



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

REGULAR MEETING MINUTES
February 10, 2009

FINAL

In attendance were members Neil Canavan, Jack Guyol, John Prue, David Rezendes, Lynn Conway, Ben Tamsky, and David Rathbun, presiding. Zoning Official Joseph Larkin and Town Attorney Jeffrey Londregan were also present.

Chairman Rathbun called the meeting to order at 7:00 p.m. and read the rules of order into the record. Secretary Canavan announced that the legal notice had been published in the New London Day and the Westerly Sun on January 30 and February 6, 2009 and called for the first public hearing

ZBA #08-22 – Dale & Pamela Tourville – Seeking a variance to reduce rear yard setback from 40' to 35' and reduce side yard setback from 10' to 9'10" to rectify errors made in construction of a single family residence. Property located at 93 Sunrise Ave., Pawcatuck. Map 7 Block 1 Lot 52. Zone RA-20.

Dale Tourville, discussed the limitations in the construction of a house for his stepson. When digging the foundation they hit ledge unexpectedly in two areas. During the building process they found the neighbor's property was resurveyed and they found that they lost 2 feet 8 inches making the distance from the bulkhead to the new distance 36 feet. He presented two surveys from Hayward-Holbrook.

Patrick O'Donnell, abutting neighbor, spoke against the variance since he feels his property is encroached upon. He presented a conflicting survey by Cherenzia Associates.

Robert DePerry, Mr. Tourville's stepson, offered general comments and tried to explain the discrepancy between the two Hayward-Holbrook surveys that have created the conflict.

Tourville spoke in rebuttal stating his hardship was the ledge and the size of the lot. This hearing was closed.

Seated for this application were Rezendes, Canavan, Rathbun, Guyol, and Prue. Rezendes moved to approve for discussion purposes and Guyol seconded. The consensus of discussion concluded that the hardship was self created. The Board voted unanimously to deny the application.

ZBA #09-01 – Steve Grover & Cathy Klein - Seeking a variance from ZR 5.1.1 bulk requirements to reduce front yard setback from 30' to 9' for a 6'x10' porch; from 30' to 17.7' for a bay window and from 30' to 22' for an 18' x 22' garage. Property located at 7 Meadow Ave., Stonington. Map 79 Block 6 Lot 22. Zone RM-20

Steve Grover described the desired bump outs to the front house and a garage & shed on the side of the lot. The existing ranch house was build very close to road prior to adoption of Zoning Regulations by the Town, and the rear of the lot is mostly wetlands, limiting their options for construction.

Bob Sundeman offered general comments and voiced concerns about water drainage into his yard.

Rathbun stated his personal belief that the desire for a garage does not rise to the level of a bona fide zoning hardship and that variances should not be given for garages.

In rebuttal, Grover discussed the possibility of a shorter garage starting at the setback line. The hearing on this item was closed.

Prue moved to approve all the requested variances except the garage and Canavan seconded. After discussion, the motion to approve reduction of setback for the bay window and the front porch was unanimously approved and the reduction of setback for the garage was denied.

Old Business:

ZBA #08-17 EOF Realty LLC – Seeking a variance from ZR 3.4.4.3 to reduce the buffer requirement for Special Use Permits from the 35' buffer to a minimum of a 15' buffer adjacent to a proposed parking area. Property located at 595 Greenhaven Rd. Map 8 Block 2 Lot 1 & Map 8 Block 1 Lot 1. Zone RA-20.

Seated for this deliberation were members Conway, Prue, Tamsky, Rezendes and Rathbun since they all had attended both sessions of the public hearing.

Tamsky moved to deny the variance request due to insufficient hardship and Prue seconded. The members discussed various aspects of the application. Tamsky withdrew his motion and Prue withdrew his second. Prue then moved to deny the application for five reasons:

- 1. It severs a stipulation of the use variance without extinguishing the variance.*
- 2. The applicant purchased with knowledge of the regulations.*
- 3. The requested buffer reduction in this residential zone is consistent with the comprehensive plan and overall zoning plan of the town.*
- 4. There is no legal hardship based solely on the shape of the lot.*
- 5. It expands a nonconformity*

Rezendes seconded.

The Board voted unanimously to deny the application.

ZBA #08-18 Laurice Richards – Seeking a variance to reduce the rear yard setback from 100' to 72' and increase the F.A.R. from .04 to .10 and ZR 3.1.4.2 to reduce the non infringement area from 100' to 76' to construct an enclosure over an existing deck. Property located at 92 Hewitt Rd. Assessor's Map 152 Block 2 Lot 16. Zone RC-120.

Seated for this deliberation were Prue, Rathbun, Canavan, Rezendes and Tamsky.

Rezendes moved to approve and Guyol seconded.

After discussion, the motion was unanimously approved.

Pending Litigation:

Proposed Ritacco Settlement:

Prue moved to add an agenda line item related to the pending Ritacco litigation, and Rezendes seconded.

The motion was unanimously approved.

Prue moved to instruct Attorney Londregan to proceed with the litigation before the court and Rezendes seconded. The motion was unanimously approved.

Proposed Kleinknecht Settlement -

Because Mr. Deichmann was not in attendance, this item was tabled until next month.

New Business:

ZBA #09-02 – Keith Bridgham (Andrew Drakos) –

ZBA #09-03 Reynolds & Nancy Thompson –

Guyol moved to schedule these items for public hearing on March 10, 2009 and Canavan seconded. The motion was unanimously approved.

Review of Outstanding Minutes:

June, 10, 2008
July 8, 2008
August 12, 2008
October 14, 2008
November 12, 2008
December 9, 2008
January 13, 2009

The Board reviewed the outstanding minutes. Prue noted a correction for the October minutes.

Rezendes moved to approve all outstanding minutes after corrections to the October minutes and Guyol seconded. The minutes were unanimously approved.

Prue made the motion to adjourn. Guyol seconded.

The Meeting was adjourned 9:24 PM

Neil Canavan, Secretary