

ZONING BOARD OF APPEALS

TOWN OF CLINTON
54 East Main Street
Clinton, Connecticut 06413

MINUTES

Virtual Regular Monthly Meeting
April 21, 2021

Chairman George Doerrler called the April 21, 2021 Virtual Regular Monthly Meeting of the Zoning Board of Appeals of the Town of Clinton to order at 7:00 P.M.

Members Present: Chairman George Doerrler, Secretary Andrew Richards, Bertram Schmitz, Dennis Irmischer, Laurie Jaffe and Alternates Tom Shultz (arrived at 7:03 P.M.), Maureen Noonan and Dylan Walter (arrived at 7:07 P.M. and left at 7:45 P.M.)

Members Absent: None

Also Present: Zoning Enforcement Officer Kathleen S. King (ZEO King), Zoning Board of Appeals' Clerk Sherry Lee Hynes and an applicant

Chairman Doerrler outlined the order of the public hearing and the criteria for the granting of a variance; then, had Secretary Richards **READ** the Legal Notice of Public Hearing into the record.

Shultz arrived at 7:03 P.M. and Walter at 7:07 P.M. during the reading of the Legal Notice of Public Hearing.

ZBA 21-004: 22 Rocky Ledge Drive, Brian Norman (Applicant & Owner). Application for Certificate of Variance of Sections 26.11.8 (side setback- x 2), Section 26.11.14 (maximum ground coverage) and 29.2.1 (expansion of a non-conforming structure) for 26' x 36' garage addition and 5' x 14' breezeway. Assessor's Map 30 Block 22. Lot 23. Zone: R-20

- Public Hearing
- Deliberation & Decision

Brian Norman presented his application for a breezeway and garage with living space above. The proposed use of the area above the garage will be for a half-bath and bonus room. There will be no direct access from the area above the garage to the residence. No bedroom is proposed. He noted that at some point there was a fire that destroyed the then breezeway and garage which was 10 feet from the property line. He submitted a site plan dated October 15, 1997 which showed a concrete pad adjacent to the residence and the remains of a foundation. He assumes this was the breezeway and garage. There were no records of these

ZBA Minutes
Virtual Regular Monthly Meeting
April 21, 2021

structures in the Land Use Office. There are no records at the fire department of the fire. It was suggested that he research the assessor's records to see if there is anything to support the existence of the breezeway and garage, and when they were destroyed by the fire. The hardship claimed was there was a garage and breezeway at some point 10 feet from the property line, the residence is small and more space is needed for family and social gatherings, the placement of the residence on the lot, and the location of the sanitary septic system to the rear of the residence.

In response to most members' concern for the proposed side setback at 4.6 feet in a zone where 20 feet is required, he offered to eliminate the breezeway to bring the garage to 9.5 feet from the side property line. Some members were concerned that it would still be too close to the property line and would not allow structure maintenance requiring use of a ladder to be performed without intruding on the abutting property.

In response to some member concerns for the size of the proposed garage (larger than the footprint of the house), he felt that he needed this size to accommodate his vehicles. He reluctantly offered to very slightly reduce the size of the garage. Some members felt the size of the garage reduction was not enough.

In response to member concerns that the bonus room could become an accessory apartment, ZEO King advised the zoning definition for an accessory apartment is a full-size kitchen, bathroom with room for bathing and a bedroom. Norman advised he will not be using the room for an accessory apartment.

In response to an inquiry on the sizes of the primary and secondary structures, ZEO King advised that there is no zoning regulation that says that the secondary structure cannot be larger than the primary structure.

In response to an inquiry on ground coverage, it was noted that reduction or elimination of the breezeway and reduction of the footprint of the garage will reduce the proposed ground coverage.

Members raised concern that the hardships claimed are "personal" hardships as opposed to unique hardships related to the land for this site, which type of hardships, by State Statutes, are needed to be proven in order for a variance to be granted.

It was suggested that the applicants consider the Board's concerns and revise the project to make it as compliant to the zoning regulations as possible.

ZBA Minutes
Virtual Regular Monthly Meeting
April 21, 2021

Richards **READ** the following document into the record:

1. List of Documents received through April 20, 2021. There was no request to have a document from the List read into the record;

Doerrerr **READ** the following documents into the record:

2. April 20, 2021 Fire Marshal Report; and
3. April 21, 2021 Corrected Letter from the Connecticut River Area Health District.

There was no rebuttal to the comments.

No members of the public were present to testify.

Schmitz **MOVED** to **CONTINUE** the public hearing to the Virtual Regular Monthly Meeting on Wednesday, May 19, 2021, at 7:00 P.M. Irmscher seconded the motion. Discussion: None. Voting in favor: Doerrerr, Richards, Schmitz, Irmscher, and, Jaffe. Opposed: none. Abstentions: none. The motion was **carried**, 5-0-0. Alternates Schultz, Noonan and Walter were not seated.

Bills & Correspondence. None.

Minutes. Jaffe **MOVED** to accept and approve as presented the Minutes of the March 17, 2021 Virtual Regular Monthly Meeting. Schmitz seconded the motion. Discussion: none. Voting in favor: Doerrerr, Richards, Schmitz, Irmscher, and, Jaffe. Opposed: none. Abstentions: none. The motion was **carried**, 5-0-0. Alternates Schultz, Noonan and Walter were not seated.

Old/New Business.

- **Proposed Regional Plan of Conservation & Development.** There will be a ZOOM Meeting on April 26, 2021, at 7:00 P.M. on the proposed plan prepared by the Lower Connecticut River Council of Governments. Details were sent to members via e-mail prior to the meeting.
- **Member Education.** Jaffe asked for training. ZEO King will contact Town Manager Kilduff for authorization to ask town counsel to come to a future meeting.

Walter left the meeting at 7:45 and did not return.

Chairman's Comments. None.

There being no further business, Irmscher **MOVED** to adjourn the meeting. Schmitz seconded the motion. Voting in favor: Doerrerr, Richards, Schmitz, Irmscher, and, Jaffe. Opposed: none. Abstentions: none. The motion was **carried**, 5-0-0. Alternates Schultz, and Noonan were not seated. Alternate Walter

ZBA Minutes
Virtual Regular Monthly Meeting
April 21, 2021

was not present. The meeting was **adjourned** at 7:48 P.M. to the May 19, 2021
Virtual Regular Monthly Meeting.

Respectfully submitted,
Sherry Lee Hynes
Sherry Lee Hynes, Clerk

E-mail: Town Clerk
Town Manager
Posted: Website