

TOWN OF STONINGTON
Zoning Board of Appeals
Regular Meeting
December 14, 2010

Final

Chairman Rathbun called the meeting to order at 7:12 P.M. In attendance were David Rezendes, Lynn Conway, Matthew Berger and Neil Canavan, all of whom were seated. Present were Zoning Enforcement Officer, Joseph Larkin and Town Planner, Keith Brynes. Frederick Deichmann and Jack Guyol were absent.

Public Hearings:

- a. **ZBA #10-17 Jonathan & Nancy Gibson** – Seeking a variance from ZR 5.1.1 to reduce front yard setback from 40' to 16.7' for a deck. Property located at 3 Greenhaven Rd., Pawcatuck. Assessor's Map 50 Block 4 Lot 18. Zone RA-40.

The ZEO reviewed the application. The applicant had submitted an A-2 survey. The proposal will need a variance for relief from the required 40 foot front yard setback before a Zoning Permit can be issued for this project.

Surveyor Susan F. Camp presented reviewed the site plan and explained that the hardship is the two front yards being on a corner lot with the highway taking part of the property. The house was built in 1952. Architect John Patrick Walsh discussed the proposal to wrap-around porch.

PUBLIC COMMENT: There was no public comment.

Chairman Rathbun closed the Public Hearing.

- b. **ZBA #10-18 Laura & Ashley Evans** – Seeking a variance from ZR 5.1.1 to reduce the side yard setback from 75' to 41' for an addition. Property located at 291 Al Harvey Rd., Stonington. Assessor's Map 110 Block 2 Lot 1. Zone GBR-130

Sabrina Foulkes of Point One Architects spoke on behalf of the applicant and stated that she made a mistake that the basement is in fact a cellar and the FAR needed to be recalculated. In order to meet the FAR the applicant made the proposed addition smaller.

PUBLIC COMMENT: There was no public comment.

Chairman Rathbun closed the Public Hearing

Deliberations & Decisions – Old Business

- a. **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

The public hearing on this item was closed on November 9, 2010. To comply with CGS 8-7d, the Board must render a decision on or before January 13, 2011. Chairman Rathbun reported that the Town's Attorney Ed O'Connell was not able to be present and therefore a Special Meeting will be scheduled in January to conclude the procedure.

DELIBERATIONS:

ZBA #10-17 Jonathan & Nancy Gibson; Mr. Rezendes made the motion to approve. Mr. Canavan seconded. Commission members voiced their reluctance to grant a variance for a deck but felt this would be an exception. The motion was unanimously approved.

ZBA #10-18 Laura & Ashley Evans; Mr. Rezendes made the motion to approve. Mr. Berger seconded. Commission members thought the application was greatly improved. The motion was unanimously approved.

Old Business:

a. Farm Ponds Estates- Letter from Town Attorney Tom Londregan dated November 2, 2010 requesting the Commission to review their decision which was reached in Executive Session in the open meeting. Mr. Rezendes made the motion that the ZBA not object to the Farm Ponds Estates making an application for, and receiving, a zoning permit for the subject property, as a means of resolving the pending ZBA appeal. Mr. Canavan seconded.

Referral from PZC – Draft Amendment for 100' Non-Infringement Area (ZR 3.1.4) Planner Keith Brynes spoke before the Commission about eliminating the 100' Non Infringement Area in the regulations so that applicants would not be required to go before the Inland Wetlands Commission and the ZBA. The Commission discussed the proposed draft amendment. Ms. Conway made the motion to express the ZBA's disapproval of the proposed change to Zoning Regulation 3.1.4. Mr. Berger seconded. The motion was carried 4-0 with one abstention. Roll Call: Mr. Berger-for, Ms. Conway-for; Mr. Rathbun-for; Mr. Canavan-for; Mr. Rezendes abstained.

Review of meeting minutes: Mr. Berger made the motion to approve the November 9, 2010 minutes. Mr. Rezendes seconded. The minutes were unanimously approved.

The Commission also was reminded of the joint workshop of the Land Use Commissions to be held on January 20, 2011 at 7 p.m. at the Mystic Middle School.

Adjournment: Mr. Rezendes made the motion to approve. Mr. Canavan seconded. The motion to adjourn the meeting was unanimously approved. The meeting was adjourned at 8:32 P.M.



Neil Canavan, Secretary