TOWN OF WASHINGTON

BRYAN MEMORIAL TOWN HALL

**POST OFFICE BOX 383**

**WASHINGTON DEPOT, CT 06794**

**ZONING BOARD OF APPEALS**

**MINUTES**

**May 28, 2015**

**Members Present:** Ms.Roberts, Mr. Catlin, Mr. Bowman

Members Absent: Mr.Wyant, Ms. Leab

Alternates Present: Mr. Peterson, Mr. Wildman, Ms. Kaplan

Alternates Absent:

**Staff:** Ms. Nelson. Mr. Ajello

**Others:** Mr. & Mrs. Dolen, Mr. Sedito, Mr. Szymanski, Mr. Thorn, Mr. Seamans

Ms. Roberts, Chairman, called the Public Hearing to order at 7:30 pm.

Continued:

PUBLIC HEARING

**ZBA-0984-** Request of Francis and Julie Dolen/ 217 Sabbaday Lane, for Variance,Zoning

Regulation Section(s) 11.6.1.B (Minimum Setback and Yard Dimensions) to build a garage.

**Seated:** Roberts, Catlin, Bowman, Wildman, and Kaplan

Mr. Dolen asked if the commissioner’s had read his letter of 3/25/15 that was submitted with his application. The commissioners responded that they had. Ms. Roberts asked if the Dolen’s had contacted Steep Rock, since the property borders it. Mr. Dolan said he had conversations with both his neighbors and it was noted they had been notified by Certificate of Mailing.

Ms. Roberts asked about the size of the proposed garage. Mr. Dolen said he is taking a minimal approach to the proposed 20’ x 22’garage. There are no extra storage or work bench areas.

Mr. Dolen said he didn’t increase the size because he did not want to expand his lot coverage. The Dolens showed the commissioners current pictures of their house on a tablet. It was noted that the Dolens would email these pictures to linda.nelson@washingtonct.org . Mr. Dolen explained the location of the garage and showed how they would approach the garage.

The Dolens have an interior lot and setbacks were discussed. The commissioners looked at the Property/Boundary Survey by Michael Alex dated March 2012. Mr. Dolan pointed out the several easements they have with Steep Rock.

Mr. Dolen explained again about the minimal design of the proposed garage and that it would have a hip roof to give it a low profile. He said basically he is putting four walls and a roof on a cement slab just big enough to cover his two vehicles.

There were no comments from the public.

Mr. Catlin asked Mr. Dolen to speak to the land based hardship. Mr. Dolan explained about the unique shape of his property and how that came to be. His lot is nonconforming and there is no- where else on the property to put a structure. He went on to say they are not visible to anyone and no one can build around them.

**Motion:** to close the Public Hearing for **ZBA – 0984 –** Request of Dolen – 217 Sabbaday Lane, for Variance, Zoning Regulation Section(s) 11.6.1.B (Minimum Setback and Yard Dimensions) to build a garage By Mr. Catlin, seconded by Ms. Roberts, passed 5 - 0.

**MEETING:**

Mr. Catlin said he thinks that it is a fairly modest application and there is a significant land based hardship with this lot. It is an extremely modest building and he was in favor of it. Mr. Bowman agreed and said the request was reasonable. Ms. Robert agreed with previous comments and stated that Steep Rock has been notified and they seem to have no objection so she didn’t. Ms. Roberts also said she appreciated them putting the proposed garage on a location where they currently have coverage. Ms. Kaplan and Mr. Wildman agreed with previous comments and were in favor of approving this request.

**Motion:** to approve **ZBA – 0984 –** Request of Dolen – 217 Sabbaday Lane, for Variance, Zoning Regulation Section(s) 11.6.1.B (Minimum Setback and Yard Dimensions) to build a garage, passed 5 - 0.

**Continued:**

**PUBLIC HEARING**

**Seated:** Roberts, Catlin, Bowman, Wildman, and Peterson

**ZBA-0985-**Request of Roger Provey/ 9 Sandstrom Road, for Special Exception for Expansion of a Nonconforming Dwelling, Zoning Regulation(s) 17.5 (Special Exception for Nonconforming Structures) to remodel a house.

The commissioners looked at “Proposed North and West Elevations”, dated 5/5/15 by Designs By Artisans, LLC and “Proposed East and South Elevations”, dated 5/4/15 by Designs By Artisans, LLC. Ms. Roberts noted the height of the proposed addition was the same as the previous submitted application. Mr. Provey confirmed it was in fact higher. A discussion followed of the pitch of the proposed addition. The 12/12 pitch will determine the peak Mr. Provey explained. He was asked if the walls of the current structure would be used. Mr. Provey explained he will be taking off the roof. He will be using the outside walls to build the addition of the second floor. The walls on the north side will have a small cantilevered section to build a small gable. Mr. Catlin asked if there would be a foundation under it. There will be a stone pier foundation. Mr. Provey pointed to the map and showed the commissioners. Ms. Roberts asked if there were any comments from the public.

Mr. Seamans of 64 East Shore Road came forward to speak about the property in question. Mr. Provey showed Mr. Seamans the plans of his proposed remodel. Mr. Seamans spoke of his concern for the proposed building having a second story and having the neighbors looking down on them. Mr. Provey said the neighbors are already on top of one another in the neighborhood anyway and he reiterated that his new design was less imposing than his first application. The commissioners explained some of the ZBA procedures to Mr. Seaman.

Mr. Bowman looked at the “Existing and Proposed Foundation Plan”, dated 1/31/15 by Designs By Artisans and expressed concern about the size of the proposed structure. There was a lengthy discussion about the plans. The commissioners said the proposed remodel is still too imposing for the neighborhood and there is a lot going on.

**Motion:** to close the Public Hearing for **ZBA – 0985** –Request of Roger Provey – 9 Sandstrom Road, for Special Exception for Expansion of a Nonconforming Dwelling, Zoning Regulation(s) 17.5 (Special Exception for Nonconforming Structures) to remodel a house. By Ms. Roberts, seconded by Mr. Catlin,

passed 5 – 0.

**MEETING:**

Mr. Catlin said he thinks the proposed structure is too tall and has too much volume. He said the scope and size is too large. He also said it is an attractive structure but he doesn’t think it fits with the “spirit” of the neighborhood. Mr. Bowman agreed with Mr. Catlin’s comments and said it was an attractive house but not appropriate for this specific location. Ms Roberts said she agreed with the previous comments. She thought the nature and character were not appropriate for the location and she felt uncomfortable with the overall scale. Mr. Peterson agreed with previous concerns and said there is too much building for that piece of land. Mr. Wildman agreed with some of the points mentioned.

**Motion:** to approve **ZBA – 0985** –Request of Roger Provey – 9 Sandstrom Road, for Special Exception for Expansion of a Nonconforming Dwelling, Zoning Regulation(s) 17.5 (Special Exception for Nonconforming Structures) to remodel a house,

 **VARIANCE DENIED** by 0 – 5 vote.

**PUBLIC HEARING**

**ZBA-0986-**Request of Roger Provey/ 9 Sandstrom Road, for Variance, Zoning Regulation Section (s)11.5.1.A (Maximum Lot Coverage) to remodel a house.

**Seated:** Roberts, Catlin, Bowman, Wildman, and Peterson

The driveway as proposed is bigger. The Sandstrom Road is 1,683 square feet of the lot size of 13,974 square feet. The commissioners tried to figure out the percentage of coverage. Without the road the coverage would decrease to 17.2%. Mr. Provey said the hardship is the lot coverage caused by Sandstrom Road. The location of the house can’t be moved and the septic can only be in one location. Any enlargement of the footprint requires a variance. There is only 15% allowed and Mr. Provey’s plans exceed that. Mr. Provey was asking for some guidelines. He said he is trying to improve the neighborhood. Mr. Provey said if you take the road out of the equation and the ZBA wants him to meet the 15% coverage, his coverage is at 14% and he would be allowed a 1% increase. Mr. Provey pointed out his setbacks interfered with the direction in which he could expand. The discussion continued.

**Motion:** to continue thePublic Hearing for **ZBA-0986** to June 18, 2015 at 7:30 in

The Upper Level Meeting Room**–** Request of Roger Provey – 9 Sandstrom Road, for Variance, Zoning Regulation(s) 11.5.1.A (Maximum Lot Coverage) to remodel a house, by Mr. Catlin and seconded by Ms. Roberts, passed 5 – 0 vote.

**PUBLIC HEARING**

**ZBA-0987-**Request of Kenneth Stiles/ 17 Tinker Hill Road, for Variance, Zoning Regulation Section (s) 11.6.1 (Minimum Setback and Yard Dimensions) to provide safe egress from a shed.

**Seated:** Roberts, Catlin, Bowman, Kaplan and Peterson

Paul Szymanski, engineer, representing Mr. Stiles said the subject property is 17 Tinker Hill Road. Currently an existing 14.5 x 12.5 storage shed is being rebuilt. There are existing stairs off the front of the existing porch of the storage shed about 1 foot off the property line. The applicant is proposing to make the stairs come off the side to make them more conforming so they are set back an additional two feet. Due to the steep topography, the narrowness of the lot, and the location of the existing structure the placement of the steps is very limited. The stairs can’t go on the back of the shed because of the grade. The shed is to be used for long term storage. The proposed three steps are to be 4 ft. wide x 3 ft. long and made from field stone. Mr. Szymanski initialed and dated the map “Zoning Location Map with Proposed Construction” revised to 5/7/15 by Arthur H. Howland & Associates.

There were no comments from the public.

**Motion:** to close the Public Hearing for **ZBA-0987** – Request of Kenneth Stiles – 17 Tinker Hill Road, for Variance, Zoning Regulations(s) 11.6.1 (Minimum Setback and Yard Dimensions) to provide safe egress from a shed by Mr. Catlin, seconded by Ms. Roberts, passed 5 **–** 0.

**MEETING:**

Mr. Bowman had no objection to the three steps being put in. Mr. Catlin had no issue with the application. Mr. Peterson agreed with previous comments and said it was straight forward. Ms. Kaplan said she was all for it.

**Motion:** to approve **ZBA-0987** – Request of Kenneth Stiles – 17 Tinker Hill Road, for Variance, Zoning Regulations(s) 11.6.1 (Minimum Setback and Yard Dimensions) to provide safe egress from a shed passed 5 **–** 0.

**PUBLIC HEARING**

**ZBA-0988-**Request of Scott & Jennifer Mackesy/ 233 West Shore Road, for Variance,

Zoning Regulation Section (s)11.5.1 (Maximum Lot Coverage) and 12.1.1 (Wetlands and

Watercourses Setbacks) to move a pool, build a pool house and remodel home.

**Seated:** Roberts, Catlin, Bowman, Wildman, and Kaplan

Paul Szymanski, engineer, represented the applicants for this public hearing along with Brad Sedito from Rusco-Sedito Construction. Mr. Szymanski began by giving some history on the Mackesy property. The proposal is more associated with the lot coverage variance than the setback variance. Back in the 90’s there was approval for lot coverage of 19.9%. By reconfiguring the proposed activities on this site they have reduced the lot coverage by a little over 100 square feet. Mr. Catlin pointed out that the reduction is in the form of “driveway” rather than structure. Mr. Szymanski discussed the plans with the commissioners on the map “Proposed Zoning Location Plan”, dated 5/6/15, by Arthur H. Howland & Assoc. and showed them where the pool is to be moved.

The lot coverage reduction comes from some parking being abandoned and removing some pieces east and west of the driveway. Mr. Catlin asked Mr. Szymanski to speak to hardship. Mr. Szymanski said the hardship is due to the unique shape of the lot. Mr. Catlin said there seem to be removal of gravel surface in exchange for the rather significant non porous surface of a building. He was not sure if it is acceptable to move lot coverage. The commissioners expressed concern over the lot coverage that was approved in the 90’s. Mr. Ajello spoke to clarify the history and prior commercial use of the property.

Ms. Roberts asked about the placement of the pool. Mr. Szymanski spoke to the watercourse and wetland setback. The existing pool is to be replaced by a patio and a pool is to be relocated to the rear of the residence. The existing pool is 18 x 43, the proposed pool is 20 x 40. It is 24 square feet less than what exists. He also said we made the pool so it is conforming to the side yard setbacks of the property line so that the setback variance that we’re requesting is from the watercourse or wetlands. He measured conservatively from the intermittent stream starting on the neighboring property. The pool is within the wetland and watercourse setback. The proposed patio and the retaining wall are also within the setback. Regarding the reconstruction of the existing barn, the only modification is an increase in width of two feet. All other renovations are conforming. The peak remains the same. Mr. Szymanski passed around a colored photo of the property.

Weston Thorn, a neighbor, asked to be shown what the proposed application was about. The commissioners explained some of the proposals.

Mr. Szymanski said he would provide a breakdown of lot coverage to make it clearer what exactly is being proposed. The commissioners were not sure about the switching of lot coverage. Mr. Bowman said that the construction is being enabled by the commissioners buying into the lot coverage swap and cutting off a couple of feet of driveway is not equal to building a new pool and new pool house. Ms. Roberts said it was a huge project and a huge intensification of this lot. It was decided to continue the public hearing to give Mr. Szymanski time to gather more information.

**Motion:** to continue the Public Hearing for **ZBA-0987** to June 18, 2015 at 7:30 pm in

 The Upper Level Meeting Room – Request of Mackesy – 233 West Shore Road, for Variance, Zoning Regulations(s) 11.5.1 (Maximum Lot Coverage) and 12.1.1 (Wetlands and Watercourses Setbacks) to move a pool, build a pool house and remodel home by Mr. Catlin, seconded by Mr. Bowman, passed 5 – 0.

**Other Business**

The commissioners considered the Zoning Board of Appeals Meeting Minutes of February 19, 2015.

**Motion:** to accept the Zoning Board of Appeals Regular Meeting Minutes of February 19, 2015 as submitted by Ms. Roberts, seconded by Mr. Catlin, passed by 5-0 vote.

The commissioners considered the Zoning Board of Appeals Meeting Minutes of April 16, 2015.

**Motion:** to accept the Zoning Board of Appeals Regular Meeting Minutes of April 16, 2015 as submitted by Ms. Roberts, seconded by Ms. Kaplan, passed by 5-0 vote.

**Motion:** to adjourn at 10:00 pm, by Ms. Roberts, seconded by Mr. Catlin, passed 5 – 0 vote.

**Submitted Subject to Approval**,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Linda Nelson, Land Use Clerk

 6/3/15

**A recording of the meeting is available in the Land Use Office.**