

**ZONING BOARD OF APPEALS  
REGULAR MEETING  
Final Minutes  
June 10, 2014**

Chairman, Jack Guyol, called the meeting to order at 7:00 p.m. Commissioners present this evening included: Jack Guyol, Russell McDonough, Virginia McCormack, Alternate Bill Lyman seated for Lynn Conway, David Rezendes seated for Matthew Berger and Zoning Enforcement Officer Candace Palmer. Frederick Deichmann, Lynn Conway and Matthew Berger were absent.

Mr. Rezendes read the call for the public hearing at 7:01 p.m.

**Public Hearings:**

**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.

Staff summarized the application.

Applicant, Amy Graham, spoke and explained where the deck would be built in the yard. Staff stated the deck would need to have allowances for the bulkhead that is being covered by the proposed deck. There was no one speaking in favor, in opposition, or for general comments regarding this public hearing.

The public hearing was closed by the chairman. Mr. McDonough moved to approve the application. Ms. McCormack seconded the motion. 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

Staff briefed the commission on the history of the application. She said the IWWC prefers the deck be made of wood. The fence is a new part of this application.

Mr. Brian Jendraszek presented his property with architectural drawings and stated his property is being limited by regulations because it falls in the RC120 zone side of the road. He has a ½ acre parcel of land in a 2 ½ acre zone. He sighted a letter from a soil scientist that stated his property would not affect the land or pond. He stated his reasons for the fence. He submitted exhibit #2 (photos of backyard & arborvitaes. The idea to table this application was discussed so the applicant could amend his application.

There was no one speaking in favor, in opposition, or for general comments on this public hearing. There was a discussion amongst the commission.

Mr. Rezendes moved to close the public hearing. Mr. McDonough seconded. All in favor 5-0. Mr. Rezendes moved to approve the application for a concrete patio/deck and a fence. Mr. McDonough 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. Rathbun presented his lot requests to demo his existing home and construct a new residence. His plan is within the gross area footage allowed. The contractors building profile of the proposed home was entered as exhibit#2. It will be a single story home with 3 bedrooms and an unfinished basement.

Speaking in Favor: Mr. George Burnhardt stated he supports the application and said it will be a good improvement to the neighborhood.

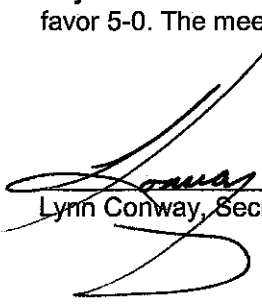
There was no one speaking in opposition.

General Comments: Diane Gumpel is not opposed to this project but asked the commission if applicant has the ability to design a long commercial looking home on the width of the property. Mr. Rezendes stated the applicant is limited by another code in this zone, and is constricted on how close property can be to side yard setbacks.

Mr. McDonough moved to close the public hearing. Ms. McCormack seconded. All in favor 5-0. Mr. McDonough moved to approve the application. Ms. McCormack seconded. All in favor 5-0.

**Review of meeting minutes:** 5/13/2014: Ms. McCormack asked that the minutes reflect her additional comments on last month's public hearing. "She didn't see the hardship with respect to the second floor addition." Mr. Guyol moved to approve the minutes as amended. Mr. McDonough seconded. The vote was in favor 3-0-2. Mr. Lyman and Mr. Rezendes abstained.

**Adjournment:** Mr. Rezendes motioned to adjourn the meeting. Mr. McDonough seconded the motion. All in favor 5-0. The meeting adjourned at 8:40 p.m.



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Lynn Conway, Secretary