

TOWN OF WASHINGTON
Bryan Memorial Town Hall
Post Office Box 383
Washington Depot, Connecticut 06794
Zoning Board of Appeals Regular Meeting
MINUTES
November 21, 2019

7:30 PM- Main Level Meeting Room

Members Present: Mr. Bowman, Mr. Wyant, Mr. Wildman, Mr. Horan, Mr. Weber
Alternates Present: Mr. Gunnip, Mr. Sarjeant
Staff Present: Mr. Tsacoyannis, Ms. Rill
Public Present: Mr. Coolbeth, Mr. Showalter, Mr. Angell

Chairman Bowman called the meeting to order at 7:30pm. He then seated himself, Mr. Wildman, Mr. Wyant, Mr. Horan and Mr. Weber.

**ZBA-1084, Request of Toman Ventures, 68 East Shore Road, for a Variance from Section(s):
11.6.1.C – Minimum Setback and Yard Dimensions – to enclose an existing covered porch within a
side and front yard setback (17 sec.):**

Mr. Coolbeth, representing Toman Ventures, explained that there is an existing porch on the home located at 68 East Shore Road that his clients would like to enclose and covert into a foyer without changing the footprint in any way. He stated that by doing so, it would give the homeowners more space within the home.

The Commission reviewed the application and determined that the entire house is within the setback of 50 feet. Chairman Bowman stated that proving a hardship for the Variance would be difficult. The Commission questioned the aesthetic of the windows of the home, to which Mr. Coolbeth explained that a different style, (casement), would be used, not what was pictured. Chairman Bowman explained that while the Commission's concern really isn't with the overall aesthetic, the plans presented need to reflect what the overall outcome of the home will be.

Chairman Bowman suggested that the Applicant request a continuance for the December 16, 2019 meeting and present the following; a revised front elevation to show the location of the windows, windows drawn exactly how they will appear, locate and draw steps with the property line dimensions to the steps, all to represent what is being built.

MOTION: To grant a continuance in the matter of ZBA-1084, Request of Toman Ventures, 68 East Shore Road, for a Variance from Section(s): 11.6.1.C – Minimum Setback and Yard Dimensions – to enclose an existing covered porch within a side and front yard setback, for the December 19, 2019 Zoning Board of Appeals Meeting, at 7:30pm in the Main Level Meeting Room of Bryan Memorial Town Hall, Washington Depot, Connecticut, by Mr. Wildman, seconded by Mr. Wyant, passed 5-0 vote.

ZBA-1085, Request of the Gunnery, 28 School Street, for a Variance from Section(s): 11.6 – Minimum Setback and Yard Dimensions – for a storage shed (22min. 01 sec.)

Mr. Wyant informed Chairman Bowman that he would be recusing himself from this Public Hearing, as he is an employee of The Gunnery. Chairman Bowman then seated Mr. Gunnip to replace Mr. Wyant.

Mr. Showalter, representing The Gunnery, stated that The Gunnery owned a home on 28 School Street that housed an employee of the school, a family of four. He explained that the home did not have much storage on the premises, and the property owners wished to install a “Kloter Farms” shed on the property for bikes, toys, lawn equipment and such. The property currently has a shed on it, however it is older and not a solid structure. Mr. Showalter explained that if the proposed shed were to be approved, he would like to repair the current shed a bit to make it a safe structure.

Chairman Bowman stated that he did not want to encourage numerous outbuildings on properties, but did understand the need for more storage. He questioned whether or not tearing down the current shed and rebuilding a new one was ever a thought. Mr. Showalter explained that they had considered doing so, however the need for storage was relatively urgent.

Mr. Weber pointed out that repairing the existing non-conforming structure rather than adding another non-conforming structure to the property seemed to make more sense, in his opinion. Mr. Gunnip questioned if the existing structure would be able to be repaired, to which Mr. Showalter stated it would need a lot of work, and asked if it would be possible to place a new shed temporarily on the property while fixing the current shed. The Commission did not see a problem with this if the new shed was eventually moved to another property, however once a Variance was granted, there could not be a time limit set as to how long it could stand in effect. Mr. Showalter stated that he understood the process, and would like to discuss a possible tear-down of the current shed and purchase of a new, larger shed with The Gunnery. The Commission agreed that this would be a better solution overall. They requested designing the current site plan drawing to scale, with the setback dimensions from the building to the property line.

Chairman Bowman suggested requesting a continuance for the December 16, 2019 meeting.

MOTION: To grant a continuance in the matter of ZBA-1085, Request of The Gunnery, 28 School Street., for a Variance from Section(s): 11.6 – Minimum Setback and Yard Dimensions – for a storage shed, to be held at the December 19, 2019 Zoning Board of Appeals Meeting, at 7:30pm in the Main Level Meeting Room of Bryan Memorial Town Hall, Washington Depot, Connecticut. By Mr. Horan, seconded by Mr. Weber, passed 5-0 vote.

ZBA-1085, Request of Angell, 47 West Shore Road, for a Variance from Section(s): 12.1.1 – Wetlands and Watercourse Setbacks, and 11.6.1 – Minimum Setback and Yard Dimensions – to restore shoreline (41min. 21sec.):

Mr. Angell, owner of the property at 47 West Shore Road, stated that he had purchased the property, formerly known as “The Casino”, in 2008/2009. He stated that the property is a 3.8-acre property with an easement for Connecticut Light and Power and approximately 600 feet of frontage, and detailed the work he had completed such as planting over 100 shrubs and trees and removing numerous invasive species. Mr. Angell explained that he had created a stone terrace after his mother, who enjoyed sitting lakeside, had suffered a stroke and could no longer walk on the dock because of water movement. He explained that his son and his friend had hand placed the stone on top of rip-rap stone to make the terrace. Mr. Angell stated that approximately six months later, her received an order from former Zoning Enforcement Officer, Mr. Aijello, to remove the terrace. From there, Mr. Angell stated that he had filed an application with the Washington Inland Wetlands Commission, and after numerous attempts to devise a plan that pleased the Commission, he had received approval from them in May or June of 2018. The approved plan was to dig into the bank, and slide the terrace back approximately 8 feet. He explained that his Inland Wetlands permit will expire in June of 2020, that he had been waiting for the water level of Lake Waramaug to go down during this time, and that current Zoning Enforcement Officer, Mr. Tsacoyannis, had advised him to request a Variance from The Zoning Board of Appeals before doing so.

Chairman Bowman read aloud a letter that was hand delivered to the Land Use Office on November 21, 2019, written by Mr. Philip C. Pires of Cohen and Wolf, Attorneys at Law on behalf of the Lake Waramaug Association, Inc., dated November 20, 2019 in opposition to Mr. Angell’s application. Included in the letter was a copy of the minutes from a Washington Zoning Board of Appeals Special Meeting dated March 7, 2016 in which Land Use Attorney Michael Zizka was present to explain Zoning Board of Appeals procedures, with Lake Waramaug being a topic of discussion.

Chairman Bowman asked if there were any current cease and desist orders on the property, and Mr. Angell explained that he had received a Violation from what he believed was Inland Wetlands. Chairman Bowman asked Mr. Angell if he was asked to remove the terrace. Mr. Angell stated that Inland Wetlands had asked him to do the work when the water level was low when he received his permit from them. Chairman Bowman explained that the current terrace did not comply with the Zoning Regulations and questioned if Mr. Angell was ever asked to remove it. Chairman Bowman then explained that the Board requires the exact location of all structures, the size and square footage as well as the distance from the property lines, and suggested an accurate survey be done, and stated that Mr. Angell had not proven a hardship to the Board as of yet. Mr. Angell stated that the location of the area, which was highly exposed to the road, raises safety and privacy issues.

Mr. Angell provided a binder with pictures of all neighboring Lake Waramaug properties that had similar stone terraces on the shoreline. There were 80 in total.

Chairman Bowman reiterated that the Board requires the exact location of all structures, the size and square footage as well as the distance from the property lines, and suggested an accurate survey be done.

MOTION: To close the Public Hearing in the matter of ZBA-1086, Request of Angell, 47 West Shore Road, for a Variance from Section(s): 12.1.1 – Wetlands and Watercourse Setbacks, and 11.6.1 – Minimum Setback and Yard Dimensions – to restore the shoreline. By Mr. Gunnip, seconded by Mr. Wyant, passed 5-0 vote.

Chairman Bowman asked the Board Members for their thoughts on the matter. Mr. Wyant stated that he would like to see an accurate, up-to-date survey. Mr. Horan stated that he was leaning towards granting the Variance because the structure would be moved into the setbacks that are required. Mr. Weber stated that the structure was in a required setback and with it being moved further away from the setback. Chairman Bowman stated that he did not see a hardship, and that allowing the applicant to move ahead without an accurate survey given the proximity to the Lake, granting the Variance would be questioned and eventually be challenged.

MOTION: To deny the application of ZBA-1086, Request of Angell, 47 West Shore Road, for a Variance from Section(s): 12.1.1 – Wetlands and Watercourse Setbacks, and 11.6.1 – Minimum Setback and Yard Dimensions – to restore the shoreline. Denied 3-2 vote, with Mr. Bowman, Mr. Wyant and Mr. Wildman voting “no” for failure to prove a hardship and provide an accurate, current survey.

CONSIDERATION OF THE MINUTES (1hr. 37min. 47sec.):

MOTION: To approve the August 15, 2019 Meeting Minutes, by Mr. Horan, seconded by Mr. Wyant, passed 5-0 vote.

OTHER BUSINESS/DISCRETION OF THE CHAIR (1hr. 38min 24sec.):

Ms. Rill provided a list of 2020 Meeting dates to all Board members. Mr. Wyant and Mr. Wildman pointed out that the date of May 21, 2020 was the scheduled date of the annual Town Meeting. Ms. Rill stated that she would edit the proposed calendar and schedule the May meeting for May 28, 2020 and send it to Chairman Bowman for approval.

Chairman Bowman welcomed newly elected Board Alternate, Mr. Sarjeant.

MOTION: To adjourn the November 21, 2019 meeting at 9:06pm, by Mr. Weber, seconded by Mr. Wildman, passed 5-0 vote.

Respectfully Submitted,

Tammy Rill

Tammy Rill

Land Use Clerk

November 25, 2019