

Zoning Board of Appeals
REGULAR MEETING
Minutes
September 14, 2010

Final

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

Public Hearings: Chairman Rathbun asked the Board's permission to change the order of the Public Hearings so that an application which was to be continued could be heard first.

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

Attorney Nick Kepple presented a report entitled "Background Information on Coutu Variance Application" to the Commission members. He asked that the application be continued so the information could be reviewed. Mr. Prue made the motion to continue the public hearing to October 12, 2010. Mr. Canavan seconded. The motion was unanimously approved.

ZBA #10-12 Peter Watrous Carpentry LLC (continued) – 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 ZEO reviewed the application. The applicant was granted a waiver of the A-2 survey requirement. The lot was split prior to zoning and so a variance to reduce the bulk requirements was requested.

Attorney Ladwig represented the applicant. He asked for an extension for the public hearing to be continued to the October meeting. Mr. Prue made the motion to continue to the October 12, 2010. Ms. Conway seconded. The continuance was unanimously approved.

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.

The ZEO reviewed the application. The house was built in 1925. The codification of zoning in 1979 designated this property in a GBR-130 zone thereby making this 2.85 acre parcel undersized and non-conforming. The location of the existing house does not conform to the large setbacks required in the GBR-130 zone. The proposed addition to the existing house therefore cannot conform to the required setbacks.

Sabrina Foulke, architect from Point One Architects and the applicant Laura Evans presented plans for the project. A letter of support was read from neighbors, John Morris and Marcia Santoni. Mr. Rezendes asked about hardship which was described as lack of space living on a small plot. Mr. Canavan commented that their presentation was well done and thoughtful.

Mr. Rezendes made the motion to approve. Ms. Conway seconded the motion. Several of the members did not feel that a hardship was substantiated. The motion was unanimously denied. Roll Call Mr. Rezendes-deny, Mr. Canavan-deny, Mr. Rathbun, deny, Ms. Conway-deny, Mr. Prue-deny

New Business:

ZBA #10-16 George & Brenda Sylvestre – Seeking a variance from ZR 5.1.1 bulk requirements to reduce the rear yard setback from 50' to 32' to enclose an existing patio. Property located at 216 Lantern Hill Rd., Mystic. Assessor's Map 169 Block 2 Lot 4. Zone RR-80.

Mr. Prue made the motion to receive the new business item. Mr. Rezendes seconded. The application was unanimously received and scheduled for public hearing on October 12, 2010.

Mr. Rezendes made the motion to adjourn the meeting. Ms. Conway seconded. The motion was unanimously approved.

Chairman Rathbun adjourned the meeting at 7:52 P.M.



Neil Canavan, Secretary