

Minutes of Public Hearings of Zoning Board of Appeals Meeting held August 11, 2009

MEMBERS PRESENT: Rich Carey, Howard Haberman, Fred Katen, Ed Mead, Nanci Seltzer

ALTERNATES PRESENT:

STAFF PRESENT: Linda Stock, Zoning Enforcement Officer; Rose Elliott, Clerk

The meeting was called to order at 7:00 p.m.

A. CONSIDERATION OF AGENDA ITEMS

1. **19 Gulf Pond Lane** (Zone R-10) Richard P. Tomasco, owner – vary Sec. 3.1.4.1 side yard setback from 10' to 7' to construct garage addition. CAM required. Map 37, Block 588, Parcel 25.

Richard Tomasco, 19 Gulf Pond Lane, said he is looking to add a 6' addition onto his garage to change it from a 1 ¼ garage to a 2 car useable garage. The side yard setback would be reduced from 10' to 7'.

Chrmn. Katen said it didn't appear to be any other way to enlarge the garage because of the placement of the house.

Ms. Seltzer asked the applicant if he had considered putting the addition to the back of the garage to avoid encroaching onto the neighbors yard and also the beautiful trees on the side to which Mr. Tomasco answered he would be about 16' from the trees but if he were to put the addition on the back of the garage, it would block a window in his living room. His closest neighbor is 60' away from him. The hardship is the location of the house on the lot.

Mr. Mead asked if he was just going to add on or was he replacing the whole garage.

Mr. Tomasco said he would just be adding 6' onto the existing garage, keeping the same roofline and encroaching into the setback 3'.

There being no one to speak in favor or opposition the hearing was closed.

DISCUSSION:

Chrmn. Katen stated it is only a 6' addition and the placement of the house on the lot is the hardship.

Mr. Carey made a motion to approve with Mr. Mead seconding. The hardship is the placement of the house and the width of the lot. The motion carried 4-1 with Messrs. Mead, Haberman, Carey and Katen voting in favor and Ms. Seltzer voting against.

2. **264 Broadway cor. Hauser Street** (Zone R-7.5) Mark A. Pucci, appellant, for Anna Lamorte, owner – request to vary Sec. 3.1.4.1 front yard setback from 20' to 10' to construct single family dwelling. CAM received. Map 9, Block 130, Parcel 17A.

Mark Pucci, 42 Summit Avenue, stated he is requesting an additional variance for this property. A variance was granted 2 years ago to vary the side yard setback from 20' to 10'. This is a non-conforming lot that predates zoning. This variance would allow them

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to provide a minimum of 6-8 parking spaces in the driveway plus an additional two parking spaces in the garage.

Chrmn. Katen commented the house could be pushed back a little to stay in line with the other houses in the area and asked if that would be a problem to do.

Mr. Pucci commented it wouldn't be a problem but added he was within the setback requirements and by doing so would eliminate some of the parking.

Ms. Stock noted this house is out 4' more than the houses in the neighborhood.

Ms. Seltzer confirmed there was a 4' crawlspace and asked if the flow of the water would stop at the garage.

Mr. Pucci explained there would be hydrostatic relief openings, 1 inch per square foot, throughout the design of the house. Water would flow in and flow through from side to side.

Ms. Seltzer asked how the occupants would get from the garage to the house to which Mr. Pucci said there would be a few steps from the garage to the house.

Ms. Stock clarified the garage would sit above the flood vents. A portion of the garage is under the ground. One foot to one and a half feet is on top of the ground and that is where the vents will be.

Ms. Seltzer commented the house is 80' long and the variance request is for an additional 20' for the garage.

Mr. Pucci said that was incorrect, that the overall length of the house including the garage would be a total of 80'.

Ms. Stock said that is not what the plans illustrate.

Mr. Pucci told the Board the plans were incorrect and asked the Board to continue with the meeting while he tried to reach the surveyor to correct the plans.

Chrmn. Katen confirmed the previous approval was for a 10' setback for the residence and the applicants are here tonight to ask to extend it for the garage to which Ms. Stock said that was correct. She added if this survey is incorrect, her suggestion would be to table the item until the correct plans are received.

Chrmn. Katen agreed.

The applicant asked to have this application recessed so that he may try to contact the surveyor to bring in the correct plans.

Chrmn. Katen agreed.

3. **109 Grant Street cor. Milford Point Road** (Zone R-7.5) Nathaniel Brown, owner – request to vary Sec. 4.1.4 Projections from 4' allowed to 10' to construct deck. Map 12, Block 105, Parcel 5.

Nathaniel Brown, 109 Grant Street, said he just moved into the home last week and they would like to build a deck in the rear yard. It is an unusual lot. They could build a deck on the side of the house and maintain the required 5', but he felt it would go right up to the neighbor's driveway and didn't want to do that. They are asking for a variance to put it in the back.

Chrmn. Katen said that it appeared the proposed location is the only place to put the deck.

Ms. Seltzer said there are already two decks there along with a really large tree.

Mr. Brown said they are looking to add on to the lower small balcony.

Mr. Mead asked if there was a back door there now to access the rear yard.

Mr. Brown said the back door leads to the deck towards the side yard and has no stairs.

Mr. Mead confirmed the only access to the home is the front door to which Mr. Brown said the front door along with the garage. Mr. Brown added It would be nice to access the backyard through a back door.

Mr. Mead noted the house is built right on the rear setback line.

Ms. Seltzer asked how close to the tree would they be to which Mr. Brown said he would guess the tree is 7' to 10' away and added they are having someone come out to trim the tree back to alleviate some of the possibility of damage in case of a storm.

Mr. Mead asked if the deck would be level with the porch.

Mr. Brown answered it would be level and it would only come around the side for the purpose of the stairs.

There being no one to speak in favor or opposition the hearing was closed.

DISCUSSION:

Mr. Mead noted the location of the house is built right on the setback line and the deck will add another way to get in and out of the house in case of emergency.

Mr. Haberman made a motion to approve with Mr. Mead seconding. The hardship is the layout of the property and the placement of the house on the property. The motion carried unanimously with Ms. Seltzer, Messrs. Mead, Haberman, Carey and Katen voting in favor.

4. **50 Greer Circle** (Zone R-7.5) Christina Ruenhorst, owner – request to vary Sec. 3.1.4.1 front yard setback from 20' to 10.7' and 8.2' to construct addition; rear yard from 25' to 20.25'; vary Sec. 4.1.4 Projections from 4' allowed to 9' to construct rear landing and stairs. Map 76, Block 918, Parcel B-6.

Christina Ruenhorst, 50 Greer Circle, said she is back before the Board along with her architect, Jim Lancaster, with a revised design for the addition. The design incorporates changes in response to the Board's denial on June 9, 2009. A variance is required because of the very unusual shape of the property – three front yards. She needs more space for her mom to spend time with her and to store her equipment, supplies and gear associated with her livelihood and profession.

Jim Lancaster, 665 Gilman Street, Bridgeport, CT, said they are looking for a variance for one of the three front yards. They met with the neighbors and listened to their concerns. The revised plans reflect that they have eliminated the rear deck, front porch and front entrance. They spoke with Glenn Behrle in the Engineering Dept. and he advised them that the existing driveway is in a bad location and moving it to the north side would make for a safer condition and would improve traffic safety on the street. They also considered moving the entire addition to the other side of the house but found that the addition would have then been located on the property line so they discarded that idea. If the house had been built right on the 20' setback line, rather than the 25, 26, and 23' existing setbacks around the house, they wouldn't be asking

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for the rear yard variance. They believe they have come up with a good solution that has minimal impact on the land, takes up the least footprint, is small in scale and blends in with the existing houses in the neighborhood.

Ms. Seltzer thanked the applicant for listening to the Board's comments and going back and redoing the plans. She agreed that the proposed driveway would be safer on the side. She added she would have preferred to see more of the addition on the other side of the house to balance it but agreed it is a tough piece of property to work with.

FAVOR:

Dana Bogatz, 95 Greer Circle, said the proposed driveway will be safer for both the owner and the neighbors. She has no problem with the changes.

Martin and Cheryl Burke, 35 Greer Circle, said it is a great project that will help the owner and will enhance the neighborhood as well.

Pauline Musante, 47 Greer Circle, said she was opposed to the original plan but she is now happy with the changes and added it will be a wonderful addition to the neighborhood.

OPPOSITION:

Frank Geer, 62 Greer Circle, is opposed to the new location of the driveway. He disagrees that this new location will be safer. The existing driveway has been there for 60 years and there has never been a problem.

Kevin Conway, 63 Greer Circle, has concerns about the driveway but would agree with the engineer. He understands there are 3 front yards, but didn't feel there was a need for the living room in the rear. He thought it was more of a luxury than a necessity.

Chrmn. Katen read the letter of opposition in the file from Lisa Cerkez, 57 Greer Circle, into the record.

Ms. Stock told the Board Ms. Cerkez submitted the letter to her today. Ms. Cerkez didn't understand the application and she explained it to her.

The hearing was then closed.

DISCUSSION:

Ms. Seltzer said it is a tough lot and the applicant is looking to bring in her mother. She has to agree with the engineer that moving the driveway to the other side would be better. Mr. Haberman said he originally voted against the application but the revised plans have been scaled back and the concerns of the neighbors have been taken into consideration. He would go along with the engineer regarding the driveway. Mr. Mead said his concerns at the original meeting were with the front porch, which they are now eliminating. He was in favor of it before and he is still in favor of it. Chrmn. Katen stated that although the driveway has been in that location for fifty years, the reason for the Zoning Board of Appeals is because there are exceptions to be made. He also noted the engineer was in favor of the new driveway location.

Mr. Mead made a motion to approve with Mr. Carey seconding. The hardship is the odd shaped lot with three front yards. The applicant revised the plans to eliminate the front porch and the deck in the back. He felt that once construction was completed the home would be in character with and enhance the neighborhood. The motion carried unanimously with Ms. Seltzer, Messrs. Mead, Haberman, Carey and Katen voting.

5. **163 Hillside Avenue** (Zone R-5) John Gabel, appellant, for Joyce M. Saltman, owner – vary Sec. 3.1.4.1 front yard setback from 20' to 14' to construct addition; vary lot coverage from 65% allowed to 77.0%. CAM received. Map 59, Block 795, Parcel 76.

John Gabel, representing Joyce Saltman, owner, said he is asking for two variances. He noted this lot is one of the smallest lots in the neighborhood, with 2,900+ square feet where 5,000 sq. ft. is required. They have a letter from the DEP saying that this project will not infringe on endangered species or the environment.

Ms. Seltzer asked where the air conditioning units would be to which Mr. Gabel answered they would be located above the flood zone area. He was not sure exactly where the contractor was going to put the units. It wouldn't be on the roof, but in something resembling a utility room in the front.

Ms. Stock said there isn't anywhere else they could place the addition. This will also need CAM approval from the Planning and Zoning Board.

OPPOSITION:

Ann Carter, 35 Burwell Avenue, said her concern is all the new construction along Hillside Avenue is becoming more and more massive and creating a wall along the waterside, which is blocking what little view she has. She pays higher taxes for water views that keep being encroached upon. The enjoyment of the water is being lessened.

REBUTTAL:

Mr. Gabel said they will not be going out on the sides of the property so it will not be blocking any views of the water. Adjacent to the property is Public Access to the beach area so if anyone wanted to they could walk down the passway on the easterly side of the property. They are only building in the front of the property.

The hearing was closed.

DISCUSSION:

Chrmn. Katen said the addition is in the front of the home, the lot is very undersized and this will still need to be approved by the Planning and Zoning Board. Ms. Seltzer noted neighbors on both sides of this property and down the street are located closer to the street than this proposed addition. This addition will not be out of character with the neighborhood.

Ms. Seltzer made a motion to approve with Mr. Haberman seconding. The hardship is the very undersized lot. The motion carried unanimously with Ms. Seltzer, Messrs. Mead, Haberman, Carey and Katen voting.

The Board then went back to Item #2 - 264 Broadway.

Mr. Pucci said he met with several of the neighbors in the hallway and after he explained the blueprints and the layout to them they were satisfied and left. He told the Board he spoke with his engineer in Stratford and he is on his way with the new plans.

Ms. Stock said she would have to look at the plans before they can be submitted to the Board to make sure they were the same.

Chrmn. Katen called for a 5-minute recess.

The meeting resumed and Scott Mundy, surveyor, discussed the new survey with Ms. Stock.

Mr. Pucci thanked the Board for waiting for Mr. Mundy and explained the relief openings to the Board. He said the water would not hit the garage and bounce back. Only a portion of the garage is level with the grade, the rest is crawl space. He explained the foundation plan which shows the hydrostatic relief openings, that allow the water to flow in and flow out. The water would have the ability to flow onto Broadway except for an 18' section which would house the two cars. The water would also be able to flow from side to side or front to back.

Chrmn. Katen explained the Board noticed the original plans were incorrectly noted. New plans have now been submitted that show the correct intended size - a total of 80'. He noted Ms. Stock would review the new plans while the meeting continues and they would now hear from anyone in favor or opposition.

OPPOSITION:

Maureen Barca, 268 Broadway, said she is the former owner of this building lot, which was purchased by Anna Lamorte and closed on July 14, 2009. She said the plans of the home look beautiful but she objects to the portion of the home that extends beyond the setback line of all the other houses from Laurel Beach down through Wildemere Beach.

Chrmn. Katen stated they had discussed that and if this application is approved tonight, a condition would be that it be set back to be in line with all the other homes.

Ms. Barca asked if there were stairs that would be encroaching.

Chrmn. Katen stated there are stairs but they have no impact.

Ms. Barca informed the Board that it would be appreciated by herself and the other neighbors if the integrity of that apparent setback be observed so they continue to preserve the shoreline.

Ms. Stock said that new plans will be drawn up before they go to the Planning and Zoning Board, showing that the house will be setback 4' from the rear property line.

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The hearing was closed.

DISCUSSION:

Chrmn. Katen stated he wants a motion to approve or deny based on and contingent upon the new drawings as approved by the Zoning office. Ms. Stock stated the Board could either approve or deny the application, but no contingencies could be placed on the approval of the Board.

Mr. Carey made a motion to approve with Mr. Mead seconding. The hardship is the size of the lot. As discussed, the new plans will reflect the house being setback another 4'. The error on the original plans showed the house and garage totaled 100' long when in fact it should have been shown as 80'. The plans will be corrected and submitted to the Planning and Zoning office. The motion carried 4-1 with Messrs. Mead, Haberman, Carey and Katen voting in favor and Ms. Seltzer against.

6. **34 Milford Point Road** (Zone R-7.5) Thomas B. Lynch, attorney, for Warren Field, appellant, for Patricia McAndrew and Mary Delio, owners – request to vary Sec. 3.1.4.1 front yard setback from 20' to 10'; rear yard from 25' to 19.2'; vary Sec. 4.1.4 Projections from 4' allowed to 11' to construct new single family dwelling with rear deck. CAM required. Map 6, Block 88, Parcel 11.

Withdrawn.

B. TABLED ITEMS

C. OLD BUSINESS

D. NEW BUSINESS

F. STAFF UPDATE

G. ACCEPTANCE OF MINUTES FROM JULY 14, 2009 MEETING.

The minutes were approved unanimously.

H. ACCEPTANCE OF APPLICATIONS FOR SEPTEMBER 8, 2009 MEETING.

The meeting was adjourned at 8:20 p.m.

Attest:

Rose M. Elliott
Clerk - ZBA