TOWN OF WASHINGTON

Bryan Memorial Town Hall

Post Office Box 383

Washington Depot, Connecticut 06794

ZBA Regular Meeting

February 21, 2019

7:30 P.M. Main Level Meeting Room

**MEMBERS PRESENT:** Mr. Bowman, Mr. Horan, Mr. Wyant, Mr. Wildman

**ALTERNATES PRESENT:** Mr. Weber

**ABSENT:** Mr. Peterson, Mr. Gunnip, Alt.

**STAFF PRESENT:** Ms. White, Mr. Tsacoyannis

**OTHERS PRESENT:** Mr. Howard, Mr. DiPerno, Mr. Fry, Mr. Lasar, Architect, Mr. Potolsky, Mr. Nichols, Mr. Weaver, Architect, Ms. Adams

**PUBLIC HEARING(S):**

Mr. Bowman called the meeting to order at 7:35 p.m. The Commission decided to start with the second public hearing on the agenda.

**SEATED:** Mr. Bowman, Mr. Horan, Mr. Wyant, Mr. Weber

**CONTINUED - ZBA-1066: Request of Pavilion Hall LLC, 17 East Shore Rd, for Variance – Section 11.6.1- Minimum Setback Requirements, to place propane tanks and a/c condenser units in the rear yard setback:**

Mr. DiPerno and Mr. Fry were present to represent Pavilion Hall, LLC.

The Commissioners and the applicants reviewed the map titled “Sketch Map” prepare for Pavilion Hall, LLC, by Roy V. Cheney, LLS, dated February 2019. It was agreed that the LP tanks and air conditioning condenser units could not be located anywhere else on the property.

 There were no further questions from the Commissioners or the public.

**MOTION:** to close ZBA-1066: Request of Pavilion Hall LLC, 17 East Shore Rd, for Variance – Section 11.6.1- Minimum Setback Requirements, to place propane tank and a/c condenser units in the rear yard setback, by Mr. Wyant, seconded by Mr. Horan, passed by 4-0 vote.

**Meeting**

Mr. Wyant stated that he feels the applicant has provided the Commission with the precise information that was requested and is in support of this application. Mr. Horan, Mr. Weber and Mr. Bowman agreed that a detailed record has been established and they support this application.

**MOTION:** to approve **ZBA-1066:** Request of Pavilion Hall LLC, 17 East Shore Rd, for Variance – Section 11.6.1- Minimum Setback Requirements, to place propane tank and a/c condenser units in the rear yard setback per “Sketch Map,” prepared for Pavilion Hall, LLC, by Roy Cheney, dated February 2019, by Mr. Bowman, seconded by Mr. Wyant, passed unanimously.

**SEATED:** Mr. Bowman, Mr. Horan, Mr. Wyant, Mr. Wildman, Mr. Weber

**CONTINUED-ZBA-1065: Request of Howard, 99 West Shore Rd, for Special Exception for Section 17.4. – Nonconforming Structures, to rebuild boathouse on existing foundation:**

Mr. Howard, the homeowner, was present to discuss this application provided drawings titled “Proposed Lake House,” sheet 1 of 1, dated 12/27/2018 depicting the right side, left side and lake view elevations of the proposed and existing boat house and “Proposed Boat House Renovation,” sheet 2 of 2 dated 2/11/2019, depicting the elevations of the proposed boat house.

Mr. Howard confirmed that there is electricity in the structure but no plumbing. He indicated that he is not proposing a cupola. The total proposed height of the boat house is 159”.

The Commissioners reviewed the footprint of the proposed building. It was noted that it would be the same as the existing footprint. The Commissioners looked at photographs of the view of the existing building from the road.

There were no further questions from the public or the Commissioners.

**MOTION:** to close the public hearing for **ZBA-1065:** Request of Howard, 99 West Shore Rd, for Special Exception for Section 17.4 – Nonconforming Structures, to rebuild boathouse on existing foundation, by Mr. Wyant, seconded by Mr. Horan, passed by 5-0 vote.

**Meeting**

Mr. Wyant stated that he supports this application. Mr. Wildman stated that the proposed structure is a slight volume increase. Mr. Horan and Mr. Weber feel that it is a modest increase. Mr. Bowman stated that the existing boathouse is impractically small and the proposed increase barely brings it to current building code and he supports this application.

**MOTION:** to approve **ZBA-1065:** Request of Howard, 99 West Shore Rd, for Special Exception for Section 17.4 – Nonconforming Structures, to rebuild boathouse on existing foundation per drawings titled ‘Proposed Lake House,” Sheet 1 of 1 dated 12-27-18 and “Proposed Boat House Renovation”, Sheet 2 of 2 dated 12-11-19, by Mr. Wyant, seconded by Mr. Horan passed by 5-0 vote.

**ZBA-1067: Request of Robert Nicholas Construction (for Andryc), 139 West Shore Rd, for a Special Exception 17.4 – Nonconforming Structures, to expand existing 2nd floor bedroom over existing deck:**

Mr. Nicholas of Robert Nicholas Construction was present to represent the property owner. He explained that they are requesting a Special Exception for a volumetric increase of an existing nonconforming dwelling and proposing an 11’ x 13’ addition to expand the existing 2nd floor bedroom over the existing kitchen and deck. He noted that the roofline of the addition would be lower than the existing roofline and that there would be no increase to the existing footprint.

The Commissioners reviewed the hand drawings titled “Plan View,” “North/Front Elevation,” and “East Elevations” all dated 2/21/19. It was noted that it would be

Mr. Nicholas submitted a photograph of the existing dwelling with the proposed addition drawn in. He informed the Commission that the exterior and windows would match the existing exterior and windows.

Mr. Bowman reviewed the standards of granting a Special Exception under Section 17.5.C of the Zoning Regulations.

There were no further questions or comments from the public or the Commissioners.

 **MOTION:** to close **ZBA-1067:** Request of Robert Nicholas Construction (for Andryc), 139 West Shore Rd, for a Special Exception 17.4 – Nonconforming Structures, to expand existing 2nd floor bedroom over existing deck, by Mr. Horan, seconded by Mr. Wyant, passed by 5-0 vote.

**Meeting**

Mr. Wyant stated that he supports this application. Mr. Horan agreed and noted that the request is a very modest increase. Mr. Wildman and Mr. Weber agreed with the other Commissioners. Mr. Bowman reviewed how this application meets the standards in Section 17.5.C.

**MOTION:** to approve application **ZBA-1067:** Request of Robert Nicholas Construction (for Andryc), 139 West Shore Rd, for a Special Exception 17.4 – Nonconforming Structures, to expand existing 2nd floor bedroom over existing deck per hand drawn elevation and floor plans dated 2-21-19, by Mr. Bowman, seconded by Mr. Horan, passed unanimously.

**ZBA-1069: Request of James Scott Weaver, Architect (for Adams), 19-21 East Shore Rd, for a Special Exception 17.4 - Nonconforming Structures, to expand existing dormer and existing roof of covered porch:**

Mr. Weaver, Architect, and Ms. Adams, property owner, were present to discuss this application. Mr. Weaver explained to the Commission that they ae proposing to locate the entrance further south, reduce the size of the deck, locating it further from the river by 3 feet and increasing the size of the existing dormer with a lower eave line. Mr. Weaver submitted documentation of a previous variance that was granted in July of 1996 for this property to the previous owners for three separate dormers. He noted that they would be removing the 2 existing skylights.

The Commission reviewed the drawing titled “Title Sheet – Sheet Plan, “sheet T.001.00, “Existing Floor Plans, Section & West Side Elevation,” sheet A.001.00, “Proposed Floor Plans, Section & West Side Elevation,” sheet A.002.00, prepared for Christine L. Adams, by James Scott Weaver, AIA, 01-17-2019 and the plan titled “Proposed Site Plan,” prepared for Christine Adams Residence, by Brian Neff, L.E. sheet 1 of 1 dated 11-13-18.

**MOTION:** to close application **ZBA-1069:** Request of James Scott Weaver, Architect (for Adams), 19-21 East Shore Rd, for a Special Exception 17.4 - Nonconforming Structures, to expand existing dormer and existing roof of covered porch, by Mr. Wyant, seconded by Mr. Horan, passed by 5-0 vote.

**Meeting**

Mr. Wyant stated that this proposed plan fits the requirements of a Special Exception. Mr. Wildman said it was beneficial that the proposed plan is reducing a nonconformity by moving the deck further away from the river and the previous owners were approved for three dormers in 1996 so he feels this Special Exception should be approved. Mr. Webre and Mr. Horan agreed with Mr. Wildman. Mr. Bowman agreed as well and included the proposed decrease in the height of the eave line was nice to see and he feels that this meet the Special Exception criteria.

**MOTION:** to approve application **ZBA-1069:** Request of James Scott Weaver, Architect (for Adams), 19-21 East Shore Rd, for a Special Exception 17.4 - Nonconforming Structures, to expand existing dormer and existing roof of covered porch per elevations and floor plans prepared for Adams, by T. Scott Weaver Architect, by Mr. Bowman, seconded by Mr. Wildman, passed unanimously.

**ZBA-1070: Request of Stephen Lasar, Architect (for Potolsky), 131 West Shore Rd, for a Special Exception 17.4 – Nonconforming Structures, rebuild boathouse within existing footprint:**

Stephen Lasar, Architect, and Mr. Potolsky, property owner, were present to represent this application. Mr. Lasar explained the proposed plan which was to rebuild the structure from the floor up and increase the height by putting a storage area for kayaks and boards below the floor.

Mr. Bowman asked how the building is used.

Mr. Lasar responded that it has been used to store boating and other lake equipment and for sitting by the lake. He noted that the intention is to renovate the building to fit in more with the main dwelling.

Mr. Potolsky informed the Commission that he has been renovating the property and he would like to renovate the boathouse in the same nature and quality of the main house. He feels that the proposed design would enable better use of the boathouse. Mr. Potolsky noted that the boathouse will be used for the enjoyment of the lake and not used as living space.

The Commissioners looked at the floor plan and a rendering of the proposed boathouse. It was noted that the proposed plan increases the height of the structure by 4 ft. There will be no plumbing but will have electricity.

The Commissioners reviewed the map titled “Septic System Feasibility Plan,” prepared for Potolsky House Renovation/Addition, by Brian Neff, L.E. dated 11-2-09, sheet 1 of 1. “Proposed Dock Relocation & Expansion – Proposed Lake House Rebuild” prepared for Potolsky Property, by Stephen Lasar Architects, revised 1-3-2019. “Plans, Elevations, Sections,” prepared for Potolsky Boat House, by Stephen Lasar Architects, revised 12-18-18.

Mr. Potolsky stated that he has watched what has been approved on the lake and feels that this proposed plan is in keeping with the location and will improve the sightline from the road.

Mr. Horan stated that there are 2 ways of looking at this proposed plan and it seems harmless and the nature of the use of the building is not changing but he questions whether this structure could be lived in or used for sleeping.

Mr. Bowman stated that by increasing the height the proposed plan makes the building bigger and did not agree that it would improve the sightline. He noted that the property owner would be able to rebuild the boathouse on the same footprint at the same height and it would not require a Special Exception or Variance.

Ms. Adams stated that she grew up on the property next door and her mother still resides there. She informed the Commission that the boathouse has been renovated a couple of times and used for many different things.

It was the opinion of the Commission that this proposed plan did not meet the Special Exception criteria and feels that the increase in height by 4 feet is not a moderate increase.

There was a brief discussion of the applicant's options regarding how to proceed.

**MOTION:** to continue the public hearing for **ZBA-1070:** Request of Stephen Lasar, Architect (for Potolsky), 131 West Shore Rd, for a Special Exception 17.4 – Nonconforming Structures, rebuild boathouse within existing footprint, by Mr. Wyant, seconded by Mr. Wildman, passed by 5-0 vote.

**Consideration of the Minutes**

Consideration of the Minutes of the January 17, 2019, Regular ZBA Meeting were considered.

**MOTION:** to accept the January 17, 2019, ZBA Regular Meeting Minutes as submitted, by Mr. Wyant, seconded by Mr. Wildman, passed by 5-0 vote.

**Other Business:**

Mr. Bowman read two letters from Selectman, Mark Lyon, dated 2-21-19, appointing Mr. Weber as an alternate member and Mr. Wildman as a full member of the Town of Washington ZBA.

**Adjournment:**

**MOTION:** to adjourn at 9:02 by Mr. Bowman, seconded by Mr. Wildman, passed unanimously.

 Respectfully submitted.

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

Shelley White, Land Use Clerk, February 28, 2018

Subject to approval

 \*All materials on file in the Land Use Office