



TOWN OF
North Stonington, CT
ZONING BOARD OF APPEALS

TUESDAY, MARCH 17, 2020

REGULAR MEETING

**NEW TOWN HALL
CONFERENCE ROOM
40 MAIN STREET
NORTH STONINGTON, CT 06359**

MINUTES APPROVED ~ JUNE 15, 2021

1. **CALL TO ORDER:** Chair Candy Palmer called the Regular Meeting of the North Stonington Zoning Board of Appeals to order at 6:00 p.m. at the New Town Hall, Conference Room.

BOARD MEMBERS PRESENT: Candy Palmer, Chair, Shawn Murphy, Vice-Chair, Joan Kepler, Secretary, and Bruce Smith

BOARD MEMBERS ABSENT: James Lord and Alternate Members John Varas, Jr., Gary Thompson & Colleen Thompson

STAFF PRESENT: Planning, Development & Zoning Official Juliet Hodge, and Administrative Assistant Cheryl Konsavitch

C. Palmer read the Rules and Procedures into the record

2. **PUBLIC HEARING:**

ZBA Application #20-001 (Variance) For a matter involving property owned by David & Wendy Pias, 421L Wyassup Road, North Stonington, CT 06359, located on the northeasterly side of Wyassup Lake approximately 1,500 feet, north from the intersection of Wyassup Road with Murphy Road in an R80 (SUOA) Zone. Tax Map #58, Lot #5326. Applicant is requesting a variance to Sub-sections (B) & (C) of Section 305.2 Non-Conforming Buildings & Structures, to increase the cubical content & expand vertically on a building located within the required front yard setback. *(PH scheduled for 03/17/20; Application received 02/18/20 & PH must close on or by 04/21/20)*

C. Palmer read the application into the record.

Seated: C. Palmer, S. Murphy, J. Kepler, B. Smith

Mr. David Pias was present for this application.

Mr. Pias stated he is requesting a variance to increase the cubical content and floor area of a non-conforming building that has been damaged by neglect and collapse. Mr. Pias stated he is not increasing the footprint but the total volume of the building vertically.

C. Palmer asked if the property was in a flood zone. J. Hodge stated it was not.

Mr. Pias stated the former 1 Bedroom home had year round status. The home he is proposing would be 2 bedroom- 2 bath and turn what was a crawl space into a walk out basement with a guest bedroom. Mr. Pias stated that the septic system was designed for a 2-bedroom home. Mr. Pias stated he would like to put in interior stairs inside the home to be able to access the basement. He stated that these stairs would take up a good amount of the interior space.

The Board asked questions pertaining to ceiling height, and available area for plow trucks to back-up or turn around along with other questions pertaining to the variance request.

Mr. Pias stated the ceiling height was 6 ½ feet and would increase to 8 feet and as for the plow trucks he showed an area on the plan where they could turn around. He stated there were three other properties on the right of way with areas where they can also turn around.

J. Hodge stated that she would like to remind the Board that simply wanting to build something in a particular location on your property and not being able to given certain zoning restrictions does not, in and of itself, constitute the necessary hardship needed to justify the granting of a variance. Variances should be granted sparingly and only under exceptional circumstances. The hardship must be unique to the specific parcel and not affect generally the district in which it is situated. The hardship must also arise from a condition different in kind from that generally affecting properties in the same zoning district and must be caused by conditions outside the property owner's control. J. Hodge went over her application review and stated the applicant is requesting a variance to increase the cubical content and floor area of a previously existing, non-conforming house that was demolished last year. The previous residential structure was built into the hillside with the majority of the structure located on one floor over a crawl space. J. Hodge stated these small lots by the lakes were historically used as summer cottages.

J. Hodge stated the situation is not unique to the area as many lots around Wyassup Lake are developed with seasonal and year-round homes on small lots. J. Hodge stated the applicant was told of these limitations and the possible lack of a valid hardship should he apply for a variance and that the Murphy Road right of way location and the Eversource easement affect all the parcels in that area.

J. Hodge stated the claim of no interior staircase is misleading as the previous lower level was not a finished space and was not ever accessed from the indoors. This lot is considered a buildable lot as it had a structure on it before, but this does not guarantee that a new house with associated well and septic system will fit in exactly the size and configuration desired. J. Hodge reminded the board members about what constitutes a legal hardship and that their task was not to determine whether what Mr. Pias was proposing was OK in their opinion, it was to determine whether or not there was a valid hardship presented to justify approving the variance requested.

Chair Palmer asked if there were any questions or comments from the public or anyone speaking for or against this application. There were none.

C. Palmer asked if the applicant would like to rebut.

Mr. Pias stated that the hardship was caused by the restrictions on where to put a new house due to well and septic system separation requirements and because his property is divided by a right of way and an Eversource easement that dissects the property. Mr. Pias stated that there are siting limitations so as not to impact or reduce potential repair area of the approved septic system. He stated that the original house was not equipped with interior stairs to access the lower level of the home. Mr. Pias stated the proposed rebuild is within the original footprint and no adjustment to the existing non-conforming setbacks is requested. The bigger house will not detract from the character of the of the neighboring year-round and seasonal properties nor will it adversely affect property values.

MOTION by B. Smith, SECOND by J. Kepler to close the Public Hearing on application #20-001. MOTION CARRIED UNANIMOUSLY

3. PENDING APPLICATIONS:

ZBA Application #20-001 (Variance) For a matter involving property owned by David & Wendy Pias, 421L Wyassup Road, North Stonington, CT 06359, located on the northeasterly side of Wyassup Lake approximately

1,500 feet, north from the intersection of Wyassup Road with Murphy Road in an R80 (SUOA) Zone. Tax Map #58, Lot #5326. Applicant is requesting a variance to Sub-sections (B) & (C) of Section 305.2 Non-Conforming Buildings & Structures, to increase the cubical content & expand vertically on a building located within the required front yard setback.

Seated: C. Palmer, S. Murphy, J. Kepler, B. Smith

MOTION by J. Kepler, SECOND by B. Smith to approve application #20-001 (*Variance*) For a matter involving property owned by David & Wendy Pias, 421L Wyassup Road, North Stonington, CT 06359, located on the northeasterly side of Wyassup Lake approximately 1,500 feet, north from the intersection of Wyassup Road with Murphy Road in an R80 (SUOA) Zone. Tax Map #58, Lot #5326. Applicant is requesting a variance to Sub-sections (B) & (C) of Section 305.2 Non-Conforming Buildings & Structures, to increase the cubical content & expand vertically on a building located within the required front yard setback.

In Favor – B. Smith

Opposed – S. Murphy, C. Palmer, J. Kepler

MOTION FAILS

4. NEW APPLICATIONS: None

5. NEW BUSINESS: None

6. OLD BUSINESS

7. REVIEW MINUTES:

Review minutes of February 18, 2020 meeting

The Board accepted the minutes February 18, 2020 as written

6. ADJOURNMENT:

MOTION by S. Murphy, SECOND by J. Kepler to adjourn at 6:43 p.m. MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,

Cheryl Konsavitch

Cheryl Konsavitch, Administrative Assistant,
Zoning Board of Appeals