less than 60 days in advance of the application by certified mail, return receipt requested, of the property owner's intent to apply for a planning, zoning, inland wetlands and watercourses, or historic district commission; health department; building; or zoning board of appeals permit, *or*

(2) a letter from the easement or restriction holder verifying that the application is in compliance with the terms of the easement or restriction.

KELLY



LAW OFFICES

October 22, 2021

Ms. Shelley White, Land Use Coordinator
Washington Zoning Commission
2 Bryan Plaza
Washington Depot, CT 06794

Re: Special Permit Application
72 Upper Church Hill Road

Hi Shelley,

Enclosed please find our Zoning Application for Special Permit-Detached Accessory Apartment. This Application seeks to convert an existing Studio with full bath into a Detached Accessory Apartment.

The following list of documents comprise the application:

- a. Application for Special Permit w narrative letter.
- b. Authorization Letter.
- c. Mandatory Pre-Application Form.
- d. Health Department Application.
- e. Floor/Sketch Plan of existing Studio proposed for conversion.
- f. Copy of Survey of Property.
- f. Pictures of Studio location on property.
- g. Septic Permit to Discharge.
- h. Building Dept Certificate of Completion
- i. Zoning Permit for shower in bathroom.
- j. Checks for \$150, \$60 and \$20 payable to Town of Washington

A duplicate copy is attached for the Health Department. Please advise if anything is missing. Otherwise, I look forward to presenting this application with the Commission.

All the best,

James G. Kelly

JGK/ms
Enclosures

KELLY



LAW OFFICES

October 22, 2021

Washington Zoning Commission
2 Bryan Plaza
Washington Depot, CT 06794

Re: Special Permit Application for Detached Accessory Apartment
72 Upper Church Hill Road

Dear Commissioners:

Please accept this written statement providing a description of the proposed change. The owners Jack Rosenberg and John Murphy, seek to convert an existing Studio into a Detached Accessory Apartment. This application requires no construction, all the improvements exist and are in place.

A brief history is appropriate. A long existing barn was permitted to be converted into an Artist's Studio in 2008 by a previous owner Theresa Fernandez & Barry Blitt. That application and permit included the stairway and loft, and the closing in of the 'back shed' without heat, but with a half bath added. In fact, a shower was also constructed.

Jack and John purchased the property in 2019. At that time appliances had also been added so the main room had a full kitchen wall (full size fridge, DW, and range/oven). It was represented to them by the seller (Fernandez) that the structure was a dwelling in fact it had a tenant, however Jack and John had no interest in that use. They instead installed a pool adjacent, added a covered patio and used it as an Artist Studio.

Only this year, Jack and John learned the 2008 shower had never been permitted by Zoning and the 'kitchen' was not permitted. They also learned the shower and loft were not permitted by Building Department. Although all done 12 years ago, they cooperated fully with both departments. They brought the Studio into full compliance with Zoning by removing the appliances as directed and obtained the Zoning Permit for the shower. A building permit was filed and Certificate of Closed Permit obtained permitting the shower and approving the loft as storage space.

For other reasons, Jack and John also recently replaced one of the two septic systems serving the property. The health official recommended, and they complied, the system be enlarged so the Studio qualifies as either a Studio or Apartment. The larger system was installed in August.

The structure now fully complies with Health Zoning and Building as a studio. It also qualifies under health as an apartment. And it can comply under Building Code as an apartment with only minor modification (installation of pool alarms and fire/smoke detectors).

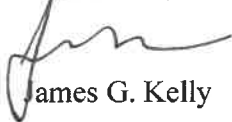
Upon further investigation, we believe the structure as built should also qualify as a Detached Accessory Apartment. As that would allow them to reinstall the removed appliances, they now seek to do so.

Addressing the requirements from 13.11.3:

- A. This is the only detached accessory apartment on the property.
- B. The owners reside full-time here.
- C. The apartment will have its own kitchen and bath.
- D. Health Department approval has been obtained.
- E.& F. The apartment is more than 400 square feet and not more than 1200 feet of floor area. How this requirement was met is further addressed on Schedule A attached.
- G.H.I. The apartment is clearly subordinate to the main house; utilizes the same driveway and there is ample parking exists.
- J. There are no adverse visual impacts. The building is almost completely hidden from the street by the house and other existing barns.

We look forward to discussing this more fully with the Commission.

All the best,



James G. Kelly

JGK/ms
Enclosures

SCHEDULE A

The application's compliance with 13.11.3. F. (that the Accessory Apartment contain no more than 1200 square feet of floor area is more fully addressed here.

The regulations state:

13.11.3 E. Floor area shall be the *finished floor area* of all floor levels within the perimeter of the outside walls of the accessory structure, *not including* open air porches and decks, garages and unfinished basements and unfinished attics, and without deduction for hallways, stairs, closets, thickness of walls, columns, or other features as per State of Connecticut Building Code.

21.1.32. Floor Area. The square footage of all floor levels within the outside perimeter of the outside walls of a structure including hallways, stairs, closets, thickness of walls, columns, and other features as per the Connecticut Building Code, but not including garages, breezeways, open air porches and decks, and unfinished attics and unfinished basements.

Other information:

The entire structure is built on concrete slab. There is no attic or basement.

The open air porch/deck is attached to the barn and serves as a pool side sitting area. It is shown in the pictures but not on the floor plan. **It is 756sf.** and we believe it is excluded from the definition.

The main room is the entire finished space within the original exterior supporting walls of the full barn (inclusive of the stairwell). **The finished floor area is 720sf.** We believe it is included under the definition.

The back third of the structure, referred to as the 'utility room' was originally a lean-to shed built on the outside of the original barn. It is separated from the main structure by the full supporting wall of the barn, accessing the rest of the space through a framed door.

It consists of two spaces:

i. A full bathroom (lav, sink and shower) is in that space and is heated by radiant heat in the tile floor.

The bathroom is 104sf. We believe it is included under the definition.

ii. The remainder of that space was upgraded by a prior owner in 2008 with finished walls and ceiling. The floor is tile. It contains the hot water heater, water tank, storage shelves and an extra refrigerator.

The remaining utility/storage space is 256sf.

We question if this space should be included as it is very similar to a garage. We ask the Commission to determine if included or excluded.

The loft area built in 2008 was permitted in 2021 by the building official, but only for storage.

The loft/storage area is 320sf.

We question if this space should be included as it **not** considered *finished floor area* per the Building Official applying the Code. We ask the Commission to determine if included or

excluded under the Zoning definition. [By way of information only, the tax assessor does not assess the square footage the same as finished floor area but instead at only 65% of finished floor area.]

Summarizing the above the numbers are as follows:

Excluded Area:

756sf - The open porch/deck

Included Area:

720sf - Main Room

104sf - Bathroom

824sf - SubTotal (leaving 376sf left to fit in the definition of 1200sf)

To be determined by the Commission:

256sf - Utility Room

320sf - Loft

576sf - SubTotal

If the Commission determines that either the Utility Room or Loft are not included as “finished floor area,” as the Applicant would urge, then the total finished floor area of the Detached Accessory Apartment is less than 1,200sf and qualifies for the Special Permit.

WASHINGTON DEPARTMENT OF HEALTH
POST OFFICE BOX 383
WASHINGTON, CONNECTICUT 06794

PERMIT TO DISCHARGE

Approval is hereby given to the owner, John Murphy + Jack Rosebury to discharge to subsurface sewage disposal system located at 72 Upper Church Hill in the town of Washington which will receive treated domestic sewage from a: (check appropriate selections below)

- RESIDENTIAL BUILDING CONTAINING 6 BEDROOMS RESTAURANT CONTAINING SEATS
 COMMERCIAL/OFFICE BUILDING PROVIDING SQUARE FEET OTHER

PROVIDED

Liquid discharge volume shall not exceed:

- 100 gallons per bedroom per day for 6 bedrooms
- gallons per day average flow for non-residential structures (NOTE: average daily discharge = design flow / 1.5)

THE SEPTIC TANK SHALL BE INSPECTED REGULARLY AND CLEANED AS NEEDED BUT NOT LESS FREQUENTLY THAN EVERY FIVE (5) YEARS

(CHECK APPROPRIATE SELECTIONS BELOW)

- The septic tank is served by an outlet filter that requires periodic cleaning. Failure to clean the filter could result in a backup of sewage in the home's plumbing. Symptoms of such a problem can include gurgling toilets, slow draining sinks, and backup of sewage in lowest plumbing fixtures. Action should be taken to have the septic tank and filter cleaned whenever such symptoms occur.
- The facility is served by an external grease separator tank that requires quarterly inspections and cleaning as necessary.
- System repair was made utilizing the existing septic tank which WAS WAS NOT retrofitted with a septic tank outlet filter.

SPECIAL REQUIREMENTS / RESTRICTIONS

EXCEPTIONS

PERMIT NO. 01757 FINAL INSPECTION 8/19/21 INSPECTED BY Suzanne Donolt TITLE Registered Sanitarian
ISSUED BY [Signature] TITLE Director of Health DATE 8/19/21

FIELD INSPECTION NOTICE

TOWN Washington PERMIT NO. 23780
ISSUED TO Rosenberg
PERMIT HOLDER AND/OR ALL RESPONSIBLE PARTIES
LOCATION 72 Upper Church Hill
TYPE OF INSPECTION Certificates of Completion
REMARKS And Approval

Renovation to Kitchen Dining Wing
and "Barn" are Complete and
Approved
Additional work done while
Renovation to "Main" 2 Story Dwelling

PLEASE CALL FOR INSPECTION/RE-INSPECTION WHEN CORRECTIONS HAVE BEEN COMPLETED (1-800-231-5101). ACCEPTANCE AND APPROVAL BY AN INSPECTOR OF THIS DEPARTMENT IS REQUIRED.

ALL CORRECTIONS MUST BE MADE ON OR BEFORE _____

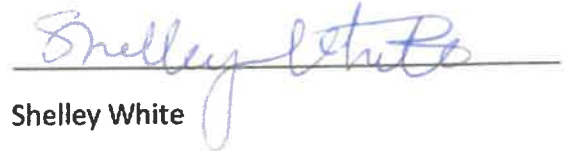
NOTICE RECEIVED BY: _____

DATE 9/2/21 BY [Signature] INSPECTOR

Town of Washington – Zoning Commission

Permission is granted to Jack Rosenburg and John Murphy to add shower to existing artist studio on the premises located at 72 Upper Church Hill Road per the floor plans and supporting documents included with the Application for a Zoning Permit approved 8/27/2021.

Washington Zoning Commission

A handwritten signature in blue ink, appearing to read "Shelley White", is written over a horizontal line.

Shelley White

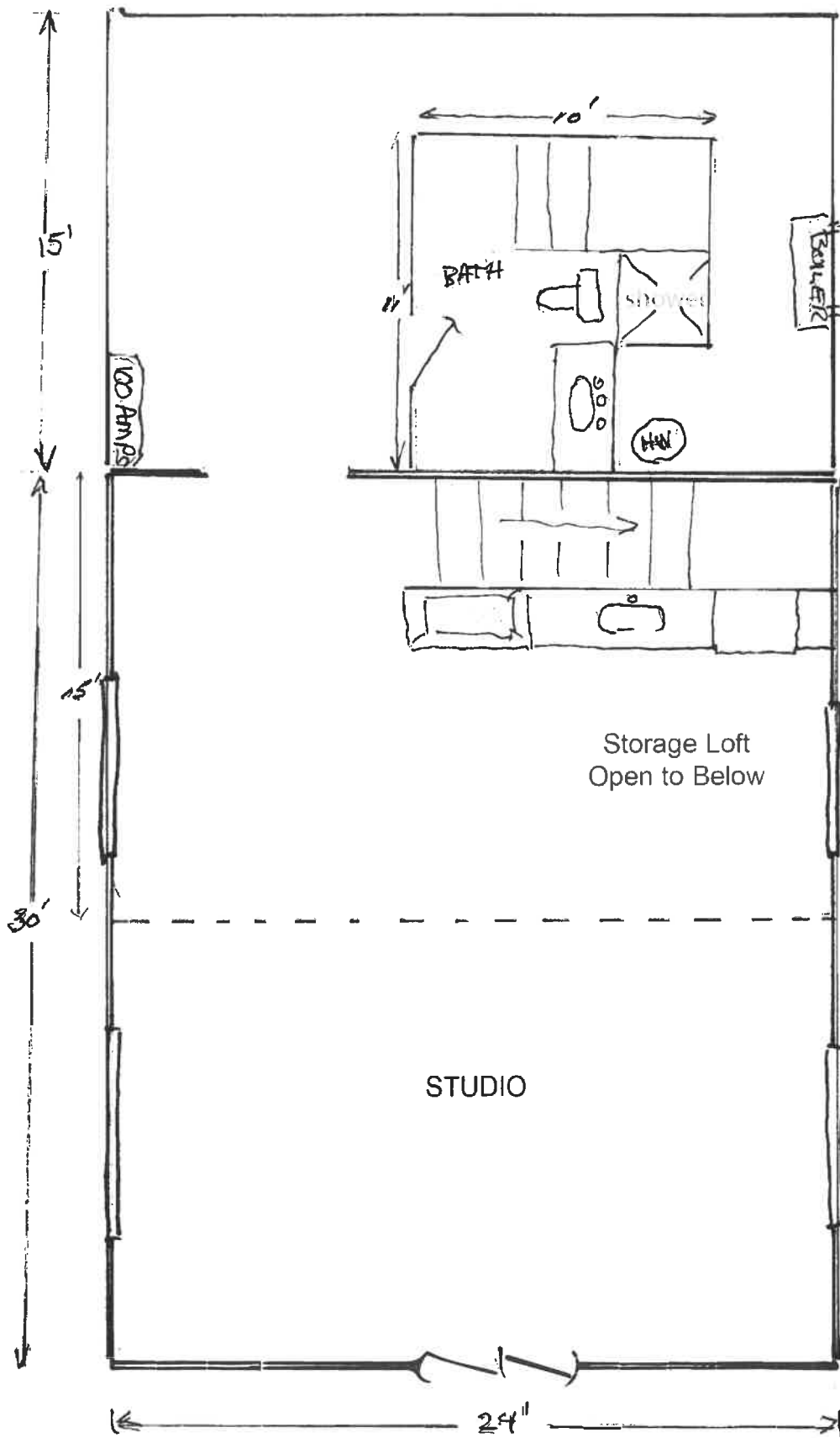
Deputy Zoning Enforcement Officer

THIS IS A ZONING PERMIT ONLY. BUILDING PERMITS MUST BE APPLIED FOR SEPARATELY.

This permit is valid for one year from date of issue.

ZP-4042-21 – Expires: 8-27-22

Floor Plan 1st Floor



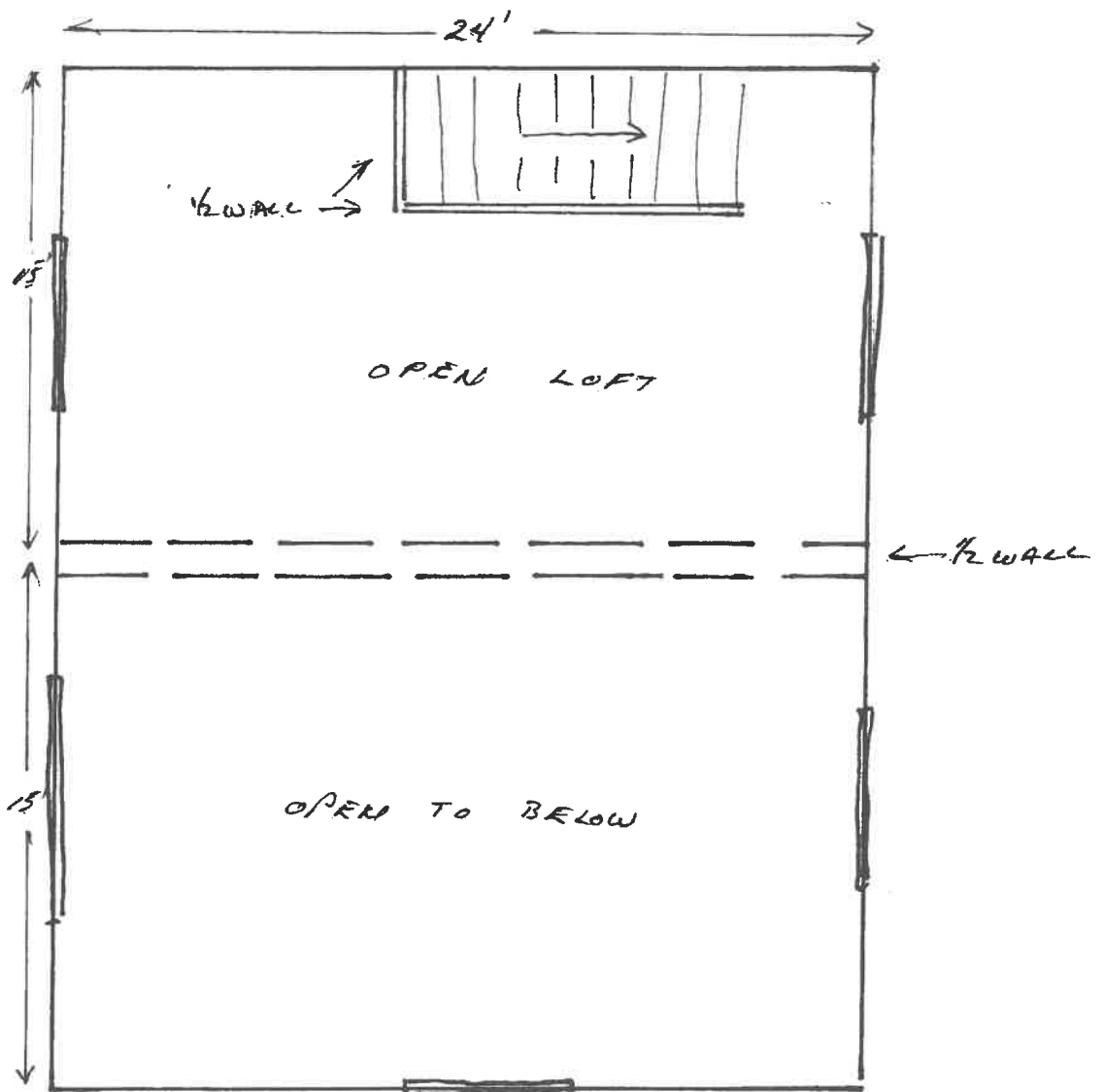
Utility Shed
208 sqft.

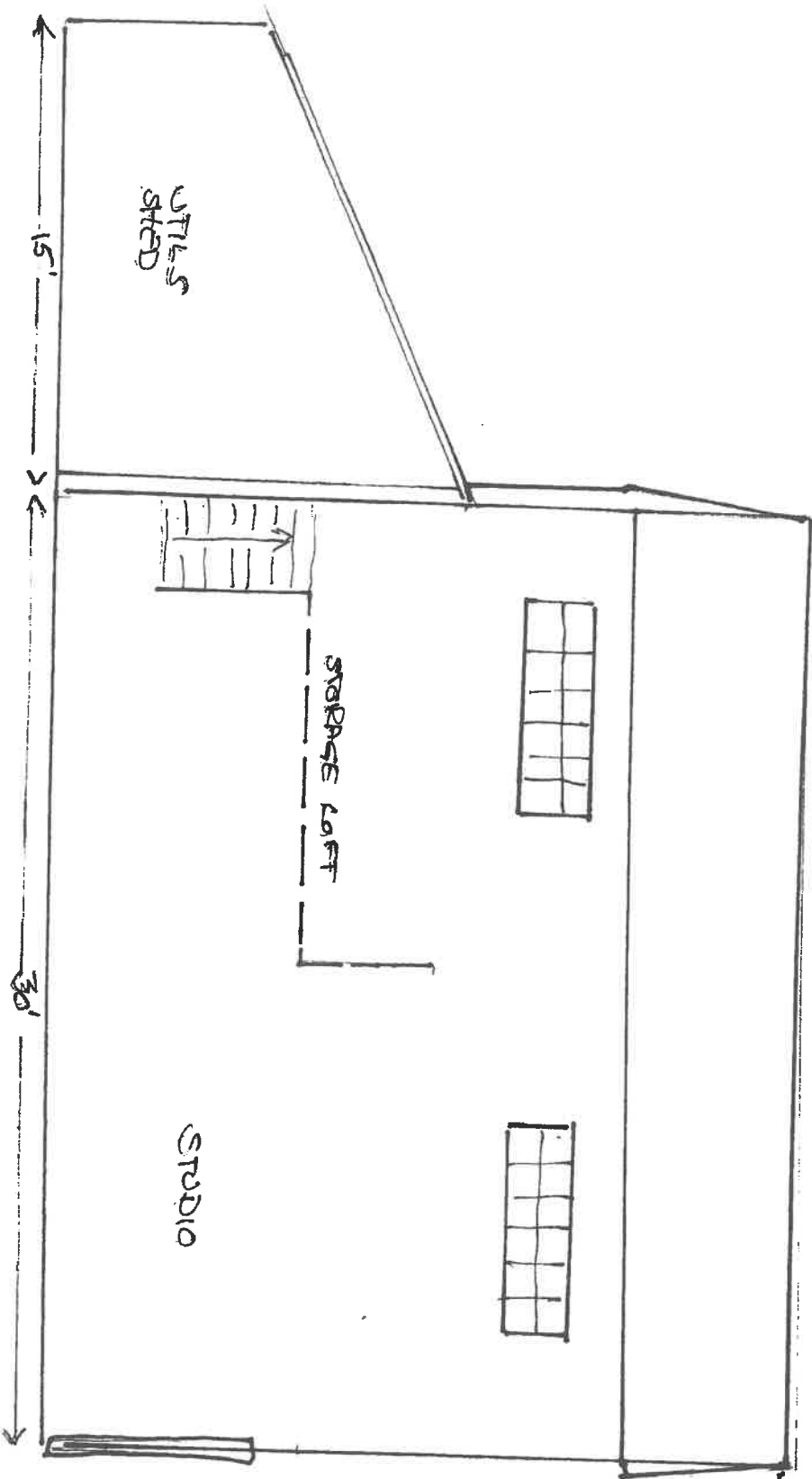
Bathroom
104 sqft.

Open Storage Loft
320 sqft.

Studio Main Floor
720 sqft.
(Including Staircase
40 sqft.)

STORAGE LOFT
OPEN TO BELOW

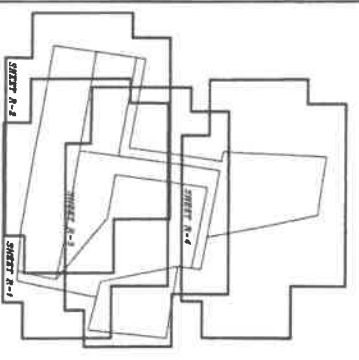






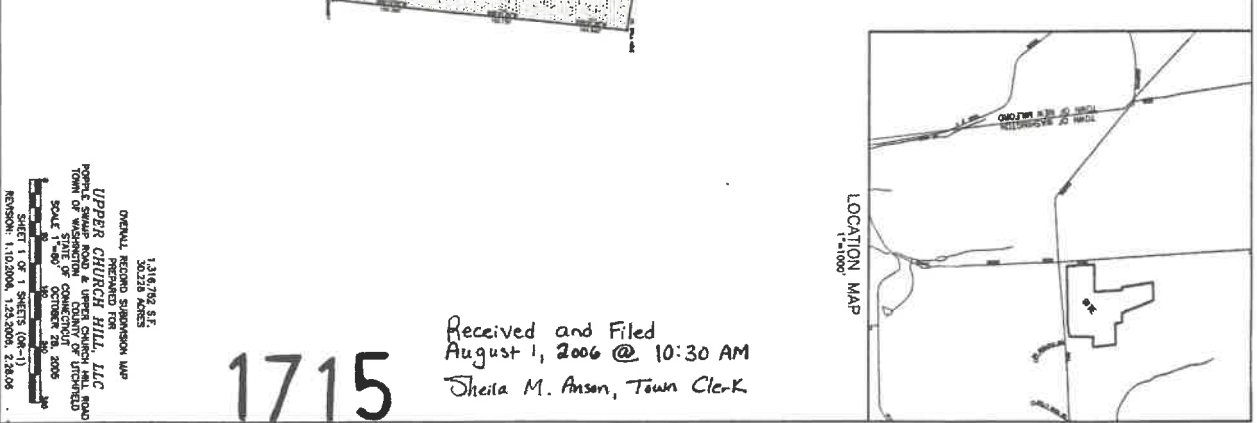
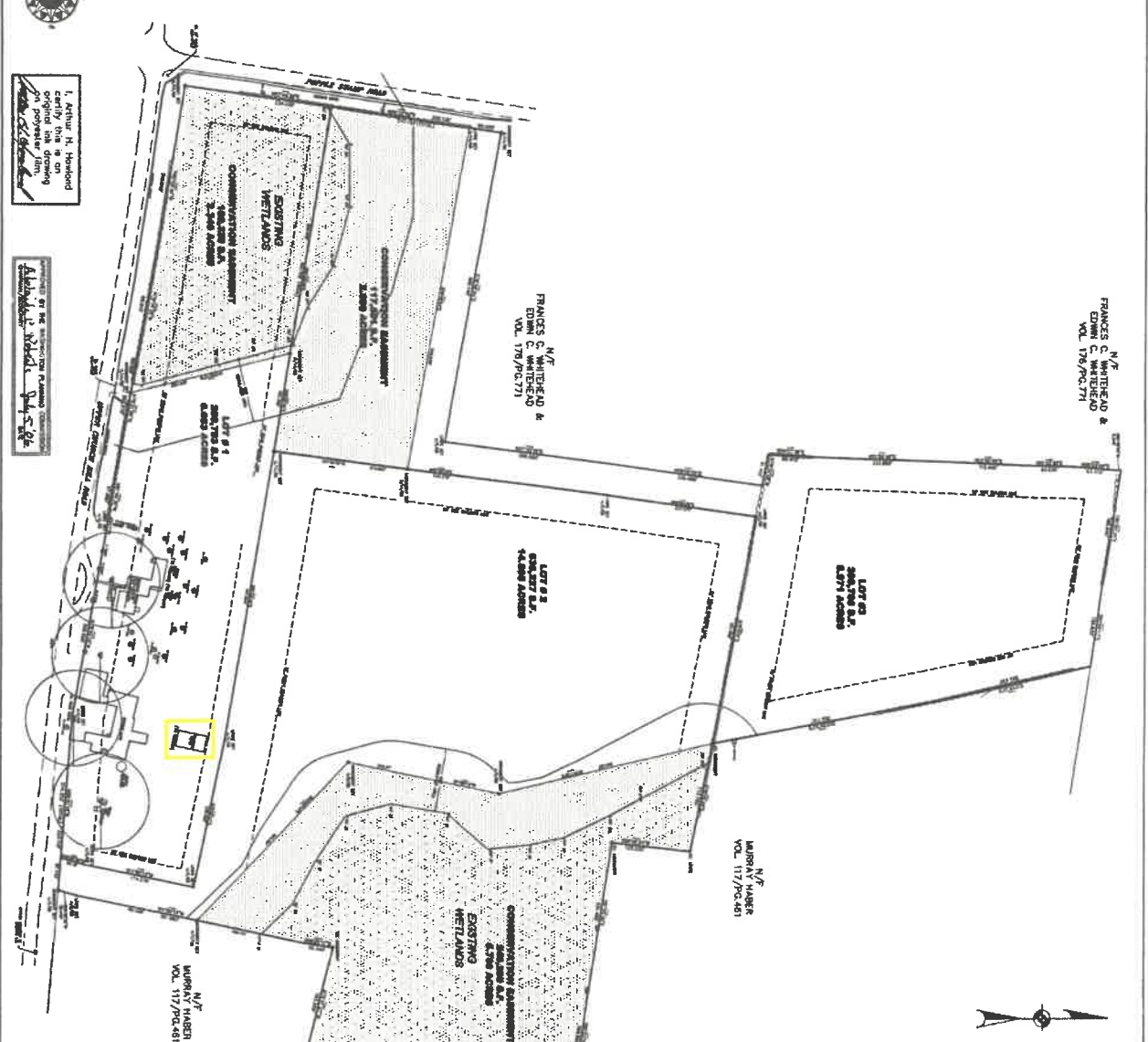
LEGEND

- 1. Dotted Area
- 2. Proposed
- 3. Existing
- 4. Easement
- 5. Right of Way
- 6. Utility
- 7. Boundary
- 8. Proposed
- 9. Existing
- 10. Easement
- 11. Right of Way
- 12. Utility
- 13. Boundary
- 14. Proposed
- 15. Existing
- 16. Easement
- 17. Right of Way
- 18. Utility
- 19. Boundary
- 20. Proposed
- 21. Existing
- 22. Easement
- 23. Right of Way
- 24. Utility
- 25. Boundary



RECORD MAP INDEX

1. A. B. C. D. E. F. G. H. I. J. K. L. M. N. O. P. Q. R. S. T. U. V. W. X. Y. Z. AA. AB. AC. AD. AE. AF. AG. AH. AI. AJ. AK. AL. AM. AN. AO. AP. AQ. AR. AS. AT. AU. AV. AW. AX. AY. AZ. BA. BB. BC. BD. BE. BF. BG. BH. BI. BJ. BK. BL. BM. BN. BO. BP. BQ. BR. BS. BT. BU. BV. BW. BX. BY. BZ. CA. CB. CC. CD. CE. CF. CG. CH. CI. CJ. CK. CL. CM. CN. CO. CP. CQ. CR. CS. CT. CU. CV. CW. CX. CY. CZ. DA. DB. DC. DD. DE. DF. DG. DH. DI. DJ. DK. DL. DM. DN. DO. DP. DQ. DR. DS. DT. DU. DV. DW. DX. DY. DZ. EA. EB. EC. ED. EE. EF. EG. EH. EI. EJ. EK. EL. EM. EN. EO. EP. EQ. ER. ES. ET. EU. EV. EW. EX. EY. EZ. FA. FB. FC. FD. FE. FF. FG. FH. FI. FJ. FK. FL. FM. FN. FO. FP. FQ. FR. FS. FT. FU. FV. FW. FX. FY. FZ. GA. GB. GC. GD. GE. GF. GG. GH. GI. GJ. GK. GL. GM. GN. GO. GP. GQ. GR. GS. GT. GU. GV. GW. GX. GY. GZ. HA. HB. HC. HD. HE. HF. HG. HH. HI. HJ. HK. HL. HM. HN. HO. HP. HQ. HR. HS. HT. HU. HV. HW. HX. HY. HZ. IA. IB. IC. ID. IE. IF. IG. IH. II. IJ. IK. IL. IM. IN. IO. IP. IQ. IR. IS. IT. IU. IV. IW. IX. IY. IZ. JA. JB. JC. JD. JE. JF. JG. JH. JI. JJ. JK. JL. JM. JN. JO. JP. JQ. JR. JS. JT. JU. JV. JW. JX. JY. JZ. KA. KB. KC. KD. KE. KF. KG. KH. KI. KJ. KK. KL. KM. KN. KO. KP. KQ. KR. KS. KT. KU. KV. KW. KX. KY. KZ. LA. LB. LC. LD. LE. LF. LG. LH. LI. LJ. LK. LL. LM. LN. LO. LP. LQ. LR. LS. LT. LU. LV. LW. LX. LY. LZ. MA. MB. MC. MD. ME. MF. MG. MH. MI. MJ. MK. ML. MM. MN. MO. MP. MQ. MR. MS. MT. MU. MV. MW. MX. MY. MZ. NA. NB. NC. ND. NE. NF. NG. NH. NI. NJ. NK. NL. NM. NN. NO. NP. NQ. NR. NS. NT. NU. NV. NW. NX. NY. NZ. OA. OB. OC. OD. OE. OF. OG. OH. OI. OJ. OK. OL. OM. ON. OO. OP. OQ. OR. OS. OT. OU. OV. OW. OX. OY. OZ. PA. PB. PC. PD. PE. PF. PG. PH. PI. PJ. PK. PL. PM. PN. PO. PP. PQ. PR. PS. PT. PU. PV. PW. PX. PY. PZ. QA. QB. QC. QD. QE. QF. QG. QH. QI. QJ. QK. QL. QM. QN. QO. QP. QQ. QR. QS. QT. QU. QV. QW. QX. QY. QZ. RA. RB. RC. RD. RE. RF. RG. RH. RI. RJ. RK. RL. RM. RN. RO. RP. RQ. RR. RS. RT. RU. RV. RW. RX. RY. RZ. SA. SB. SC. SD. SE. SF. SG. SH. SI. SJ. SK. SL. SM. SN. SO. SP. SQ. SR. SS. ST. SU. SV. SW. SX. SY. SZ. TA. TB. TC. TD. TE. TF. TG. TH. TI. TJ. TK. TL. TM. TN. TO. TP. TQ. TR. TS. TT. TU. TV. TW. TX. TY. TZ. UA. UB. UC. UD. UE. UF. UG. UH. UI. UJ. UK. UL. UM. UN. UO. UP. UQ. UR. US. UT. UY. UZ. VA. VB. VC. VD. VE. VF. VG. VH. VI. VJ. VK. VL. VM. VN. VO. VP. VQ. VR. VS. VT. VU. VV. VW. VX. VY. VZ. WA. WB. WC. WD. WE. WF. WG. WH. WI. WJ. WK. WL. WM. WN. WO. WP. WQ. WR. WS. WT. WU. WV. WW. WX. WY. WZ. XA. XB. XC. XD. XE. XF. XG. XH. XI. XJ. XK. XL. XM. XN. XO. XP. XQ. XR. XS. XT. XU. XV. XW. XX. XY. XZ. YA. YB. YC. YD. YE. YF. YG. YH. YI. YJ. YK. YL. YM. YN. YO. YP. YQ. YR. YS. YT. YU. YV. YW. YX. YY. YZ. ZA. ZB. ZC. ZD. ZE. ZF. ZG. ZH. ZI. ZJ. ZK. ZL. ZM. ZN. ZO. ZP. ZQ. ZR. ZS. ZT. ZU. ZV. ZW. ZX. ZY. ZZ.



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1715
 Received and Filed
 August 1, 2006 @ 10:30 AM
 Sheila M. Anson, Town Clerk