

ZONING BOARD OF APPEALS

TOWN OF CLINTON
54 East Main Street
Clinton, Connecticut 06413

MINUTES

Public Hearing
January 18, 2012

Chair Mark Richards called the January 18, 2012 Public Hearing of the Zoning Board of Appeals of the Town of Clinton to order at 7:40 P.M. in the Rose Room of the William Stanton Andrews Memorial Town Hall, 54 East Main Street, Clinton, Connecticut.

Members present: Chair Mark Richards, Secretary George Doerrer, Eileen O'Connor and Alternates Cheryl Church and James Falconer

Members absent: Timothy Brockett, Paul Topitzer and Alternate James Staunton

Also present: Zoning Enforcement Officer Thomas W. Lane (WEO Lane), applicants and a member of the public

Richards:

- **Seated** Falconer for Topitzer;
- **Seated** Church for Brockett;
- **Outlined** the order of the meetings including the voting criteria for the granting of a variance; then,
- Had Doerrer **READ** the Legal Notice of Public Hearing.

ZBA 12-000: 39 Kelsey Road, Dr. Richard Dvarskas (Applicant & Owner). Application for Certificate of Variance of Sections 25.10.8 (Side Setback) and 27.2.1 (Expansion of a Non-conforming Structure) to raise the building and roof and to expand the existing dormer. The lifting of the house is to meet FEMA requirements. Assessor's Map 69 Block 66 Lot 29. Zone: R-10.

Richard Dvarskas presented his application to raise the existing structure to meet FEMA requirements and to expand an existing dormer to allow for a hallway to access a second bedroom without going through the first bedroom. The hardship claimed is the house was built prior to zoning, when zoning came into effect it made the house legal non-conforming and the need to address a privacy issue for the access to the second, second-floor bedroom. There will be no increase to the footprint of the structure as a result of the project as proposed. The damage to the home from Tropical Storm Irene is excessive and cost of the repairs require that the structure be raised to meet the FEMA requirements. While doing the repairs from the water damage, it is practical to address the privacy issue between the bedrooms on the second floor.

Dvarskas addressed inquiries of the ZBA regarding the proposed finished height for the structure and the number of bedrooms. It will be less than the 35' permitted for this zone and the number of bedrooms will not change.

ZEO Lane advised that a variance is not needed to meet the FEMA requirements; only the proposed expansion of the existing dormer needs the variance.

Doerrer **READ** the List of documents received through January 17, 2012. There was no request to have a document from the list read into the record.

There being no testimony or further board inquires or comments, Doerrer **MOVED** to close the public hearing for ZBA 12-000. O'Connor seconded the motion. Discussion: none. Voting in favor: Richards, Doerrer, O'Connor, Church and Falconer. Opposed: none. Abstentions: none. The motion was **carried**, 5-0-0.

ZBA 12-001: 52 Fairy Dell Road, Victor Caprio (Applicant) Christopher Carlisle (Owner). Application for Certificate of Variance of Section 27.2.1 (Expansion of a Non-conforming Structure) for an addition to an existing residence. Assessor's Map 65 Block 51 Lot 94. Zone: R-20.

Applicant, and agent for the owner, Victor Caprio presented the application to put a two-story small addition onto the front of an existing residence. The first floor area will be utilized for a mudroom. The second floor area will be an expansion of an existing bedroom. The hardship claimed is the home was purchased by the present owner prior to the zone change in 2001 which made the house non-conforming as to the setback from the garage to the side property line. No activity proposed with this application will intrude into a setback. The addition will be a fill-in of an existing porch area and will not go beyond the footprint of the present structure. There will be no increase in bedrooms.

At the request of O'Connor, Richards **READ** the following documents into the record:

1. January 11, 2012 Memo from Arnold to the Homeowner; and
2. January 11, 2012 Memo from Arnold to the ZBA.

The ZBA and ZEO Lane discussed the implications from the health department memos, that should there be a failure of the existing sanitary septic system, the system will have to be replaced. No repair will be allowed. It was noted that although this house is not hooked up to city water, it is available to this lot should the property owner need to hook-up to it.

Doerrer **READ** the List of Documents received through January 17, 2012. Prior to the reading of the list, there was a request to have the January 11, 2012 Memos from Arnold read into the record and they were read at that time.

Eileen Schrempp, 53 Fairy Dell Road, Clinton, Connecticut, expressed her concern for the possible increase in the use of the existing septic system in view of a past failure. She was satisfied that the health department is aware of past septic issues and there is a plan in place should there be a failure of the present sanitary septic system.

There being no further testimony or further board comments, Falconer **MOVED** to close the public hearing for ZBA 12-001. O'Connor seconded the motion. Discussion: none. Voting in favor: Richards, Doerrer, O'Connor, Church and Falconer. Opposed: none. Abstentions: none. The motion was **carried**, 5-0-0.

There being no further business, Falconer **MOVED** to adjourn the public hearing. O'Connor seconded the motion. Discussion: none. Voting in favor: Richards, Doerrer, O'Connor, Church and Falconer. Opposed: none. Abstentions: none. The motion was **carried**, 5-0-0. The public hearing was **adjourned** at 8:10 P.M.

Respectfully submitted,
Sherry Lee Hynes
Sherry Lee Hynes, Clerk

E-mail: Town Clerk
Website
Board of Selectmen