



TOWN OF STONINGTON
Zoning Board of Appeals
Stonington Police Station Meeting Room
173 South Broad Street
Pawcatuck, Connecticut 06379

FINAL

Regular Meeting
February 13, 2007

Present were regular Members David Rezendes, Neil Canavan, Frederick Deichmann, David Rathbun; and alternate Members Ben Tamsky, George Wingblade, and John Prue. Zoning Official Joseph Larkin was also in attendance.

Chairman Rathbun called the meeting to order at 7:00 p.m. and read the following:

"It takes four (4) votes of this five-member Board to grant a variance. In order for a variance to be granted, the applicant must prove a hardship. After the conclusion of tonight's public hearing, this Board has sixty-five (65) days to render a decision. Any decision made by the Board can be appealed to Superior Court within fifteen (15) days of the effective date. First we will hear from our Zoning Enforcement Officer, and then we will listen to the applicant and all those in favor of the application, followed by those in opposition. Then if anyone has general comments they will be heard. The applicant has the right for rebuttal. However, if any new points are raised during the rebuttal, the public has the right to respond."

Secretary Neil Canavan announced that the Notice of this Public Hearing had been published in the **New London Day** and the **Westerly Sun** on **Friday, February 2, 2007 and Friday, February 9, 2007.**

Public Hearings:

Seated for the Public Hearings were: John Prue, David Rezendes, Frederick Deichmann, Neil Canavan, and David Rathbun, presiding.

ZBA #06-45 Geoffrey Brian Corkhill - Seeking a variance of ZR 5.1.1 to increase the Floor Area Ratio from 0.25 to 0.30 to construct a 2nd floor addition on property located at 10 Oak Street, Lords Point, Stonington, CT. Assessor's Map 129, Block 2, Lot 3, Zone RM-20.

Reading from his staff report, Mr. Larkin presented a brief history of Application ZBA #06-45 and recommended that the Board decide if the hearing should proceed tonight or be postponed for an additional three (3) months.

Chairman Rathbun asked the Applicant's Agent, Atty. John Casey, to present information to the Board with respect to the substantial difference between this application and the previous application (ZBA #06-39) that was denied in November 2006.

Atty. John Casey explained the differences in the two applications.

Mr. Prue moved to hear the application tonight and Mr. Canavan seconded. Motion carried 5-0.

Atty. Casey and Mr. Corkhill presented the application and answered questions from the Board.

Speaking in favor was Edie Warren of Lords Point, Stonington, CT.

No one spoke in opposition to the application or with general comments.

The public hearing was closed at 8:20 p.m.

Mr. Deichmann moved to defer deliberations on Application ZBA #06-45 until the Board could receive advice from the Town Atty. regarding ADA and FHA considerations raised by Atty. Casey. Mr. Prue seconded. Motion carried 5-0.

ZBA #06-46 Peter & Margaret Austin (Susan Camp, L.S.) – Seeking a variance of ZR 5.1.1 to reduce the front yard setback from 30 ft. to 22.8 ft. and reduce the rear yard setback from 40 ft. to 12.9 ft. on property located at 28 Quarry Road, Mystic, CT. Assessor's Map 181, Block 1, Lot 9, Zone RM-15.

Mr. Larkin presented staff comments.

The Applicant's Agent, Susan Camp, presented the application and addressed questions from the Board.

No one else spoke in favor, in opposition, or with general comments.

The public hearing was closed at 8:50 p.m.

Mr. Deichmann moved to deny the application, sighting no hardship was proven, and Mr. Rezendes seconded. After deliberations, the motion carried 5-0 as the Board members voted unanimously to deny the application.

ZBA #06-47 Mystic Hospitality, LLC c/o Darien Hospitality LLC (JDLR, LLC c/o Theodore Ladwig) – Seeking a variance of ZR 5.1.1 to increase the Floor Area Ratio from .37 to .385 on property located at 253 Greenmanville Avenue, Mystic, CT. Assessor’s Map 171, Block 1, Lot 2, Zone TC-80. **CAM REVIEW REQUIRED.**

Mr. Rathbun announced that Application ZBA #06-47 had been officially withdrawn.

Old Business:

Ben Tamsky, David Rezendes, Neil Canavan, David Rathbun, and John Prue were seated for these deliberations.

ZBA #06-42 Richard & Linda Skehan (Attila Keller) – Seeking a variance of ZR 5.1.1 to increase the floor area ratio from .25 or 1,250 sq. ft. to .36 or 1,778 sq. ft. for reconstruction of an existing residence on property located at 57 Langworthy Avenue, Lords Point, Stonington, CT. Assessor’s Map 129, Block 17, Lot 4, Zone RM-20.

Mr. Rezendes moved to approve the application for the purpose of discussion and Mr. Prue seconded. After some discussion, Mr. Rezendes withdrew his motion and Mr. Prue withdrew his second.

Mr. Prue moved to approve the rebuilding of the residence to .3232 or 1,616 square feet and Mr. Canavan seconded. Motion carried 5-0.

ZBA #06-43 Judith Clinton (Jeffrey Allen) – Seeking a variance of ZR 5.1.1 to reduce the front yard setback from 300’ to 284’ for a free split on property located at 2 Rose Lane, Stonington, CT. Assessor’s Map 126, Block 6, Lots 8/9, Zone RC-120.

Mr. Tamsky moved to approve the application and Mr. Canavan seconded.

After deliberations, Mr. Canavan, Mr. Tamsky and Mr. Rathbun voted to approve; Mr. Prue and Mr. Rezendes voted to deny.

The motion failed because it did not get the mandatory four (4) affirmative votes required to pass.

ZBA #06-44 Pawcatuck Little League, Inc. (Peter W. Hoops, Esq.) – Seeking a variance of ZR 5.1.1 to reduce the rear yard setback from 100’ to 20’ for construction of a storage shed (approximate dimensions of 18’ x 12’ x 12’ high) on property located at North Anguilla Road, Pawcatuck, CT. Assessor’s Map 39, Block 1, Lot 1, Zone GB-130.

Mr. Rezendes moved to approve the application for the purpose of discussion and Mr. Canavan seconded. After discussion, the motion carried 5-0.

New Business:

ZBA #07-01 Carol Holt – Seeking to overturn the ZEO’s decision to approve Application #06-127 ZON for construction of a 10’ x 12’ shed on property located at 56 Langworthy Ave., Stonington, CT. Assessor’s Map 129, Block 16, Lot 7, Zone RM-20.

Because the applicant had requested to schedule this Public Hearing for April 10, 2007, Mr. Prue made a motion to that effect, and Mr. Deichmann seconded. The motion carried 5-0.

Mr. Prue questioned the ripeness of this appeal and requested an opinion from the Town Atty. in these regards.

ZBA #07-02 Liz & Toby Trebilcock (MCM Restoration Corp) – Seeking a variance of ZR 5.1.1 to reduce the front yard setback from 75 feet to 64 feet for construction of a 2nd floor addition on property located at 135 Mistuxet Avenue, Mystic, CT. Assessor’s Map 162, Block 2, Lot 13, Zone GBR-130.

Mr. Larkin stated the applicant has requested a waiver of an A-2 survey, which might be approved by the Planning and Zoning Commission at their February 20, 2007 regular meeting.

Mr. Deichmann moved to schedule a Public Hearing on this matter for March 13, 2007 if the Applicant’s waiver request is granted by the Planning and Zoning Commission on February 20th, and Mr. Prue seconded. Motion carried 5-0.

Review of Outstanding Minutes:

Mr. Rezendes moved to approve the minutes of the December 12, 2006 meeting and Mr. Deichmann seconded. Motion carried 5-0-2 with Mr. Prue and Mr. Wingblade abstaining.

Mr. Canavan moved to approve the minutes of the January 9, 2007 meeting and Mr. Tamsky seconded. Motion carried 5-0-2 with Mr. Deichmann and Mr. Wingblade abstaining.

Mr. Canavan moved to approve the minutes of the January 17, 2007 meeting and Mr. Deichmann seconded. Motion carried 7-0.

Adjournment:

Mr. Rezendes moved to adjourn and Mr. Canavan seconded.

The meeting adjourned at 10:15 p.m.

Neil Canavan, Secretary