

Zoning Board of Appeals

Regular Meeting

December 10, 2015

1. **CALL TO ORDER:** Chairman Stuart Wood called the meeting to order at 7:03 p.m.

2. **ATTENDANCE:**

All members were present.

Mr. Ventres and 6 members of the public were also present.

3. **PUBLIC HEARING**

Ms. Alt read into the record the legal notice for the following public hearings:

Appeal #1070 – Maris Wacs, 97 Bone Mill Road, requesting a variance of Section 10.1 of the East Haddam Zoning Regulations in order to build an attached garage 20 feet from the front property line where 40 feet is required, 32 feet from the east property line where 40 feet is required, and 33 feet from the west property line where 40 feet is required.

Assessor’s Map 3, Lot 6.

First date: December 10, 2015

Last date: January 13, 2016

and

Appeal #1071 – Randall S. Miller and Felicia Tencza, requesting a variance of Section 8.1.5 to merge lots separated by a street with 24.14 feet where 25 feet is required. Assessor’s Map 80, Lots 319 and 333.

First date: December 10, 2015

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Appeal #1070 – Maris Wacs, 97 Bone Mill Road, requesting a variance of Section 10.1 of the East Haddam Zoning Regulations in order to build an attached garage 20 feet from the front property line where 40 feet is required, 32 feet from the east property line where 40 feet is required, and 33 feet from the west property line where 40 feet is required.

Assessor’s Map 3, Lot 6.

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Ms. Maris Wacs and Mr. Pat Benjamin, Bascom and Benjamin Engineers, Durham, CT addressed the commission. Mr. Benjamin explained that this application is for two additions. He noted that Ms. Wacs also owns property across the street. The entire lot is 2.56 acres. There is another 1.6 acres that abuts Route 82 across Hungerford Brook, but it is wetlands. The zoning is 40’ to each direction. Anywhere they would build an addition would be over the setback line.

Mr. Benjamin stated they would like to continue the driveway to the first addition, which would have a two car garage on the first floor with a shop area. The second floor would have two additional bedrooms. The addition would be built into the embankment.

Mr. Benjamin explained the second addition would be 16 feet x 16 feet, (256 square feet), which will be a connector to the living room of the house, and will be used for additional family gathering space.

Mr. Benjamin showed the commission where a Code-compliant repair to the septic system could be placed across the street. They are only using a small percentage of the existing septic.

Mr. Benjamin submitted the green, certified receipt cards and mailing slips to the Board. He submitted and read into the record a letter from Ms. Marion Buck, who supported this application.

Mr. Benjamin referred to Section 8.1.5 a) of the regulations, and stated this house was constructed in 1900, prior to zoning regulations. Building to conform to current setback limits would produce a house that is not in harmony with the existing architecture or neighborhood. They also would not be able to add a two car garage. The hardship is unique, and not the same as other properties in the area. The variance would not change the character of the neighborhood because it would not change the character of the existing house. He noted that the addition really is not very visible.

Ms. Elizabeth Bazazi, architect from Higganum, showed the architectural drawings of the house and additions. She explained how she brought the roof lines lower to make the house appear as low as possible. The highest point is 23 feet.

Mr. Daigle commented that the smaller addition seemed to be the largest encroachment. He asked why this would not be put on the other side. Mr. Benjamin stated if it was placed in the back, the living space would be in the back, not where people would naturally gather. Additionally, the well and new septic lines are in that location. Finally, it would not be in character with the rest of the house.

Ms. Wacs informed the Board that she has three grown children. If they all come, there is no place to put them all. They have to sleep on air mattresses when they visit. She hopes to have grandchildren at some point too, and needs the additional space to accommodate her family.

Mr. Ventres distributed GIS maps to the Board. He stated this proposal did not even come close to the lot coverage maximum.

Ms. Quinn asked for what the additions would be used. Mr. Benjamin stated on the first floor there would be workspace and the garage. The second floor would have bedrooms, a hallway, and a living room.

Mr. Fiala asked where the reserve leach field is located. Mr. Ventres replied it is across the street.

Mr. Daigle asked if Mr. Ventres had any reservations about this application. Mr. Ventres stated he did not. He noted this was Dot Hanna's property, and this should be built to blend in with the existing structure.

Mr. Wood opened the hearing to the public. No comments were offered.

Motion by Mr. Daigle, seconded by Mr. Fiala, and carried by unanimous vote to close the public hearing for Appeal #1070 – Maris Wacs, 97 Bone Mill Road, requesting a variance of Section 10.1 of the East Haddam Zoning Regulations in order to build an attached garage 20 feet from the front property line where 40 feet is required, 32 feet from the east property line where 40 feet is required, and 33 feet from the west property line where 40 feet is required.

Motion Mr. Daigle to approve 1070 – Maris Wacs, 97 Bone Mill Road, requesting a variance of Section 10.1 of the East Haddam Zoning Regulations in order to build an attached garage 20 feet from the front property line where 40 feet is required, 32 feet from the east property line where 40 feet is required, and 33 feet from the west property line where 40 feet is required, the hardship being the topography of the land, and noting there are no objections from the neighbors. Motion seconded by Mr. Smith, and passed by unanimous vote.

Mr. Wood informed the applicant and her engineer that there is a 30-day waiting period, including a 15-day period for mailing. At the end, the applicant will receive a certified letter. The actual variance does not come into effect until it is filed with the Town Clerk. Therefore, it should be returned to the Town Clerk as soon as possible after receipt.

Appeal #1071 – Randall S. Miller and Felicia Tencza, requesting a variance of Section 8.1.5 to merge lots separated by a street with 24.14 feet where 25 feet is required. Assessor's Map 80, Lots 319 and 333.

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Mr. Charles Dutch addressed the Board along with the applicant. Mr. Dutch stated they are requesting approval to build a garage for the existing house. He noted they are approximately 11" short of the required amount.

Mr. Dutch explained that by combining these lots, they will be allowed to go to the Planning & Zoning Commission to request a year-round conversion and construction of the garage. Even though it is less than one foot short, they need the variance to proceed.

The building will be razed and a new garage will be constructed on the lot across the street. Mr. Ventres distributed two documents to the Board, one of Regulation 8.1.5.a., and a diagram which shows 24.14 feet where 25 feet area needed.

No members of the public were present to comment at this point in the meeting

Mr. Wood asked if getting rid of the house and constructing the garage would actually reduce the nonconformity. It was noted that it would.

Motion by Mr. Daigle to close the public hearing for Appeal #1071, . Motion seconded by Mr. Fiala. Unan.

Motion by Mr. Smith to grant the variance for appeal #1071 – Randall S. Miller and Felicia Tencza, requesting a variance of Section 8.1.5 to merge lots separated by a street with 24.14 feet where 25 feet is required. Assessor’s Map 80, Lots 319 and 333, on the grounds that it is an improvement of what is already there, the applicant needs the extra square footage to merge the lots., there is no enhancement of nonconformity, and there is no objection from any of the neighbors. Motion seconded by Ms. Quinn, and granted by unanimous vote.

Mr. Wood explained the process of publishing the decision, the timeline, etc. He again stated there is a waiting period before which they have final approval. He noted that the information must be published in the newspaper, filed with the Town Clerk when they receive the letter back, etc.

4. MINUTES

Tabled until the next meeting

5. Bills:

Mr. Ventres stated he spoke with Attorney Broder regarding a retaining fee. They will get one more bill, and then the Board will contact Attorney Broder when they need his assistance.

Mr. Ventres stated even though the Board notes that no public comments, no objection from the neighbors, does not matter for court.

Ms. Alt asked about neighbors. Mr. Ventres stated if there was impact to their properties it should be noted, otherwise the application stands on its own merits.

Mr. Daigle thanked Mr. Ventres for attending this evening’s meeting, as it makes the application process go smoother.

6. ADJOURNMENT

Motion by Mr. Daigle, seconded by Ms. Quinn to adjourn at 7:43 p.m. Motion carried by unanimous vote.

Respectfully submitted,

Holly Pattavina