

Subject to Approval

**ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
April 5, 2016**

The public hearing and regular meeting of the Madison Zoning Board of Appeals was conducted Tuesday, April 5, 2016, at 7:30 p.m. in Meeting Room A at Madison Town Campus.

MEMBERS PRESENT

Chairman Ronald Cozean and Ned Moore.

MEMBERS ABSENT

Vice Chairman Jeanne W. Stevens, Kenneth Kaminsky, and Thomas Kelty

ALTERNATES PRESENT

Charon Squitiero and William H. Piggott

OTHERS PRESENT

Zoning Enforcement Officer John De Laura; members of the public; MCTV taped the meeting.

The public hearing and regular meeting of the Madison Zoning Board of Appeals was called to order at approximately 7:32 p.m.; Chairman Ronald Cozean introduced the board and reviewed procedures; by state statute, four votes are needed to approve applications, and a simple majority is not sufficient. Alternate Commissioner Charon Squitiero was seated for absent Vice Chairman Jeanne W. Stevens and Alternate Commissioner William H. Piggott was seated for absent Commissioner Kenneth Kaminsky. The legal notice, as published, was read into the record. Agenda items were taken in the order prescribed in the minutes.

8185. 13 Corinth Drive. Map 56, Lot 4. RU-2 District. Owner/Applicant: Janice Biolzi. Request to vary Sec. 5.6(f) of the Madison Zoning Regulations to allow a 28.25 ft. side yard variance where 30 ft. is required to permit an addition to the existing dwelling.

Matthew Fogarty, representing Larry Papuga and Janice Biolzi, stated that, given the size of the lot, there would be no other place to put the addition, therefore a 28.25 foot side yard variance is being requested, where 30 feet is required, to permit an addition to the existing dwelling. A rear septic system and swimming pool also prevent an addition from being constructed in those areas. The house is in a raised ranch neighborhood, and the plans for the addition fit the streetscape, he stated. The entire area needed for the variance is eight or nine square feet, in a wedge that is 20 feet by 8 feet. The lot is narrow, as well, it was stated. Currently, a shed exists on the property, and it is nonconforming; as a condition of approval, the shed would be removed. Presented was **EXHIBIT 1**, drawings of the plans and a memorandum of support of the application from Alberta Slattery, Corinth Drive; the shed is approximately 12 feet x 16 feet.

Two Corinth Drive residents spoke in favor of the application; no one spoke in opposition to it, and the public hearing was closed.

Since the applicants are willing to remove the non-conforming shed, they would be reducing the nonconformities on the property, according to Chairman Cozean, who said he would be willing to accept that trade. Commissioner Moore stated it would be a fair trade-off, given the width of

the property and reducing the nonconformity by removing the shed.

Chairman Cozean made the motion to approve the variance for the encroachment to the side yard setback, on the condition that the shed be moved at least 31 feet off the land, so it would be in full compliance; Commissioner Moore seconded the motion and it was unanimously approved.

Vote to approve the variance with the condition passed, 4-0-0.

IN FAVOR: Chairman Cozean and Commissioners Moore, Squitterio and Piggott.

OPPOSED: None.

ABSTAINED: None.

8186+CSP. 57 Middle Beach Road West. Map 15, Lot 21. R-4 District. Owner/Applicant: 57 Middle Beach LLC. Request to vary Secs. 2.17 and 3.9(a) of the Madison Zoning Regulations to allow 35.9 ft. to the critical coastal resources where 50 ft. is required, and 30.28 ft. height where 30 ft. is allowed, to permit construction of a new dwelling.

Attorney Thomas Cronan stated that the Conservation Commission submitted a relatively positive letter about the application; the state Department of Energy and Environmental Protection (DEEP) also submitted a letter, finding no adverse impacts; and there was a favorable letter from the town's health director. Being requested are two variances, one is in the critical coastal resources, where 50 feet is required, the dwelling is currently at 24.9 feet, and it will be moved further away to 35.9 feet, thus reducing that nonconformity. In addition a variance is being sought to allow a height of 30.28 feet, where 30 feet is allowed, and this variance is a four inch average, according to Mr. Cronan. Since variances can be granted when nonconformities are reduced or eliminated, this application will eliminate four nonconformities and improve one, according to Mr. Cronan. Improvement in the nonconformity comes through the critical coastal resource, where the distance is currently 24.9 feet, but will be moved farther away, at 35.9 feet. Madison zoning regulations state that a garage cannot be on the street side, and since about 1957, the current garage has existed at that location, which is presently a nonconformity. An accessory building in the back yard will disappear; when the garage is removed, setback and side yard nonconformities will disappear, and when the new house is built, the east side setback will be eliminated, which is currently a nonconformity. Mr. Cronan stated that he hoped the elimination of the four nonconformities would allow the variance for the four-inch average height and the critical coastal resources distance. Architect John Parker stated that the plans are to create six bedrooms, with two in the attic, having the standard eight-foot ceiling height on the second floor; if a variance were not granted for the four-inch average height, the ceiling height would be below the standard. **EXHIBIT 1** was presented, being two drawings of the exterior elevations of the new dwelling.

While Chairman Cozean stated that he his not comfortable with the four-inch average height, but in terms of improving or eliminating the nonconformities, he could agree with that; in addition, the garage will be removed. One Middle Beach Road West resident spoke in favor of the application, calling it a reasonable solution, specifically in reference to the fact that the house will be moved further away from the critical coastal resource. No one spoke in opposition to the application, and the public hearing was closed.

Chairman Cozean made the motion to approve the variances, with all construction to be

done in conformity with the application, as presented; it was seconded by Commissioner Squitterio and unanimously approved.

Vote to approve the variances passed, 4-0-0.

IN FAVOR: Chairman Cozean and Commissioners Moore, Squitterio and Piggott.

OPPOSED: None.

ABSTAINED: None.

Coastal Site Plan review ~ Chairman Cozean stated the letter from the DEEP shows no adverse impacts, the director of health found the application meets the public health code; and the Conservation Commission still has some concerns about the septic system, but that is in the jurisdiction of the health director, not the Zoning Board of Appeals.

Chairman Cozean made the motion that the Zoning Board of Appeals finds the application, as presented, to be consistent with the goals and policies of the Connecticut Coastal Area Management Act and is to include all reasonable actions to mitigate adverse impact. That motion was seconded by Commissioner Moore and unanimously approved.

Vote to approve the Coastal Site Plan passed, 4-0-0.

IN FAVOR: Chairman Cozean and Commissioners Moore, Squitterio and Piggott.

OPPOSED: None.

ABSTAINED: None.

8187. 41 Liberty Street. Map 29, Lot 134. R-2 District. Owner: Paul Edman; Applicant: Peter Clement. Request to vary Secs. 3.6(a & d), 3.8(b) and 12.6 of the Madison Zoning Regulations to permit a 31.3 ft. front yard setback to proposed addition where 40 ft. is required; a west side yard setback of 10.4 ft. and 15.3 ft. east side yard setback where 20 ft. is required; and west side yard of 14.5 ft. where 20 ft. is required for condenser; and coverage of 1,565 sq. ft. where 1,408 sq. ft. is allowed; all to allow additions to non-conforming dwelling.

Architect Peter Clement presented **EXHIBIT 1**, drawings of plans for 41 Liberty Street. One variance request will be removed, that of the west side yard of 14.5 feet, where 20 feet is required for the condenser, because Mr. Clement stated that it was found to be 20.5 feet, thus meeting the requirements. A two-car garage will be part of the addition. Paul Chagnon is a builder who has been building houses for years, and he will be renovating the structure, according to Mr. Clement. Chairman Cozean stated that he is fine with the house construction and the setbacks, but he was struggling with the addition of the extra coverage. Mr. Clement stated that it is a 24-foot by 22-foot garage, and only an extra 157 square feet, which seems tiny to him.

The challenge is that nonconformity is not being reduced; a shed's coverage will be applied to the garage, so a new nonconformity is being created, according to Chairman Cozean. Zoning Enforcement Officer John De Laura stated that the uniqueness of the lot could be considered in granting the application; it is really a small lot in a R-2 zone; four of the lots on the north side of Liberty Street are all very small lots. Chairman Cozean stated that he could be persuaded, given the uniqueness of this lot in the R-2 zone. Commissioner Moore agreed. Commissioner Squitterio questioned the need for a two-car garage. Chairman Cozean asked what would the square-foot size be, if the garage were reduced to housing only one car, and Mr. Clement stated

it would be 288 square feet in size, versus the 528 square feet proposed.

John Edman of 39 Liberty Street, son of Paul Edman, spoke in favor of the plans and the application. Paul Chagnon stated that reducing the size of the garage to one car would make it difficult for the second car to find a place to park, since there is very little room near the garage to park. Paul Edman, owner of the property, stated that he has lived on Liberty Street longer than anyone else who currently lives on the street, and he spoke in favor of the plans for the site. No one spoke in opposition, and the public hearing was closed.

Chairman Cozean stated he would be willing to approve the application based on the fact that the property is a unique lot in the R-2 zone, and Commissioner Moore agreed. Commissioner Squitterio stated she was concerned that approving a two-car garage on the parcel would have ramifications throughout town, since there are many lots that could make similar requests. It is a valid point, however, every application is unique and each application has to be examined on its own merits, according to Chairman Cozean.

Chairman Cozean made the motion to approve the variance on the basis of the unique characteristics of this lot; it was seconded by Commissioner Moore and unanimously approved.

Vote to approve the variance passed, 4-0-0.

IN FAVOR: Chairman Cozean and Commissioners Moore, Squitterio and Piggott.

OPPOSED: None.

ABSTAINED: None.

Approval of Minutes ~ Feb. 2, 2016

Chairman Cozean made the motion to approve the Feb. 2, 2016 minutes, as submitted; it was seconded by Commissioner Piggott and unanimously approved.

Vote to approve the Feb. 2, 2016 minutes passed, 4-0-0.

IN FAVOR: Chairman Cozean and Commissioners Moore, Squitterio and Piggott.

OPPOSED: None.

ABSTAINED: None.

Adjournment

Commissioner Moore made the motion to adjourn at 8:45 p.m.; it was seconded by Commissioner Piggott and unanimously approved.

Vote to approve adjourn passed, 4-0-0.

IN FAVOR: Chairman Cozean and Commissioners Moore, Squitterio and Piggott.

OPPOSED: None.

Respectfully submitted,
Marlene H. Kennedy
Clerk