

MINUTES

ZONING BOARD OF APPEALS WATERFORD TOWN HALL

OCTOBER 2, 2014
6:30 PM

Members Present: Chairman Joshua Friedman, Barbara Panciera, and Francisco Ribas
Alternates Present: Joseph Filippetti and Thomas Malley
Members Absent: Cathy Newlin, Peter E. Bendfeldt
Alternates Absent: Elizabeth Yother
Staff present: Thomas Lane, Zoning Enforcement Officer and Carol Libby, Secretary

1. CALL TO ORDER/APPOINTMENT OF ALTERNATES

Chairman Friedman called the meeting to order at 6:40 PM and appointed T. Malley for C. Newlin and J. Filippetti for P. Bendfeldt

2. APPROVAL OF MINUTES

MOTION: Motion made J. Filippetti, seconded by T. Malley to approve the August 7th, 2014 minutes as written.

VOTE: 5-0

3. PUBLIC HEARING

Application ZBA-Z-14-4. Appeal of Carl J. Studer & Mari E. Evans, owners at 6 Fourth Avenue, VR-10 zone. Variance is requested from zoning regulation section 6A.6 minimum setback, east side, required 15 ft., proposed 10 ft. Variance is needed to construct a new home.

Chairman Friedman read the hearing notice and the following exhibit list into the record:

- Exhibit 1: Application and supporting documentation.
(Application; List of Property Owners Within 150'; Deed; Portion of Assessor's Map; Tax Assessor's Street Card; Certificates of Mailing; A-2 Site Plan, Aerial of property).
- Exhibit 2: Notice of Public Hearing published in The Day newspaper on September 18th, and September 25th, 2014.
- Exhibit 3: Copy of notification letter to applicant dated September 15th, 2014 regarding the requirement to mail the notice of Public Hearing to property owners within 150' of the property.
- Exhibit 4: Condensed comment sheet.
- Exhibit 5: Letter received 9/29/14 from Juan and Olga Fernandez

Carl Studer and Mari Evans, owners came forward to present the variance request.

C. Studer stated there was a fire in 2011 that destroyed his former home. The prior home was 2 feet from the side property line and he is now requesting a 5 feet side yard variance, leaving him 10 feet on the side of the lot. The prior house did not have a foundation and was one story. The new home will have a foundation and basement and will connect to public sewer and water.

C. Studer also stated he is now planning to move the proposed single family further back by 3 feet. Moving it back will allow a better view of the water for his neighbor and will still be in compliance with the front yard setback in a VR zone.

Commission members discussed the front yard setback in a VR zone and referred to section 6A, Village Residential District.

Chairman Friedman referred to section 6A.6 – The front yard setback shall be within 5 feet of the average of the setbacks of adjacent buildings on either side of the proposed new home.

Chairman Friedman read into the record exhibit 5, a letter dated 9/25/14 from Juan and Olga Fernandez, adjacent property owners and questioned if C. Studer and Mari Evans wished to address the letter.

F. Ribas and Chairman Friedman questioned what type of heating system will be used in the new dwelling.

C. Studer stated there will not be a fireplace in the dwelling and the heating system will be oil generated. He also stated there will not be any construction equipment on the lot and the existing wood pile will be removed.

Mr. Studer commented the hardship is that he wishes to replace the house that was burnt by an electrical fire. The present zoning regulations only allow for a 20 foot wide home. He is proposing a 24 foot modular. The square footage of the proposed home is approximately the same of the damaged dwelling; 1260 square feet and by moving the home back 3 feet he is asking for less of a variance and also the lot is existing and non-forming.

Chairman Friedman questioned on 3 occasions if anyone present wished to speak in favor of the variance.

Peter Hunt of 10 Fourth Avenue spoke in favor of the variance request.

The public hearing closed at 7:03 PM.

Application ZBA-Z-14-5. Appeal of Jeremy M. & Stephanie N. Rooks, owners at 913 Vauxhall Street Extension, RU-120 zone. Variance is requested from zoning regulation section 6.4.2, side yard, required 30 ft., proposed 9 ft. Variance is needed to construct a 2 car detached garage on the northerly side of the property.

Chairman Friedman read the hearing notice and the following exhibit list into the record:

- Exhibit 1: Application and supporting documentation.
(Application; List of Property Owners Within 150'; Deed; Portion of Assessor's Map; Tax Assessor's Street Card; Certificates of Mailing; A-2 Site Plan, Aerial of property).
- Exhibit 2: Notice of Public Hearing published in The Day newspaper on September 18th, and September 25th, 2014.
- Exhibit 3: Copy of notification letter to applicant dated September 15th, 2014 regarding the requirement to mail the notice of Public Hearing to property owners within 150' of the property.
- Exhibit 4: Condensed comment sheet.

Jeremy and Stephanie Rooks came forward to present their variance request. They are proposing a detached 2 car garage in a RU-120 zone. The lot is pre-existing, non-conforming lot with wetlands in the rear of the property. J. Rooks will be deployed in the near future for 3 to 4 years and his vehicle needs to be parked in a garage. There is a 10 feet minimum requirement that the garage be located 10 feet from the existing home. The proposed garage will be on a slab.

Chairman Friedman noted comments received from M. FitzGerald, Environmental Planner that the proposed garage location does not encroach upon the wetland non-encroachment area.

Chairman Friedman asked the members if they had any questions.

Chairman Friedman questioned on three occasions if anyone present wished to speak in favor of the variance request.

Ruth Bachman of 915 Vauxhall Street Extension had no objection to the variance request.

Mary Arcangel of 914 Vauxhall Street Extension was in favor of the variance request.

No one opposed the variance request.

The public hearing closed at 7:10 PM.

4. APPLICATION REVIEWS

Application ZBA-Z-14-4. Appeal of Carl J. Studer & Mari E. Evans, owners at 6 Fourth Avenue, VR-10 zone. Variance is requested from zoning regulation section 6A.6 minimum setback, east side, required 15 ft., proposed 10 ft. Variance is needed to construct a new home.

MOTION: Motion made by F. Ribas, seconded by J. Filippetti to approve the variance request conditioning the front yard setback from 12 to 15.5 feet and a 10 foot side yard setback.

VOTE: 5-0

REASON: The lot is a pre-existing, non-conforming lot and the proposed variance will be reducing the non-conformity of the lot.

Application ZBA-Z-14-5. Appeal of Jeremy M. & Stephanie N. Rooks, owners at 913 Vauxhall Street Extension, RU-120 zone. Variance is requested from zoning regulation section 6.4.2, side yard, required 30 ft., proposed 9 ft. Variance is needed to construct a 2 car detached garage on the northerly side of the property.

MOTION: Motion made by T. Malley, seconded by F. Ribas to approve the variance request.

VOTE: 5-0

REASON: The lot is a pre-existing non-conforming lot and there are wetlands on the property.

5. NEW BUSINESS/CORRESPONDENCE

None

6. OLD BUSINESS

None

7. ADJOURNMENT

MOTION: Motion made by T. Malley, seconded by F. Ribas to adjourn the meeting at 7:16 PM.

Respectfully submitted,

Carol Libby
Secretary