



TOWN OF
North Stonington, CT
ZONING BOARD OF APPEALS

TUESDAY, SEPTEMBER 18, 2018

REGULAR MEETING

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

MINUTES APPROVED ~ FEBRUARY 18, 2020

1. CALL TO ORDER: Chairman Charlie Burger 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: Charlie Burger, Chairman, James Lord, Vice-Chair, Robin Hall, Secretary, Candy Palmer, Mark Leonard, and Alternate Member Shawn Murphy

COMMISSIONERS ABSENT: Alternate Member Gary Thompson

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

2. ADDITIONS TO THE AGENDA: None

Secretary Hall read the Rules of Procedure into the record.

3. PUBLIC HEARINGS:

ZBA Application #18-002 (*Variance*) In a matter involving property owned by Brad Stone, 50 Pheasant Lane, Brooklyn, CT 06234, for property located on the north side of Lakeside Dr., approximately 100 +/- feet, west from the intersection of Polly Ave. in an R80 (SUO) Zone. Tax Map #45, Lot #9575. Applicant is requesting a variance to Section 404.1B (Setback Dimensions) from 10 feet required to 5 feet for a deck already partially constructed that was extended 5 feet wider to attach it to an existing deck.

Chairman Burger read the application into the record.

Seated: C. Burger, J. Lord, R. Hall, C. Palmer, M. Leonard

Mr. Brad Stone was present and submitted his green cards as proof of mailings to the abutting property owners.

Mr. Stone stated he is looking to extend the deck constructed along the front of the existing house to the existing deck along the side of the house as it is a very narrow lot.

J. Hodge submitted Exhibits A-C showing pictures of the house and deck mid construction and its current state as it is now.

J. Hodge stated the connecting piece would be within the setback of 10 feet. J. Hodge stated that there has not been an A-2 Survey done for this property, but the architect for the applicant, Robert Mangino, submitted the plan for this application and it shows the deck extension as being 5' from the property line. Stadia Engineering also did a plan in conjunction with the Septic System design which shows the deck extension being right on the property line. Without an A-2 survey, it will be impossible to know which is correct.

J. Hodge stated the applicant had a permit to construct the deck, but that deck was actually constructed, extended into an area that was not permitted by the Accessory Permit. The Applicant was instructed to remove the decking that extended beyond what the permit was approved for, but the underlying supports are still in place.

J. Hodge stated that the irregularly narrow shape of the lot limits the potential deck extension thus possibly preventing emergency egress from the front of the house, (as applicant had stated in his application), but no other hardship has been provided. J. Hodge stated that the deck extension is not vital and that the denial of the variance requested would not prevent the applicant from reasonable use of his property in conformance with the regulations.

Board asked questions of the applicant and C. Palmer asked how many egresses currently existed and whether they were code compliant. Mr. Stone stated there were 2, and both are code compliant with at least nine square feet of landing area.

Chairman Burger asked if there was anyone from the public speaking in favor of this application. There were none.

Chairman Burger asked if there was anyone from the public speaking against this application. The following people spoke:

Vilma Gregoropoulos and Tim Crandall

Chairman Burger asked if there were any general remarks or comments from the public regarding this application. The following people spoke:

Rick Yoder and Lisa Beatman (Direct Abutters)

Mr. Stone summarized stating the property was a difficult site to work with and the installation of the septic system resulted in the clearing of most of the trees. He stated that he had replanted 17 mature trees and plans to restore the site back to its original state.

MOTION by R. Hall, SECOND by J. Lord to close the Public Hearing ZBA Application #18-002. MOTION CARRIED UNANIMOUSLY.

4. PENDING APPLICATIONS:

ZBA Application #18-002 (Variance) In a matter involving property owned by Brad Stone, 50 Pheasant Lane, Brooklyn, CT 06234, for property located on the north side of Lakeside Dr., approximately 100 +/- feet, west from the intersection of Polly Ave. in an R80 (SUO) Zone. Tax Map #45, Lot #9575. Applicant is requesting a variance to Section 404.1B (Setback Dimensions) from 10 feet required to 5 feet for a deck already partially constructed that was extended 5 feet wider to attach it to an existing deck.

Seated: C. Burger, J. Lord, R. Hall, C. Palmer, M. Leonard

MOTION by C. Palmer, SECOND by J. Lord to deny ZBA application #18-002 for a variance to Section 404.1B (Setback Dimensions) to reduce the side yard setback from 10' to 5' to allow for an extension of the front deck to provide a connection to the existing side deck and side egress for the following reasons:

1. No valid hardship exists that is unique to the site.
2. The variance requested is not in harmony with the general purpose and intent of the Regulations (that all structures be placed within the established setbacks and that non-conforming structures not be enlarged).
3. Denial of the variance requested would not prevent the applicant from reasonable use of his property in conformance with the regulations.

MOTION CARRIED UNANIMOUSLY

5. **NEW APPLICATIONS:** None

6. **NEW BUSINESS:** None

7. **OLD BUSINESS:** None

8. **CORRESPONDENCE:** None

9. **MINUTES:**

Review minutes of March 20, 2018 meeting

MOTION by R. Hall, SECOND by S. Murphy to approve the minutes of 03/20/18 as submitted. MOTION CARRIED UNANIMOUSLY

10. **ADJOURNMENT:**

MOTION by R. Hall, SECOND by J. Lord to adjourn the meeting at 6:30 p.m. MOTION CARRIED UNANIMOUSLY.

Respectfully Submitted,

Cheryl Konsavitch

Cheryl Konsavitch, Administrative Assistant,
Zoning Board of Appeal