

MINUTES

ZONING BOARD OF APPEALS WATERFORD TOWN HALL

NOVEMBER 6, 2014
6:30 PM

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

1. CALL TO ORDER/APPOINTMENT OF ALTERNATES

Carol Libby, recording secretary requested a motion and vote to appoint an Acting Chairperson as both Chairman J. Friedman and Vice Chairwomen were absent.

MOTION: Motion made to appoint Peter Bendfeldt as the Acting Chairman for tonight's meeting

VOTE: 4-0-1

Acting Chairman Bendfeldt called the meeting to order at 6:30 PM and appointed T. Malley to sit for J. Friedman and E. Yother to sit for C. Newlin.

2. APPROVAL OF MINUTES

MOTION: Motion made T. Malley, seconded by B. Panciera to approve the October 2nd, 2014 minutes as written.

VOTE: 3-0, P. Bendfeldt and E. Yother were not present at the October 2, 2014 meeting

3. PUBLIC HEARING

Application #ZBA-Z-14-6. Appeal of David & Rochelle Sokol, owners at 14 A Shore Road, RU-120 Zone. Variance is requested from Zoning Regulation 6.4.2 minimum side yard setback required 30 feet, proposed 21 feet, a difference of 9 feet on the west side of the property. Variance is needed to construct an addition for a stairway leading to the new second floor.

Acting Chairman Bendfeldt read the hearing notice into the record.

T. Lane, ZEO read 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 October 23rd, and October 30th, 2014.

Exhibit 3: Copy of notification letter to applicant dated October 10th, 2014 regarding the requirement to mail the notice of Public Hearing to property owners within 150' of the property.

Exhibit 4: Condensed comment sheet.

James Bernardo Land Surveyor came forward as agent to present the variance request. Also present was Dan Glenn, Architect. The property is located in an R-120 zone and is 1.3 acres, 55,900 square feet. David and Rochelle Sokol have owned the property since 2007 and has been in the Sokol family for 68 years being purchased in 1945. It is bounded on the south by Long Island Sound, east, west and north by residential properties. The home was built in 1945 before zoning regulations which were adopted in 1954. The property is served by municipal water and public sewer. The lot is pre-existing non-conforming with regards to lot area and width and is pre-existing non-conforming with regards to the side yard setback. The Sokol's have numerous children, grandchildren and great grandchildren which stay and visit in the summer. The existing house is a 1 story ranch with 2 small bedrooms. The proposed second floor addition will create 4 additional bedrooms, a wing for each family and will comply with all regulations. The proposed stairway getting you to the second floor will not. If a stairway was built within limits of the existing house footprint, the size of the rooms and their configuration would result in the loss of a tremendous amount of floor space and the potential use of an entire room.

A variance of 9 feet to allow for a 21 foot side yard within the existing courtyard is requested. The existing house is 4 – 5 feet from the property line.

The hardship is that the property and house existed prior to the zoning regulations, the proposed variance will not pose any adverse environmental impacts on light, air, emission of noise, light, smoke, odor, gas or dust. The new addition is in harmony with the existing houses and will not adversely impact the surrounding neighborhood or the character of the neighborhood.

Acting Chairman Bendfeldt questioned if they were creating the hardship themselves.

D. Glenn, architect explained to the commission members the proposed design of the stairway.

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

Susan Mc Guire of 21 and 15 West Strand spoke in favor of the variance request.

John Morgan of 17 West Strand Road spoke in favor of the variance request.

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

No one came forward.

The public hearing closed at 6:45 PM.

4. APPLICATION REVIEWS

Application #ZBA-Z-14-6. Appeal of David & Rochelle Sokol, owners at 14 A Shore Road, RU-120 Zone. Variance is requested from Zoning Regulation 6.4.2 minimum side yard setback required 30 feet, proposed 21 feet, a difference of 9 feet on the west side of the property. Variance is needed to construct an addition for a stairway leading to the new second floor.

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

VOTE: 4-0-1, Acting Chairman Bendfeldt abstained

REASON: The property and house is existing non-conforming and the proposed stairway will be built in the envelope of the existing structure.

5. NEW BUSINESS/CORRESPONDENCE

T. Lane mentioned to the commission members that an election of Chairperson, Vice-Chairperson and Secretary will be held at the December meeting. Ballots will be included in the December packet.

6. OLD BUSINESS

None

7. ADJOURNMENT

MOTION: Motion made by T. Malley, seconded by F. Ribas to adjourn the meeting at 6:51 PM.

Respectfully submitted,

Carol Libby
Secretary