



TOWN OF OLD SAYBROOK
Zoning Board of Appeals

*Robert J. McIntyre, Chairman
Kevin Danby, Vice Chairman
Jacqueline Prast, Secretary
Dorothy T. Alexander
Alfred Wilcox*

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Alternate Members
*Vacant
Charles Gadon
Brenda Dyson*

**MINUTES
REGULAR MEETING
March 10, 2021 at 6:00 p.m.**
Virtual Zoom Meeting

I. CALL TO ORDER

Chairman McIntyre called the meeting to order at 6:00 p.m.

II. ROLL CALL

Members

Robert McIntyre
Kevin Danby
Dorothy Alexander
Jacqueline Prast
Alfred Wilcox
Charles Gadon

Attendant Staff

Sarah Makowicki, Recording Clerk

III. PUBLIC HEARINGS

- A. 20/21-25 John J. & Joanne B. Virag** seek a variance of Par 10.8 (non-conformity-lots/no changes allowed/changes proposed) and Par 24.3.1 (minimum lot area/20,000 s.f.-12,500 s.f. required/5,108 s.f. proposed) of the Zoning Regulations to permit the modification of a lot line at 59 Hartford Avenue, Map 13/ Lot 99 and 98 Old Sea Lane, Map 13/Lot 71, Residence A District, Coastal Area Management Zone.

The Applicant is represented by Ed Cassella. Mr. Cassella went over the property line modification which will reduce non-conformities on Map 13/Lot 71 from 23.6% coverage to 20.5% and a rear setback line will be eliminated.

R. McIntyre opened the public hearing.

There were no comments from the public.

R. McIntyre closed the public hearing.

MOTION to APPROVE. 20/21-25 John J. & Joanne B. Virag seek a variance of Par 10.8 (non-conformity-lots/no changes allowed/changes proposed) and Par 24.3.1 (minimum lot area/20,000 s.f.-12,500 s.f. required/5,108 s.f. proposed) of the Zoning Regulations to permit the modification of a lot line at 59 Hartford Avenue, Map 13/ Lot 99 and 98 Old Sea Lane, Map 13/Lot 71, Residence A District, Coastal Area Management Zone. On the grounds that the change of legal title to the ground does nothing to change the improvements to or use of the land. All it does is to relieve one property of the risk that a future owner of the adjoining property might require the incursion of and the expense to relocate infringing improvements. This commonsense accommodation of quiet enjoyment interests is a commendable example of a practical solution to circumstances resulting from apparent historical laxity with no adverse effects on the interest sought to be protected by our zoning regulations. The change substantially reduces non-conformity of the Virag property with no material adverse effect on the adjoining property. **MADE:** A. Wilcox; **SECONDED:** K. Danby; **VOTING IN FAVOR:** R. McIntyre, K. Danby, D.Alexander, J. Prast, A. Wilcox; **OPPOSED:** NONE; **ABSTAINING:** NONE; **Motion Passes: 5-0-0. Application is Approved.**

B. 20/21-21C Joseph E. Tobin seeks a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change); Par 24.5.1 (street line setback/25' required (Atlantic)/13.5' proposed); Par 24.5.1 as amended by 68.1.2.b.4 (narrow street setback /35' required (Club House)/30.3' proposed); and Par 24.5.3 (other yard setback/15' required/11.9' proposed) of the Zoning Regulations to permit the construction of a 806 s.f. second story addition, an unroofed second story deck and a 112 s.f. shed at 17 Club House Lane, Map 4/Lot 159, Residence A District, Coastal Area Management Zone.

Joe Wren spoke as agent for the applicant. Denise Von Dassel was also in attendance as the architect on the project. Mr. Wren explained to the board that the applicant is asking for multiple variances in order to construct a secondfloor addition. There will be an elimination of a nonconforming shed by moving and rebuilding the structure.

R. McIntyre opened the public hearing.

There six letters of support from the public.

R. McIntyre closed the public hearing.

The members of the board felt that the elimination of the non-conforming shed would not offset the new non-conforming elements of the overhangs and the rooflet above the front door.

MOTION to APPROVE on the condition of the exclusion of the rooflet over the front door. 20/21-21C Joseph E. Tobin seeks a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change); Par 24.5.1 (street line setback/25' required (Atlantic)/13.5' proposed); Par 24.5.1 as amended by 68.1.2.b.4 (narrow street setback /35' required (Club House)/30.3' proposed); and Par 24.5.3 (other yard setback/15' required/11.9' proposed) of the Zoning Regulations to permit the construction of a 806 s.f. second story addition, an unroofed second story deck and a 112 s.f. shed at 17 Club House Lane, Map 4/Lot 159, Residence A District, Coastal Area Management Zone. On the grounds of the hardship of the size and shape of the lot being affected by the 2 setbacks. **MADE:** K. Danby; **SECONDED:** R. McIntyre; **VOTING IN FAVOR:** R. McIntyre, K. Danby, **OPPOSED:** J. Prast, D. Alexander, A. Wilcox; **ABSTAINING:** NONE; **Motion fails to pass: 2-3-0. Application was Denied.**

K. Danby Left the meeting and C. Gadon was seated in his place.

MOTION to Deny 20/21-21C Joseph E. Tobin seeks a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change); Par 24.5.1 (street line setback/25' required (Atlantic)/13.5' proposed); Par 24.5.1 as amended by 68.1.2.b.4 (narrow street setback /35' required (Club House)/30.3' proposed); and Par 24.5.3 (other yard setback/15' required/11.9' proposed) of the Zoning Regulations to permit the construction of a 806 s.f. second story addition, an unroofed second story deck and a 112 s.f. shed at 17 Club House Lane, Map 4/Lot 159, Residence A District, Coastal Area Management Zone. On the grounds that there is a lack of a hardship. **MADE:** K. Danby; **SECONDED:** R. McIntyre; **VOTING IN FAVOR:** R. McIntyre, K. Danby, **OPPOSED:** J. Prast, D. Alexander, A. Wilcox; **ABSTAINING:** NONE; **Motion Passes: 3-2-0. Application was Denied.**

C. 20/21-23C Yong Nam Jo, seeks a variance of Par 58.2 (riparian buffer/100' required/49.5' to patio wall and 54.5 to pool/hot tub proposed); and Par 58.6 (setback Gateway Conservation Zone/100' required/49.5' to patio wall and 54.5 to pool/hot tub proposed) of the Zoning Regulations to permit the construction of a 392 s.f. pool, 36 s.f. hot tub and patio/wall area at 5 Trails End, Map 16/Lot 68-3, Residence AA-2 District, Coastal Area Management Zone and Gateway Conservation Zone, AE Flood Zone.

Joe Wren presented the application to the Board as agent for the applicant. The applicant is applying to build a pool and hot tub with a 2ft wall, and a vertical spindle powder coated black fence along the top of the wall. The fence would create a see-through barrier while adhering to pool safety codes.

The house was built before the added regulations imposed by the Gateway Conservation Zone that implemented the 100' riparian buffer area. Neighboring properties in the area have pools that do not meet the speciation of the riparian buffer and therefore this property would be in harmony with the other lots in this area.

R. McIntyre opened the public hearing.

There six letters of support from the public.

R. McIntyre closed the public hearing.

MOTION to APPROVE. 20/21-23C Yong Nam Jo, seeks a variance of Par 58.2 (riparian buffer/100' required/49.5' to patio wall and 54.5 to pool/hot tub proposed); and Par 58.6 (setback Gateway Conservation Zone/100' required/49.5' to patio wall and 54.5 to pool/hot tub proposed) of the Zoning Regulations to permit the construction of a 392 s.f. pool, 36 s.f. hot tub and patio/wall area at 5 Trails End, Map 16/Lot 68-3, Residence AA-2 District, Coastal Area Management Zone and Gateway Conservation Zone, AE Flood Zone. On the grounds of the hardship of the structure was built before the Gateway Conservation Zone was enacted creating a limitation that otherwise would be permissible under zoning. Therefore, such a limitation on a reasonable use would impose an unreasonable hardship. **MADE:** A. Wilcox; **SECONDED:** D. Alexander; **VOTING IN FAVOR:** R. McIntyre, C. Gadon, J. Prast, D. Alexander, A. Wilcox; **OPPOSED:** NONE; **ABSTAINING:** NONE; **Motion Passes: 5-0-0. Application is APPROVED.**

D. 20/21-22 Indigo Properties, LLC seeks a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change); Par 31.6.2 (rear yard setback/10' required/3.3' proposed); and Par 63.4.1C (perimeter buffer width for uses in business zone/10' required/3.3' proposed) of the Zoning Regulations for the construction of a 161 s.f. covered porch at 247 Main Street, Map 30/Lot 55), Central Business B-1 District, Coastal Area Management Zone.

The applicant went through the application stating that the variance is for a rear porch that will be 3.3 ft off the rear property line instead of the required 10ft. To offset this non-conformity there will be an elimination of other non-conforming structures: removal of 7x7 shed, removal of staircase with a spiral staircase, and removal of a kiosk. There will be a reduction of 6 square ft of non-conforming structures on the property.

MOTION to APPROVE. 20/21-22 Indigo Properties, LLC seeks a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change); Par 31.6.2 (rear yard setback/10' required/3.3' proposed); and Par 63.4.1C (perimeter buffer width for uses in business zone/10' required/3.3' proposed) of the Zoning Regulations for the construction of a 161 s.f. covered porch at 247 Main Street, Map 30/Lot 55), Central Business B-1 District, Coastal Area Management Zone. On the grounds that in lieu of a hardship there is a reduction of non-conformities on the property. **MADE:** C. Gadon; **SECONDED:** J. Prast; **VOTING IN FAVOR:** R. McIntyre, C. Gadon, J. Prast, D. Alexander, A. Wilcox; **OPPOSED:** NONE; **ABSTAINING:** NONE; **Motion Passes: 5-0-0. Application is APPROVED.**

IV. NEW BUSINESS

A. A review of the application of David DellaVecchia & Wayne Fretz to determine whether or not, under the provisions of General Statutes Section 8-6 (a) (3), that there is a substantial change in their request for a variance from their earlier appeal 20/21-17 that was denied on January 13, 2021. The Board will make a determination as to whether or not the proposed plan modification is or is not the same or substantially the same as the earlier application so that it may be heard by the Board within six months after the earlier decision by the Board. Denied Appeal 20/21-17 requested a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change); Par 24.5.5 as amended by 68.1.2.b.4 (narrow street setback /40' required/29' proposed) and Par 24.6.2 (structure coverage/20% allowed/21.5% proposed) of the Zoning Regulations to permit the construction of a 120 s.f. shed at 14 Cottage Road Map 3/Lot 16, Residence A District, Coastal Area Management Zone.

The Board felt that there was not a significant change in the application to warrant a new hearing.

MOTION to DENY the proposed plan modification to the earlier application so that it may be heard by the Board within six months after the earlier decision by the Board. Denied Appeal 20/21-17 requested a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change); Par 24.5.5 as amended by 68.1.2.b.4 (narrow street setback /40' required/29' proposed) and Par 24.6.2 (structure coverage/20% allowed/21.5% proposed) of the Zoning Regulations to permit the construction of a 120 s.f. shed at 14 Cottage Road Map 3/Lot 16, Residence A District, Coastal Area Management Zone. On the grounds that there was no significant improvement to the application. **MADE:** R. McIntyre; **SECONDED:** C. Gadon; **VOTING IN FAVOR:** R.

McIntyre, C. Gadon, J. Prast, D. Alexander, A. Wilcox; **OPPOSED: NONE; ABSTAINING: NONE; Motion Passes: 5-0-0. Application is Denied.**

B. Minutes

MOTION to APPROVE the amended **February 10, 2021 Regular Meeting Minutes as presented. MADE BY:** A. Wilcox; **SECONDED:** J. Prast; **VOTING IN FAVOR:** R. McIntyre, D.Alexander, J. Prast, A. Wilcox, C. Gadon; **OPPOSED:** None; **ABSTAINING:** NONE **APPROVED** 5-0-0.

C. Correspondence & Announcements – None

D. Committee, Representative & Staff Reports – None

VI. ADJOURMENT

MOTION to ADJOURN the March 10, 2021 Regular Meeting of the Zoning Board of Appeals at 79:54 p.m.; **MADE:** R. McIntyre; **SECONDED:** C. Gadon; **VOTING IN FAVOR:** R. McIntyre, D.Alexander, J. Prast, A. Wilcox, C.Gadon; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

Respectfully submitted,

Sarah Makowicki, Recording Clerk

NEXT REGULAR MEETING

Wednesday, April 14, 2021 at 6:00 P.M.

Town Hall, 1stFloor Conference Room, 302 Main Street, Old Saybrook, CT

If the COVID19/Corona Virus State of CT Public Health Emergency remains effective, a dial in public meeting may be held. Check our website one week in advance for dial in information at

Town of Old Saybrook Zoning Board of Appeals or

Subscribe to www.oldsaybrookct.org for electronic delivery of land use agendas.