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# Zoning Board of Appeals Special Meeting Minutes 04/18/2018

**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 **Special Meeting** that was held on **Tuesday, April 17, 2018 at 5:00 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: Robert McIntyre, Vice Chairman, Dorothy Alexander, Secretary, Adam Boyd, Jacqueline Prast and Catherine Purcell.

**Present:** Christina Costa, ZEO, Acting Clerk

**Absent:** Philip Broadhurst, Chairman, Kevin Danby and Mark Velardi.

The meeting was then called to order at 5:00 p.m.

The Chairman introduced the Board members who were seated for this evenings meeting. The three regular members (McIntyre, Alexander, Boyd) and two alternates (Purcell & Prast) were seated.

No public hearings were scheduled. The purpose of the Special Meeting is to clarify the motion made during deliberations at the April 11, 2018 meeting. The meeting has been recorded and the following actions were taken:

**CLARIFICATION OF MOTION MADE AT 4/11/2018 REGULAR MEETING**

**17/18-29 Fernando & Susana Atienzar**, seek a variance of Par 10.7.1 & 10.7.2 (nonconformity enlargement/change); Par 68.1.2B(4) (narrow street setback/30' required/14.75' proposed); Par 24.5.3 (other line setback/15' required/12/75' proposed) of the Zoning Regulations to permit the construction of a 312 s.f. second story addition, 135 s.f. covered front porch, enclose a 75 s.f. breezeway, enclose a 117 s.f. patio, and construction of a 180 s.f. deck at 40 Sea Crest Road, Map 4/Lot247, Residence A District, Coastal Area Management Zone.

All five voting members from the April 11<sup>th</sup> meeting were present for the special meeting.

No members of the public in attendance.

The Zoning Enforcement Officer (ZEO) requested that the Zoning Board of Appeals clarify their motion made at the April 11, 2018 regular meeting in the matter of Atienzar at 40 Sea Crest Road.

At the April 11, 2018 meeting, a motion was made by R. McIntyre and unanimously approved, to approve 10.7.1 and 10.7.2 of the Application 17/18-29 Fernando & Susana Atienzar, and not approve 24.5.1 as modified to 68.1.2 and B4 and 24.5.3 the reason for denial is there is insignificant hardship for those two encroachments.

The discussion was transcribed for clarity and the ZEO understood the intent of the approval was to allow for a second story expansion over the existing footprint of the house and deny the request for a new covered entrance over the existing 311 s.f. breezeway that encroaches into the narrow street setback and 2<sup>nd</sup> floor additions over the portion of the house within the setbacks. No additional ground coverage would be added.

The new covered entry, covered walkway and front porch additions that violated the narrow street line setback and other line setback were denied. Existing shed to be removed.

The ZEO explained that if the intent of the Zoning Board of Appeals was to allow the 2<sup>nd</sup> story addition over the existing footprint with the narrow street setback, the Zoning Board of Appeals would have needed to approve a variance of Section 24.5.1 as amended by 68.1.2B4 in addition to variances of Section 10.7.1 and 10.7.2 to permit the second story expansion 21.3 feet from the street line since the Setback from Sea Crest Road is 30 feet.

The Board briefly discussed the matter and confirmed that the ZEO was correct in interpreting what the Board intended to approve.

Motion made by Robert McIntyre to clarify the April 11, 2018 motion for Application 17/18-29 for Fernando & Susana Atienzar to **approve** variances for Section 10.7.1, 10.7.2 and 24.5.1 as modified to 68.1.2 to allow for a second floor addition over the existing footprint of the house. The hardship is the existing house is situated on a uniquely shaped lot with two street line setbacks making a reasonable request for second story expansion infeasible. Variances of Section 10.7.1, 10.7.2, 24.5.3 and 24.5.1 as modified to 68.1.2 to allow expansion of a new covered entry, covered walkway and porch additions adding to ground coverage are **denied**. The reason for denial is that insignificant hardship was demonstrated for increasing the non-conforming structure further into the narrow street line setback when there is sufficient area in the rear of the structure to allow for additions in compliance with the Zoning Regulations. No discussion and a vote was taken: In favor: R.McIntyre, D.Alexander, C.Purcell, A.Boyd and J. Prast. Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

**Adjournment:** A **Motion** was made by D. Alexander, seconded by C. Purcell to adjourn the March 22, 2018 Special Meeting of the Zoning Board of Appeals. No discussion and a vote was taken: In favor: R.McIntyre, D.Alexander, C.Purcell, A.Boyd and J. Prast. Opposed: None Abstaining: None. The motion passed unanimously. 5-0-0. The meeting was adjourned at 5:10 p.m.

Robert McIntyre, Vice Chairman

**THE NEXT MEETING OF THE ZONING BOARD OF APPEALS IS  
WEDNESDAY, May 9, 2018 AT 7:00 P.M.,  
FIRST FLOOR CONFERENCE ROOM**

[For Minutes Click Here](#)