

**ZONING BOARD OF APPEALS  
REGULAR MEETING  
Final Minutes  
May 13, 2014**

Chairman Jack Guyol, called the meeting to order at 7:05pm. Commissioners present this evening included: Russell McDonough, Matthew Berger, Lynn Conway, Virginia McCormack, and Zoning Enforcement Officer Candace Palmer. Frederick Deichmann & David Rezendes were absent.

**Public Hearings:**

**ZBA 14-05 & CAM Susan Raffetto (Paul Linehan)** – Seeking a variance from ZR 5.2.1 bulk requirements to reduce front yard setback from 50' to 27.2'; reduce the rear yard setback from 50' to 43.8'; reduce the side yard setback from 25' to 7' and 8.4'; increase the height from 20' to 33.5' and ZR 7.7.8.3.1 to reduce the coastal jurisdiction line from 100' to 43.8'. Property located at 34 Roseleah Dr., Mystic, CT. Assessor's Map 175 Block 1 Lot 25; Zone MC-80.

Staff presented the application, stating the hardship claimed exists because this is a non-conforming existing dwelling in which strict application of the zoning regulations created this situation. The home would be raised to meet FEMA Flood Guidelines. Ms. Palmer shared the definition of "substantial improvement" and the allowance for this structure. Currently, the Planning & Zoning Commission is preparing an opinion regarding the interpretation of ZR 2.9. This is necessary as two staff members have different opinions on this regulation. She shared the opinion of Carol Szymanski, CTDEEP, via a letter submitted to the town.

Mr. Gerry Karpuska, Architect explained the overall design of the property, stating it meets FAR per town regulations. Paul Linehan, developer, said it is safer to build the home higher and it meets FEMA standards. The pilings are considered the first floor, but not living space. Ms. Conway asked if the home was kept to a single floor plan, would a height variance still be needed. There was some critique of Carol Szymanski's letter. Resident Chris Simonds, owner of two properties near this proposed home, answered a few questions for the commission.

Ms. McCormack stated that she didn't see the hardship with respect to the second floor addition.

**Speaking in Favor:** Rick Larson, neighbor, stated no objection and said raising the property would benefit all in the area.

**Speaking in Opposition:** None

**General Comments:** None

Public Hearing closed at 7:27 p.m.

The Commission held a brief discussion. Ms. McCormack stated she didn't see the hardship. Mr. Berger said we are going to be doing a lot more ad hoc variances, and he is willing to accept the hardship claim based on the sheds being amortized out. He told staff the grid presented in the application was very helpful, and a good guide to give to future applicants.

Mr. Berger moved to approve the variance as requested, and because the applicants would be amortizing out the other buildings. Mr. McDonough seconded. All in favor 5-0.

**New Business:**

**ZBA #14-06 Amy Graham** – Seeking a variance from ZR 5.1.1 bulk requirements to reduce the rear yard setback from 40' to 30' for construction of a deck. Property located at 3 Robin St., Pawcatuck. Assessor's Map 36 Block 6 Lot 9 Zone RA-20.

Mr. Berger moved to accept the new application. Ms. Conway seconded. All in favor 5-0.

**ZBA #14-07 BETR Properties LLC** – Seeking a variance from ZR 3.1.4.2 to reduce the 100' non-infringement zone from 100' to 41' for the proposed deck and or patio and to the 100' non-infringement zone from 100' to 20' for the proposed 6' high solid fence. Property located at 110 Hewitt Rd., Mystic. Assessor's Map 152 Block 2 Lot 10 Zone RC-120

Mr. McDonough moved to accept the new application. Mr. Berger seconded. All in favor 5-0.

**ZBA #14-08 Phillip E. Rathbun** – Seeking a variance from ZR 5.1.1 bulk requirement to reduce the side yard setback from 75' to 40' on north side and from 75' to 45' on south side of property for construction of a single family residence. Property located at 66 Palmer Neck Rd., Pawcatuck. Assessor's Map 57 Block 3 Lot 14 Zone RC-120.

Mr. Berger moved to accept the new application. Mr. McDonough seconded. All in favor 5-0.

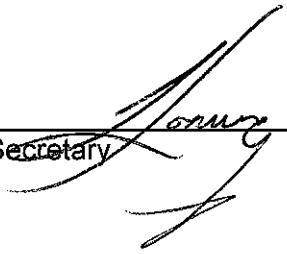
**Review of meeting minutes:** Mr. Berger moved to accept the April 4, 2014 meeting minutes. Ms. McCormack seconded. All in favor 4-0. Lynn Conway abstained.

**Adjournment:**

Ms. McCormack motioned to adjourn the meeting. Ms. Conway seconded the motion. All in favor 5-0. The meeting adjourned at 8:00 p.m.

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Lynn Conway, Secretary

A handwritten signature in black ink, appearing to read "Lynn Conway", is written over a horizontal line. The signature is stylized and cursive.