

**East Hampton Zoning Board of Appeals
Regular Meeting
March 9, 2015
Town Hall Meeting Room**

Unapproved Minutes

1. **Call to Order:** Chairman Nichols called the meeting to order at 7:00 P.M.

Present: Chairman Charles Nichols, Members Vincent Jacobson, Dennis Wall, Alternate Members Margaret Jacobson, Melinda Powell, and Planning, Zoning, and Building Administrator James Carey were present.

Absent: Vice Chairman Brendan Flannery and Alternate Member Robert Hines were not present.

2. **Seating of the Alternates:** The Chairman seated Margaret Jacobson and Melinda Powell.

3. **Legal Notice:** Mr. Carey read the legal notice into the record.

4. **Approval of Minutes:**

A. November 10, 2014 Regular Meeting:

Mr. Wall moved, and Mrs. Jacobson seconded, to approve the Minutes of the November 10, 2014 meeting. The motion carried unanimously.

5. **Application:**

A. Application of Gregory J. Scougall, 59 Bay Road, to Reduce the Side Yard Setback from 15' to 10' - Map 09A/Block 70/Lot 38:

Kevin Reed was present to represent the application for Mr. Scougall. He explained that when the house was built the deck was built over the grinder pump. The deck now needs to be replaced. This application for a variance will allow the applicant to relocate the staircase and permit full and ready access to the grinder pump.

The Chairman called for those present to speak for or against the application. No one spoke at this time.

Mr. Wall moved, and Mr. Jacobson seconded, to grant the application of Gregory J. Scougall, 59 Bay Road, to Reduce the Side Yard Setback from 15' to 10'. The motion carried unanimously.

B. Application of Charles R. Dutch for Andrew & Elisabeth Priest, 19 Hawthorne Road to Reduce Front Yard Setback from 25' to 2', Reduce Side Yard Setback from 15' to 2', Increase Maximum Height from 30' to 36' and Increase Maximum Lot Coverage from 20% to 29% - Map 10A/Block 82/Lot 28A:

Charles Dutch was present to represent the applicant. He distributed plans for the Board and discussed the proposed plan.

Mr. Jacobson pointed out a discrepancy in the square footage of the garage. Mr. Dutch agreed the proposed square footage of the garage is 528 sq ft. With that correction in mind the coverage requested is 2,041 sq ft or 25%.

Jack Kemper of Kemper Associates, architects for the applicants, was present and indicated his calculations indicated 28.3% for maximum lot coverage. He discussed the proposed plan and handed out copies of plans for the house which included revisions to the proposed plan since the application had been received by the Town. He explained that a height variance will not be necessary as the height from average grade to the ridge will be 29'11".

Mr. Kemper further explained that the wrap around exterior stair would also be removed from the plan eliminating an additional 4' variance for the side yard. Further the bump out on the southeast corner of the house will not be 4'. It will be 2'. Mr. Kemper explained that the existing house will be demolished. The new house will be no closer to the lake. The new house will be two floors. The house has been designed to have the appearance of small houses rather than one large house.

The Board discussed the garage and driveway and the proximity to the road. Mr. Kemper expressed interest in moving the garage back and would consider moving it back from the paved portion of Hawthorne Road. The Board also discussed reducing the side yard variance requested as well.

Mr. Carey reported to the Board that the proposed house includes a first floor of 1,513 sq ft which exceeds the amount allowed in the Zoning Regulations by 613 sq ft. Further, Mr. Carey discussed concern that with all the revisions being conducted during this meeting all the numbers will change.

Mr. Kemper agreed that the numbers were all changing and discussed the possibilities with Mr. Carey. The Board discussed the nature of the neighborhood.

Betsy Priest, 19 Hawthorne Road, discussed the proposed proximity to the side property lines.

Mr. Kemper submitted letters from both side neighbors, 17 and 21 Hawthorne Road, indicating that they are aware of the original proposal for 19 Hawthorne Road and have no concerns. The applicant reduced their request to a 15' front yard setback variance with a pervious driveway. Mr. Kemper explained that the hardship justifying this request is the small non-conforming lot, layout, and topography provides minimal potential for renovations to the existing structure with little impact as possible to the surrounding area.

The Chairman called for all those in favor of this application to come forward.

Ralph Ahlberg, 17 Hawthorne Road, was present to speak in favor of the application. He believes that the plan keeps in mind what is best for the area and the lake.

The Chairman called for those against this application to come forward. No one was present to speak against this application.

Mr. Carey read a letter of support for the project dated March 1, 2015 from Jeffrey and Kathleen Thornton, 23 Hawthorne Road, into the record. He also read a letter of support dated March 9, 2015 from Ralph E. Ahlberg, 17 Hawthorne Road, into the record.

"Mr. Wall moved, and Mr. Jacobson seconded, to grant Andrew and Elisabeth Priest, 19 Hawthorne Road, variances from Section 4.1 of the Zoning Regulations to reduce the front yard setback from 25' to 15', reduce side yard setback from 15' to 7.5', increase

maximum lot coverage from 20% to 25%, and Section 8.2.G of the Zoning Regulations to increase maximum first floor area on a non-conforming lot from 900 sq ft to 1484 sq ft because of the hardship that the size, layout, and topography of the lot would prohibit full function of the property. These variances are granted with the condition that an updated A-2 survey depicting the proposed plans for the site with the variances as granted herewith be provided to the Zoning Office prior to recording the variances in the Land Records. The Motion carried unanimously.”

6. New Business:

A. Election of Officers:

Mr. Wall nominated Charlie Nichols to be Chairman of the Zoning Board of Appeals for the 2015 calendar year. Mrs. Jacobson seconded the nomination. The vote was unanimous.

Mr. Jacobson nominated Brendon Flannery to be Vice-Chairman of the Zoning Board of Appeals for the 2015 calendar year. Mr. Wall seconded the nomination. The vote was unanimous.

Charlie Nichols was elected Chairman and Brendon Flannery was elected Vice-Chairman of Zoning Board of Appeals for the 2015 calendar year.

Mr. Carey discussed the recent and tragic passing of Don Martin in a car accident. Don was a wonderful man, good friend, strong ZBA member, and will be missed by all. The Town policy for filling the vacant seat is to defer to the Town Council for an appointment.

B. Acceptance of 2015 ZBA Calendar:

*Mr. Wall moved, and Mr. Jacobson seconded, to accept the 2015 ZBA Calendar as proposed. The motion was unanimous. ** Attachment 1***

The Chairman invited the public to speak:

James Sennett, 14 North Cone Road, reminded the Board of the Connecticut Bar Association seminar “Connecticut Land Use Law for Municipal Land Use Agencies, Boards, and Commissions” to be held at Wesleyan University on March 21, 2015. It is extremely beneficial to municipal land use agencies.

Dan Frazon, 71 White Birch Road, questioned the staff about protocol regarding violation of a variance. Staff advised Mr. Frazon to contact him during business hours.

7. Old Business: None.

8. Adjournment: *Mr. Nichols moved to adjourn the meeting. The motion was seconded by Mrs. Jacobson. The motion carried unanimously. The meeting adjourned at 7:55 P.M.*

Respectfully Submitted,

Daphne C. Schaub
Recording Secretary