

**Zoning Board of Appeals**  
**REGULAR MEETING**  
**Minutes**  
**August 10, 2010**

**Final**

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

**Public Hearings:**

a. **ZBA #10-06 Ann Wilkie (Continued)** – 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. **Application Withdrawn by Applicant, 8/15/10**

b. **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

The Zoning Officer explained that the owners had received a waiver of the A-2 survey from the Planning and Zoning Commission. In 2006 the ZBA granted a variance (ZBA #06-23) to reduce the front yard setback from 20 feet to 12 feet.

The owner Elke and Lenny Bellet presented the application to build an addition over 16' x 8' deck. The hardship she stated was that it is a pre-existing non-conforming building.

The Commission discussed floor area ratio. The added living space variance is only on the second floor. Ms. Conway thought the addition could be located on the other side of the house.

**PUBLIC COMMENT IN FAVOR:** Grace Vandal and Michael Cyr

c. **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.

The Zoning Enforcement Officer described the application which has been granted an A-2 survey waiver by Planning and Zoning. The plan shows that this lot will require variance relief before the lot can be developed.

Attorney Theodore Ladwig spoke on behalf of the applicant claiming the hardship is that the lot is bisected by a stream with a lot of wetlands and the RC-120 zone requires 100' non infringement area buffer. There was a discussion of case law. The Commission requested more information from the applicant.

Mr. Prue made the motion to continue the application. Ms. Conway seconded. The motion to continue the application was unanimously approved.

d. **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

The Zoning Enforcement Officer reviewed the application in which an in ground swimming pool is being sought. A waiver of the A-2 survey has been granted and the Inlands Wetlands Commission has approved the application.

Mr. Rezendes noted that he had never seen a variance granted for a swimming pool as being a hardship. Ms. Conway asked about why other locations were not possible.

**Deliberations & Decisions:**

**ZBA #10-11 Elke & Lenny Bellet** Mr. Rezendes made the motion to approve. Mr. Canavan seconded. Mr. Rezendes thought the amount of space be requested was very small. The motion was approved- Roll Call- Mr. Rezendes- approve, Mr. Canavan- approve, Mr. Rathbun-approve, Ms. Conway deny, Mr. Prue-approve.

**ZBA #10-13 Robert & Julie Holland** Ms. Conway made the motion to deny due to lack of hardship. Mr. Prue seconded the motion. Ms. Conway thought another location on the thirty acres would be better. The motion to deny was unanimous.

**Old Business:** None

**Administrative Review:** None

**New Business:**

a. **ZBA #10-14 Laura & Ashley Evans** - Seeking a variance from ZR 5.1.1 bulk requirements to reduce the side yard setback from 75' to 41' and to increase the FAR from .04 to .057 for the construction of an addition to the existing residence. Property located at 291 Al Harvey Rd., Stonington. Assessor's Map 110 Block 2 Lot 1. Zone GBR-130.

b. **ZBA#10-15 John & Jane Couto** - Seeking a variance from ZR 3.2.2.9 accessory use to provide reasonable accommodation under the Americans with Disabilities Act (ADA) by reducing the lot requirement for servant or guest accommodations from 240,000 s.f. to 48,000 s.f. Property located at 145 Whitehall Ave., Mystic. Assessor's Map 165 Block 1 Lot 22A. Zone RA-40

Mr. Prue made the motion to approve the schedule the new applications. Mr. Canavan seconded. The motion was unanimously approved.

**Review of meeting minutes:** Ms. Conway made the motion to approve the July 13, 2010 meeting minutes. Mr. Canavan seconded. The minutes were unanimously approved.

**Adjournment:** The meeting was adjourned at 8:15 p.m.



Neil Canavan, Secretary