

**ZONING BOARD OF APPEALS
REGULAR MEETING
Minutes
July 13, 2010**

Final

Chairman Rathbun called the meeting to order at 7:05 P.M. In attendance were David Rezendes, Lynn Conway, Jack Guyol, Frederick Deichmann and John Prue. Neil Canavan was absent. Present was Zoning Enforcement Officer Joseph Larkin.

Public Hearings:

ZBA #10-06 Ann Wilkie – Seeking a variance from ZR 3.1.4.2 to construct a stone retaining wall within the 100' non-infringement area. Property located at Latimer Point Rd., Stonington. Assessor's Map 154 Block 1 Lot 2. Zone RC-120.

The applicant submitted a letter granting a 35 day extension to close this public hearing and requesting that it be continued to August 10, 2010. Mr. Prue made the motion to continue the application. Mr. Deichmann seconded. The motion to continue was unanimously approved.

AAP #10-08 Carol Smith, George Smith et al - Request ZBA overturn the Zoning Enforcement Officer's Cease & Desist #10-020. Property located at 370 River Rd., Pawcatuck. Assessor's Map 8 Block 2 Lot 11. Zone RR-80.

ZEO Larkin reviewed the history of the property focusing on a garage which had been converted to a dwelling unit without the proper permits. A request for voluntary compliance was issued to the property owner.

Attorney Theodore Ladwig represented the applicant. He did not dispute the facts presented by the ZEO but disagreed with his conclusion because of his interpretation of regulations. Mr. Rezendes asked several questions about compliance to ZR 6.6.4.1-3, including the lack of required public water and sewer. Attorney Ladwig argued the cease and desist order should be overturned *only* in regard to this specific case. Mr. Deichmann asked what would prevent any other home owner from coming in with a similar application for a detached garage structure. Mr. Prue thought felt this was leaning towards two structures on one lot.

Public Comment For: None

Public Comment Against: Bill Brown, David Brown.

ZBA #10-09 Alan & Jill Main Jr. – Seeking a variance from ZR 5.1.1 to reduce rear yard setback from 50' to 25'. Property located at 144 Pawcatuck Ave., Pawcatuck. Assessor's Map 26 Block 2 Lot 7. Zone RR-80.

ZEO Larkin described the applicants desire to tear down their house which is on a combined three lot parcel. The waiver of the A-2 survey was granted. They are seeking rear yard setback relief from ZR 2.9 since the property is large but not deep enough.

Public Comment: None

ZBA #10-10 Tracey & Adam Strelczuk – Seeking a variance from ZR 5.1.1 bulk requirements to reduce side yard setback from 20' to 17.5' and to increase F.A.R. from .33 existing (1,791s.f) to .40 (2,155 s.f.). Property located at 44 Holmes St., Mystic. Assessor's Map 173 Block 12 Lot 13. Zone RH-10.

The ZEO stated that the 1890 house predates the adoption of zoning thereby making them legal pre-existing nonconformity.

Owner Adam Strelczuk requested a reduction of the side yard setback from 20' to 17.5' and to increase the floor area ratio from .33 to .40. He presented visual plans along with existing and proposed FAR calculations. He argued that the most of the surrounding neighbors have received larger FAR. Mr. Rezendes asked him to clarify the hardship. He claimed the hardship was that the houses in this neighborhood were built prior to the zoning regulations on undersized lots. Tracey Strelczuk reads letters of support from neighbors.

Public Comment For: Donald Jameson, Carlene Donnarummo

Deliberations & Decisions:

AAP #10-08 Carol Smith, George Smith et al; Chairman Rathbun seated Mr. Rezendes, Ms. Conway, Mr. Prue, Mr. Deichmann and himself for this decision. Mr. Prue made the motion to uphold the ZEO's Cease and Desist order. Mr. Deichmann seconded. The motion was unanimous to uphold the ZEO.

ZBA #10-09 Alan & Jill Main Jr.; Chairman Rathbun seated Mr. Rezendes, Ms. Conway, Mr. Prue, Mr. Guyol and himself for this decision. Mr. Rezendes made the motion to approve. Mr. Prue seconded. The motion was unanimously approved.

ZBA #10-10 Tracey & Adam Strelczuk; Chairman Rathbun seated Mr. Rezendes, Ms. Conway, Mr. Prue, Mr. Deichmann and himself for this decision. Mr. Prue made the motion to approve. Ms. Conway seconded. The motion was unanimously approved.

Old Business:

ZBA #10-11 Elke & Lenny Bellet – Seeking a variance from ZR 5.1.1 to reduce front yard setback requirement from 20' to 11' to allow for an addition at rear of home. Property located at 36 Bruggeman Place, Mystic. Assessor's Map 173 Block 5 Lot 20. Zone RH-10. **(Scheduled for Public Hearing in August)**

New Business:

ZBA #10-12 Peter Watrous Carpentry LLC – Seeking a variance from ZR 5.1.1 bulk requirements to reduce side yard setback from 75' to 25' and from ZR 3.1.4.2 to reduce the non-infringement area from 100' to 35' for construction of a single family residence. Property located at Clarence Ave., Pawcatuck. Assessor's Map 10 Block 3 Lot 1. Zone RC-120.

ZBA #10-13 Robert & Julie Holland – Seeking a variance from ZR 3.1.4.2 to reduce the non-infringement area from 100' to 50' for an in ground swimming pool. Property located at 201 No. Anguilla Rd., Pawcatuck, CT. Assessor's Map 40 Block 1 Lot 5. Zone GB-130

Approval of meeting minutes for June 8, 2010: Mr. Rezendes made the motion to approve the minutes. Mr. Deichmann seconded. The minutes were unanimously approved.

The Board went into Executive Session at 9:08 P.M.

Pending Litigation:

- a. Ritacco
- b. Farm Ponds Estates
- c. Tebbets



Neil Canavan, Secretary