

TOWN OF WASHINGTON  
Bryan Memorial Town Hall  
Post Office Box 383  
Washington Depot, CT 06794  
ZONING COMMISSION  
MEETING MINUTES

**Special Meeting October 29, 2014**

**Present:** Mr. Solley, Mr. Averill, Mr. Reich, Mr. Sorce

**Alternates Present:** Mr. Wyant

**Absent:** Mr. Sicvick, Alt.

**Staff Present:** Ms. Hill, Ms. Nelson

**Others Present:** Attorney Slater, Mr. Wilson, Mr. Bennett,

Mr. Solley called the meeting to order at 5:30 p.m. and seated members Solley, Averill, Reich, Sorce, and Mr. Wyant, Alt.

The commissioners took time to read the 10/29/14 memo from Attorney Olson and the 10/29/14 letter from Attorney Slater

Mr. Solley said this meeting was called for the purpose of rendering a decision on whether an application for a project at 199 West Shore Road requires a variance before it can be acted on.. We have opinion from the Commission's Counsel and Attorney Slater who is representing Mr. Hamilton

Mr. Solley stated our counsel has reviewed all correspondence and has submitted a letter to the Commission. Attorney Olson's letter addressed several points concerning the nonconformity of the house, the lot, the potential abandonment issue and several Zoning Regulations including 17.4, 17.6, and 17.8. Ms. Olson concluded in her letter that if the landowner, having chosen to remove the existing house and other structures, now wants to build a new house that does not conform to the current zoning regulations, the landowner must seek approval from the ZBA by way of a variance application.

Mr. Solley went on to say in reviewing Ms. Olson's letter, that the owner tore down a building and by doing so gave up his right to rebuild elsewhere on the property. He also gave some historical background when a variance for lot coverage was required for a similar situation that occurred 14 years ago. He continued by saying, Attorney Olson basically feels that the applicant should go to ZBA for a variance. Mr. Reich asked if this would be a problem for the applicant. At the previous meeting, it was mentioned that the applicant didn't want to do this. The commissioners discussed the implications of the structure being demolished along with other modifications the applicant made to the property prior to going to Zoning.

A letter was also submitted to the Commission for review by Mr. Slater, Attorney for Mr. Hamilton. Attorney Slater focused on the dispute over whether or not the old building was a non-conforming structure. He also discussed his interpretation of 17.4 and debated nonconforming structures and

nonconforming lot coverage. In conclusion he said “treating this application as a new development plan of a residential lot subject to nonconformity limiting lot coverage to the square footage of impervious surface in place at the time of that regulation fully complies with your regulations as written and reasonably allows residential owners like Mr. Hamilton to make changes of impervious surfaces, structures, pavement or otherwise, as long as the coverage nonconformity is not increased.”

The Zoning Commissioners did not think the fact that the applicant already demolished the house was a key issue and thought it could be rebuilt on the same footprint to the same size but agreed that the proposal to move the location and change the size was a problem. It was the consensus of the commissioners that they were sympathetic to the applicant due to all the peculiarities associated with nonconformities involved on the lot but all agreed that the applicant must apply to ZBA before action could be taken on the application.

**Motion:** that the Zoning Commission recommends the applicant apply to the Zoning Board of Appeals regarding the Hamilton/199 West Shore Road application by Mr. Averill, seconded by Mr. Reich, passed 5 – 0.

### **Adjournment**

**Motion:** to adjourn the meeting, by Mr. Averill seconded by Mr. Sorce passed 5 - 0.

Mr. Solley adjourned the meeting at.

### **SUBMITTED SUBJECT TO APPROVAL:**

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Linda Nelson, Land Use Clerk, 10-30-14