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# Zoning Board of Appeals Minutes 08/09/2017

## MOTIONS

Town of Old Saybrook  
Zoning Board of Appeals

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Town of Old Saybrook at its Regular Meeting that was held on **Wednesday, August 9, 2017 at 6:30 p.m.** at the Town Hall, First Floor Conference Room, 302 Main Street, heard and decided the following appeals:

**Seated** for this evenings meeting and voting were the following members: Rexford McCall, Chairman, Dorothy Alexander, Vice Chairman, Philip Broadhurst, Adam Boyd, Kevin Danby, alternate and Catherine Purcell, alternate

**Present:** Christina Costa, Zoning Enforcement Officer, Kim Barrows, Clerk

**Absent:** Robert McIntyre and Carl VonDassel, Jr., alternate

The meeting was then called to order at 7:00 p.m. The following public hearings were conducted, as well as the decision making sessions. The meeting has been recorded and the following actions were taken:

The Chairman introduced the Board members who were seated for this evenings meeting.

## OLD BUSINESS

**Smith v. OS ZBA & Beach 05, LLC**, Discussion and potential resolution of pending litigation relating to the 11/9/2016 approval with conditions of Appeal 16/17-12 to permit interior changes to remove the 288 s.f. 2<sup>nd</sup> floor, 1 bedroom residential dwelling unit which uses store kitchen and bathroom facilities from the 2nd floor and to create a 754 s.f. 1 bedroom residential dwelling unit on the first floor of the building and relocate 754 s.f. 1<sup>st</sup> floor storage area to the 288 s.f. 2<sup>nd</sup> floor. 102/104 Chalker Beach Road, Map 18, Lots 88 & 89, Residence A District, Coastal Area Management Zone.

Attorney Cassella stated that at this time he was not ready to discuss this matter with the Board but it should be on the September 13, 2017 Regular Meeting Agenda for 6:30 p.m. unless otherwise noted.

## PUBLIC HEARINGS

*For this application R. McCall, D. Alexander, P. Broadhurst, A. Boyd, C. Purcell were seated*

**17/18-02 - Peter Budwitz, Trustee** seeks a variance of Par 10.7.1 & 10.7.2 (nonconformity enlargement/change); Par 24.5.3 (other yard setback/15' required/6.06' proposed to the south and 13.53' to the north); Par 24..6.1, (gross floor area/40% allowed/45.4 proposed); and Par. 24.5.1 as modified by 68.1.2B(4) (narrow street setback/30' required/20.65' proposed to the deck) of the Zoning Regulations to permit the construction of a 384 s.f. second story addition and a second story deck at 6 West Shore Drive, Map 1/ Lot 142, Residence A District, Coastal Area Management Zone.

Discussion with respect to the Public Hearing that closed this evening. The lot has a single family dwelling with approximately 1,379 s.f. of living area. The western portion of the property is a single story and the eastern portion includes a two-story addition. The proposal is to add a 440 s.f. addition over the existing front (single story) portion of the house which would bring the allowed gross floor area of 40% to 45.4%. This addition will not go outside of the existing footprint and would include an open deck on the front portion of the house. The existing house is oddly shaped and not in harmony with the neighborhood. The hardship stated was "The implementation of the Residence A District regulation on this non-conforming parcel cause hardship or exceptional difficulty in reasonable expansion." The size of the lot is not unique in this area.

A **Motion** was made by R. McCall, seconded by C. Purcell to **GRANT Application 17/18-02 - Peter Budwitz, Trustee**. This is a very small enlargement of a nonconformity, it is an attempt to rectify a strange looking building to make it much more attractive to the neighborhood. Discussion: C. Purcell agreed and it will make the house look better. P. Broadhurst asked what is the hardship? R. McCall stated the hardship is the fact that trying to construct anything on a very tiny lot which does not allow for much expansion other than going up it seems without encroaching on setbacks. No further discussion and a vote was taken. In favor: R. McCall, C. Purcell Opposed: D. Alexander, P. Broadhurst, A. Boyd Abstaining: None **The motion failed to pass 2-3-0 It takes 4 affirmative votes to grant a variance.**

*For this application R. McCall, D. Alexander, P. Broadhurst, A. Boyd, K. Danby were seated*

**17/18-06 - Kimberly A. Neri Simoncini** seeks a variance of Par 24.5.3 (other yard setback/15' required/8.5' variance previously granted)/7.5' proposed) of the Zoning Regulations to permit the demolition of the existing house and construction of a 1,294 s.f. house at 83 Hartford Avenue, Map 013/Lot 89, Residence A District, Coastal Area Management Zone.

Discussion with respect to the Public Hearing that closed this evening. The Board took into consideration the first application which was denied on July 9, 2014 [a motion to grant which failed to pass by a 2-3-0 vote]. The Application voted on at the May 13, 2015 meeting which was granted was also reviewed by the Board wherein it was stated in the Motion *"The applicant has taken into consideration all of the comments the Board made with respect to this project in July of last year."* along with the testimony presented this evening has been taken into consideration. The Motion made in May of 2015 is as follows: **A Motion was made by R. McCall, seconded by D. Alexander to GRANT w/condition Application 14/15- 34 C – Kimberly A. Neri Simoncini. The applicant has done everything to address the concerns the Board expressed in July, 2014. There are a number of letters of approval. The hardship is that the lot is small and the fact that the house has to be repaired since it sustained damage from the storm. With the small lot the applicant has done everything they could to conform to zoning. The condition is that the exiting shed is to be moved to conform with the zoning regulations. Also the Coastal Site Plan Review Application is approved as well because it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts. No discussion and a vote was taken: In favor: R. McCall, D. Alexander, P. Broadhurst, A. Spargo, C. VonDassel Opposed: None Abstaining: None The motion passed unanimously. 5-0-0**

The surveyor for the applicant acknowledged that an error was made on the survey presented in 2015. *See attached portion of the survey submitted in 2015 which accompanies this document on the Land Records.* The setback remains at 7.5' which was existing. All other aspects of the plan as approved in May, 2015 are unchanged.

**A Motion** was made by R. McCall, seconded by K. Danby to **GRANT Application 17/18-06 - Kimberly A. Neri Simoncini.** The proposed house was approved on May 13, 2015 due to various issues that presented a hardship. Due to the extremely narrow width it is necessary to build within the setbacks. All aspects of the prior plan remain unchanged, including the setback to the south, and the dimension and location of the proposed dwelling, it is the revision to the northerly setback that is requested where it stated 8.5' it is 7.5' which is what the original house setback was. Discussion: P. Broadhurst stated that the north setback is being approved at 7.5' which was what it was prior to the house being damaged in the storm and taken down. There is not an increase in the existing nonconformity. No further discussion and a vote was taken. In favor: R. McCall, D. Alexander, P. Broadhurst, A. Boyd, K. Danby Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

*For this application R. McCall, D. Alexander, P. Broadhurst, A. Boyd, K. Danby were seated*

**17/18-07 - Carla DiMauro**, seeks a variance of Par 24.6.2 (building structure coverage/20% allowed/23.5% proposed) of the Zoning Regulations to permit the placement of an 80 s.f. shed at 17 Buckingham Avenue, Map 14/Lot 115, Residence A District, Coastal Area Management Zone.

Discussion with respect to the Public Hearing that closed this evening. The applicant would like to put an 80 s.f. shed on the property to house lawn equipment, gasoline cans and bikes. The applicant stated that keeping lawn equipment on the porch is impractical since there are steps up to the porch plus it is a safety issue having it in the house. The lot has two residential dwellings, the rear cottage is a single story and the front cottage is also a single story but each cottage has two porches. It was discussed that there be a give and take with respect to giving up a porch for the shed to keep down the building structure coverage.

**A Motion** was made by K. Danby, seconded by R. McCall to **GRANT Application 17/18-07 - Carla DiMauro.** The size of the shed is not overwhelming and none of the surrounding neighbors are opposed. It is also a safety issue as well as having to carry things up the stairs is a hardship. It is in harmony with the neighborhood. No discussion and a vote was taken. In favor: R. McCall, K. Danby Opposed: D. Alexander, P. Broadhurst, A. Boyd Abstaining: None **The motion failed to pass 2-3-0 It takes 4 affirmative votes to grant a variance.**

*For this application R. McCall, D. Alexander, P. Broadhurst, A. Boyd, C. Purcell were seated*

**17/18-08 - Susan Barker**, seeks a variance of Par 10.7.1 & 10.7.2 (nonconformity enlargement/change); and Par 24.5.3 (other yard setback/15' required/4.2' proposed) of the Zoning Regulations to permit the construction of an enclosure of the front stairway at 47 Beach Road West, Map 12/Lot 164, Residence A District, Coastal Area Management Zone.

Discussion with respect to the Public Hearing that closed this evening. The proposal is to enclose the front stairway leading from the ground elevation to the first floor. The structure was elevated to 13.4 feet in order to meet the FEMA requirements. The applicants would like to make the stairway safer since it is a primary means of ingress and egress by covering the wood stairs since

the property is a year-round property and in ice and snow it makes it difficult to use the stairway. The proposal does not increase the coverage or gross floor area.

A **Motion** was made by R. McCall, seconded by D. Alexander to **GRANT Application 17/18-08 - Susan Barker**. There is no reason not to grant the variances for this application since the improvements are for safety reasons and protection from the elements on the narrow stairwell. The proposal does not increase the coverage or encroach on the setbacks. No discussion and a vote was taken. In favor: R. McCall, D. Alexander, P. Broadhurst, A. Boyd, C. Purcell Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

## **REGULAR MEETING**

**Minutes:** Tabled until next month

**Adjournment:** A **Motion** was made by R. McCall, seconded by P. Broadhurst to adjourn the August 9, 2017 Regular Meeting of the Zoning Board of Appeals. No discussion and a vote was taken: In favor: R. McCall, D. Alexander, P. Broadhurst, A. Boyd, C. Purcell Opposed: None Abstaining: None The motion passed unanimously. 5-0-0 The meeting was adjourned at 9:34 p.m.

Rexford H. McCall, Chairman

**THE NEXT MEETING OF THE ZONING BOARD OF APPEALS IS  
WEDNESDAY, SEPTEMBER 13, 2017 AT 6:30 P.M.,  
FIRST FLOOR CONFERENCE ROOM**