

ZONING BOARD OF APPEALS
MAY 27, 2010

The public hearing and meeting of the Zoning Board of Appeals was called to order at 8:00 P.M. at the River House by the Chairman, Stuart Wood, Board members present were: Stuart Wood, Greg Daigle, Diane Quinn. Board members absent were: Norman Gobelle and Dan Schies. Alternates present were: Richard Fiala and Guy Gibb. Alternate absent was: Jack Agosta. Richard Fiala was designated to sit for Norman Gobelle and Guy Gibb for Dan Schies as regular members for this meeting.

Diane Quinn read the legal notice and the hearing was recorded on tape.

Appeal No. 1017 - Michael Moffatt & Mary Beth Mordecai of 1 Lakeview Road, Moodus
(Property Owners) and Scott W. Jezek, Esq. Of P O Box 376, Moodus, (Agent)
Mary Beth Mordecai was present. Scott W. Jezek, Esq. was present representing the appellants. He submitted a map of Moodus Estates indicating the parcels involved in this appeal. It indicated two parcels, one parcel that they want separated from the larger parcel where their dwelling is located. The two parcels are joined by about 41'. Attorney Jezek also submitted a survey map of the lot they want separated from their own lot where their dwelling is located. The survey map indicates the perimeter of the parcel and the location of the proposed dwelling, septic system and well that can all be located on the parcel and meets all requirements. It is an approved building lot on a 0.435 acre non-conforming lot. This parcel is identified as Lot 198. When they purchased this parcel, they put the parcel in both their names and by Zoning, the parcel identified as Lot 198, was merged with their adjoining lot where they reside. They were not aware of the merger clause in the Zoning Regulations. They were informed by the Zoning Dept. that they could not build on this parcel because the parcel is now merged with their lot where they reside. The purpose of merger is to add additional land to your original non-conforming lot for purposes of side yard, septic, out-buildings, etc. In this case it is not effective for this residential lot. It is joined by 41'. There is a 20% difference in elevation from the residence lot to the parcel they want separated. There is little way the parcel would be effective or have any use in any way for the residential lot. Lot 198 has road frontage on Dogwood Road.

Attorney Jezek submitted the certified mail receipts indicating the letters were sent to the adjoining property owners and were received.

Douglas DeCarli is an adjoining property owner and is concerned that when someone builds on this lot, will it have any effect on his parcel. The house will be very close to his. The Chairman responded that this lot is an approved building lot. The Planning & Zoning Commission had to check into these issues when they approved the lot as a building lot.

Greg Daigle made a motion the Board close the public hearing of Appeal No. 1017, Michael Moffatt and Mary Beth Mordecai. Motion seconded by Diane Quinn and carried

unanimously.

Due to the fact that the Board members had more questions and wanted more discussion, Greg Daigle made a motion to re-open the public hearing of Appeal No. 1017-Michael Moffatt and Mary Beth Mordecai. Motion seconded by Diane Quinn and carried unanimously.

After some questions, Attorney Jezek stated they plan on changing the title to the property and put only one name on the new deed so this problem does not arise again.

Guy Gibb made a motion the Board close the public hearing of Appeal No. 1017-Michael Moffatt and Mary Beth Mordecai. Motion seconded by Diane Quinn and carried unanimously.

Diane Quinn made a motion the Board approve Appeal No. 1017-Michael Moffatt and Mary Beth Mordecai, request for a Variance of Section 8.1.2 of the Zoning Regulations/Use of Non-Conforming Lots-Merger, and have Lot 198 separated from the remainder of the parcel. They were required to be merged pursuant to the provisions of Section 8.1.2. Said Variance is granted based upon the Board's findings that a hardship exists due to the topography between the two lots, there are no real benefits due to the 41' that joins the two lots, there are no other lots in the area like this situation, the lot being separated out has road frontage on a road and there were no objections received from the neighborhood. Guy Gibb seconded the motion and carried unanimously.

Said property is located on Lakeview Road, Moodus Estates, in the LR District. Assessor's Map 75 Lots 103, 104, 105, 195, 198, 204, 205, 206.

Appeal No. 1018 - Jason & Kristine Torrance of 12 Brooke Hill Road, East Haddam

Jason Torrance was present and presented his case to the Board. He submitted a copy of a survey map indicating the perimeter of his lot, the location of his dwelling, septic system, well and the proposed addition which is located 21' from the side property line. Therefore, he is requesting a 4' Side Yard Variance in order to place the addition to the side of his house as shown. They would like to place the addition in this spot due to the layout of the rooms in the existing dwelling. They plan to use the room as a recreation room which will be located adjacent to the kitchen and dining room. Due to the topography of the lot, this is the best place to put the addition. The septic system is on the opposite side of the house.

He submitted a letter indicating they had appeared before the Board in June 2003 requesting a 3' side yard variance which was granted. They have not built the room yet and have now changed their plans and want to make the room larger. Therefore, now they need a 4' side yard variance

He submitted the certified mail receipts indicating he sent the letters to the adjoining property owners and they were received. There were no adjoining property owners present and no objections were received.

Greg Daigle made a motion the Board close the public hearing of Appeal No. 1018-Jason & Kristine Torrance. Motion seconded by Richard Fiala and carried unanimously.

Greg Daigle made a motion the Board approve Appeal No. 1018-Jason & Kristine Torrance of 12 Brooke Hill Road, East Haddam, request for a 4' Side Yard Variance of Section 10.1 of the Zoning Regulations in order to construct an addition onto an existing dwelling 21' from the side property line where 25' is required based upon the Board's findings that a hardship exists due to the topography of the lot and the location of the septic system and well and there were no objections from the neighborhood and this is the most appropriate place for the addition due to its intended use and the layout of the rooms within the existing dwelling. Motion seconded by Diane Quinn and carried unanimously.

Said property is located on Brooke Hill Road in the R-1 District. Assessor's Map 37 Lot 15.

Minutes

Diane Quinn made a motion the Board approve the minutes of the April 22, 2010 meeting as printed. Motion seconded by Richard Fiala and carried unanimously.

Greg Daigle made a motion, seconded by Richard Fiala, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 9:15 P.M.

Respectfully submitted,

Stuart Wood, Chairman
Zoning Board of Appeals

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