

Zoning Board of Appeals
REGULAR MEETING
Minutes - March 8, 2011

Final

Chairman Rathbun called the meeting to order at 7:00 P.M. In attendance were members Lynn Conway, Jack Guyol, Neil Canavan, and David Rezendes. Matthew Berger and Frederick Deichmann were absent. Zoning Enforcement Officer Joseph Larkin was also present.

Public Hearings:

d. **AAP #11-04 Frederick Blackall** - Request ZBA overturn the Zoning Enforcement Officer's Cease & Desist #10-104. Property located at 34 West Broad St., Pawcatuck. Assessor's Map 3 Block 28 Lot 2. Zone DB-5.

Mr. Larkin stated that a letter was received on February 17, 2011 from Frederick Blackall withdrawing his administrative appeal.

a. **ZBA #11-01 Joseph Burdick Sr.** - Seeking a variance from ZR 5.1.1 to reduce front yard setback from 50' to 45' and reduce side yard setback from 25' to 10' for construction of an addition. Property located at 86 Barnes Rd., Stonington. Assessor's Map 73 Block 2 Lot 3. Zone RR-80.

The ZEO reviewed the application. He stated that the Planning & Zoning Commission has granted a waiver of the A-2 survey requirement.

The applicant Joseph Burdick Jr. reviewed his application for the construction of an addition. There will be no increase in the number of bedrooms. He explained the reduction in the front and side yard setbacks were necessary due to the location of the septic system and wetlands on the property.

Public Comments Against: Attorney Matthew Krell of Waller, Smith & Palmer, representing neighbors Roger Brown and Daniel Leonard at 94 Barnes Road, requested that the public hearing be continued to allow more time to consider the application. He said that his client had not been notified of the public hearing in accordance with the regulations.

The consensus of the Board was to continue the public hearing. Ms. Conway made a motion to continue the public hearing to April 12, 2011. Mr. Canavan seconded the motion. The motion passed unanimously.

b. **ZBA #11-02 Dorinda Elliott & Alan Ignatius** - Seeking a variance from ZR 5.1.1 bulk requirements to increase the F.A.R. from .38 (1,643 s.f.) to .40 (1,743 s.f.) and to reduce side yard setback from 15' to 1' for a 100 s.f. shed. Property located at 51 Trumbull Ave., Stonington. Assessor's Map 100 Block 11 Lot 17. Zone RH-10

Mr. Larkin reported the applicant has submitted an A-2 survey which depicts the existing conditions and the location of the proposed shed. He reviewed the application for the Board.

Nat McBride, the architect for the applicants explained that his client was seeking a variance for a shed to be used for storage for bikes and garden equipment. The proposed shed is to be constructed in the rear of the lot. He stated that a similar pattern of sheds and accessory buildings exists in the whole neighborhood. The existing lot is extremely small.

Ms. Conway asked if Mr. McBride was claiming that the small lot size was the hardship for the variance request. He stated it was.

Public Comment: Mr. Larkin stated that if the variance is granted the structure will have to be secured and meet the necessary requirements for location within a flood zone. A letter was read into the record from neighbor James Buckley requesting the proposed setbacks around the shed be increased. There were no further comments and Chairman Rathbun closed the public hearing.

c. **ZBA #11-03 Bilander LLC** – Seeking a variance from ZR 5.1.1 BR to reduce the front yard setback from 75' to 34'1" for an addition. Property located at 287 Pequot Trail, Pawcatuck. Assessor's Map 38 Block 1 Lot 2. Zone GB-130.

Mr. Larkin stated the applicant submitted an A-2 survey of existing site conditions and a site plan showing the proposed additions. The existing house was built in 1951 prior to the adoption of the zoning regulations in 1961.

Architect Bob Mercer presented the application for the owner, Bilander LLC. The applicant is requesting a variance from the 75' front yard setback in the GB-130 zone. The entire house is located within the setback area. The lot is large but when the house was constructed in 1951 it was built close to the street. The additions being proposed will not extend beyond the existing setback of 34'1". There were no further comments. Chairman Rathbun closed the public hearing.

Deliberations & Decisions:

ZBA #11-02 Dorinda Elliott & Alan Ignatius – Mr. Rezendes made the motion to deny the variance application. Mr. Canavan seconded the motion and a discussion followed. The motion to deny the application was unanimous.

ZBA #11-03 Bilander LLC - Ms. Conway made the motion to approve the variance application. Mr. Canavan seconded the motion. Following a discussion, the motion to approve was unanimous.

Review of meeting minutes: The Board postponed the review of the minutes to the next meeting.

Mr. Rezendes made the motion to adjourn the meeting. Mr. Canavan seconded the motion. The motion to adjourn was unanimous. Chairman Rathbun adjourned the meeting at 7:50 P.M.



Neil Canavan, Secretary