

**Zoning Board of Appeals**  
**REGULAR MEETING**  
**May 10, 2011**  
**Minutes**

**Final**

Chairman Rathbun called the meeting to order at 7:08 P.M. In attendance were David Rezendes, Frederick Deichmann and Neil Canavan all of whom were seated. Jack Guyol and Lynn Conway were absent. Present was Zoning Enforcement Officer Joseph Larkin. Matt Berger arrived at 7:10 P.M.

**Public Hearings:**

a. **ZBA #11-05 Frank E. Lionelli (Merrill Lynch)** – Seeking a variance to ZR 7.12.7.3 to permit a 6' x 4' monument sign on existing lot. Property located at 38 East Main St., Mystic, CT. Assessor's Map 174 Block 18 Lot 13. Zone LS-5.

*ZEO Larkin reviewed the application which included the Planning and Zoning Commission granting a waiver of the A-2 survey. Planning and Zoning Commission declined to comment on the application.*

Applicant Clinton Craig discussed the proposed sign. He stated that the building was a former residence and has extensive renovation to convert it to a commercial building. The existing sign is small and not easily visible.

Mr. Berger asked what was the hardship for this variance request. Mr. Craig stated that since the building was previously a residence it is not readily recognizable that here is a commercial business in the building. Mr. Rezendes said he does not remember a sign for this building coming before the ZBA. Mr. Rathbun recommended the applicant talk with the other tenants about their participation in a sign for the entire building. Mr. Craig was urged to review available options prior to the next meeting.

**GENERAL COMMENTS:** H. Bruce Fielding, public accountant and tenant in the building expressed concern that the proposed Merrill Lynch sign would obscure the existing signage for the tenants of the building.

Mr. Deichmann made the motion to continue the Public Hearing to the June 14<sup>th</sup> Meeting. Mr. Berger seconded. The motion was unanimously approved.

b. **ZBA #11-06 Tyler James Allen & Lydia Teixeira** – Seeking a variance to apply ZR 2.9 to allow the combining of lots 16 & 17 into a single lot to permit construction of a single family residence. Property located at the corner of Greenhaven Rd and Elizabeth Ave., Pawcatuck. Assessor's Map 10 Block 7 Lots 16 & 17. Zone RC-120

*ZEO Larkin reviewed the application and case law for subdivision regulations.*

Attorney Dubuque of Carmody and Torrance, spoke on behalf of the applicant. She stated the two lots are currently pre-existing and non-conforming, however these lots were conforming prior to 1961. By combining the properties it will reduce the non-conformity and it will be a less intensive development of the property. The Commission and the ZEO discussed how the area was subdivided in 1935. Attorney Dubuque stated they received approval from the Inlands

Wetlands Commission in March. There was a brief discussion regarding the F.A.R. and the size of the proposed house.

**GENERAL COMMENTS:** Alfred Tebbets was concerned that there would be a problem getting down Elizabeth Ave. which is dirt, due to the lack of drainage. He felt the proposed structure would cause more problems due to the runoff of water from the roof draining onto Elizabeth Ave.

Attorney Dubuque stated that the total square footage for the house and the garage will be 2,200 s.f. She found no agreement in the title file for the maintenance of Elizabeth Ave. There is currently no water issue there.

**New Business:**

- a. **ZBA #11-07 Harold & Michele Mitchell** – Seeking a variance from ZR 5.1.1 bulk requirements to reduce front yard setback from 20' to 17.6' for single family residence. Property located at 46 Maple St., Lords Point, Stonington. Assessor's Map 127 Block 8 Lot 10. Zone RM-15 (RH-10 bulk applies).
- b. **AAP #11-08 Linda Hutter** – Request ZBA revoke the Zoning Enforcement Officer's issuance of Zoning Permit #11-015ZON to Gorin Subotic. Property located at 93 Hewitt Rd., Mystic. Assessor's Map 161 Block 9 Lot 5. Zone RA-20.
- c. **ZBA #11-09 Ethan & Kay Tower** – Seeking a variance from ZR 5.1.1 front yard setback for the construction of three dormers to a pre-existing non-conforming structure. Property located at 2 Yacht Club Rd., Mystic. Assessor's Map 177 Block 10 Lot 4. Zone RA-20

Mr. Deichman made the motion to accept the 3 new applications for the June 14<sup>th</sup> meeting. Mr. Berger seconded. The motion was unanimously approved.

**Deliberations and Decisions- current applications:**

- b. **ZBA #11-06 Tyler James Allen & Lydia Teixeira** – Mr. Deichmann made the motion to approve the application. Mr. Berger seconded. The motion was unanimously approved.

**Administrative Review:** None

**Review of meeting minutes: 4/12/2011** Mr. Berger made the motion to approve the minutes as presented. Mr. Canavan seconded. The minutes were unanimously approved.

**Adjournment:** Mr. Deichmann made the motion to approve. Mr. Canavan seconded. The motion to adjourn was unanimous. Chairman Rathbun adjourned the meeting at 8:31 p.m.

  
Neil Canavan, Secretary