

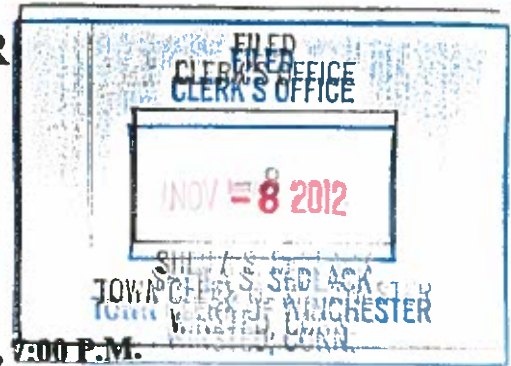


**TOWN OF WINCHESTER
CITY OF WINSTED
ZONING BOARD OF APPEALS
MINUTES**

Town Hall, 338 Main Street
WINSTED, CONNECTICUT 06098

October 23rd, 2012

**P. FRANCIS HICKS ROOM, SECOND FLOOR, 7:00 P.M.
TOWN HALL, 338 MAIN STREET**



The Zoning Board of Appeals met in the P. Francis Hicks Room.

The meeting was called to order by Chairman Richard Nalette at 7:03 p.m. The following members answered roll call: Richard Nalette – Chairman, Ronald Dew, John Massicotte, David Villa and John Pollack. Ray Winn was absent excused. Zoning Enforcement Officer Marc Melanson was present.

- John Pollack-seated as a regular member.

Item 3. Explanation of Procedure

Item 4. 7:00 P.M. Public Hearings – Variance Applications & Decisions

New applications: Held over from last month.

12 -5113 - Request for variance from section 4a.2 for a front yard setback, side yard setbacks, a rear yard setback, and lot coverage for the property at 722 Lake Dr. for Matthew Closson.

Applicant: **Matthew Closson**

Mailing Address: **609 East Wakefield Blvd, Winsted, Ct. 06098**

Property Address: **722 Lake Dr.**

- M. Closson-representing owner, they would like to make a seasonal cottage and old garage and demo that to make a year round home on the property. We are proposing moved the home back 9 feet and centering it on the property.
- R. Nalette-the existing garage is coming down correct?
- M. Closson-yes.
- R. Dew-did you say the lot coverage was pretty much a wash?
- M. Closson-the additional lot coverage we are looking for is the garage and the front porch. The house structure and the breezeway add up to the existing lot coverage. We are asking for an additional 15%.
- R. Dew-after everything is built how will they get equipment down to work on the waterfront?
- M. Closson-a mini excavator and we have permission to go onto 720 Lake Dr as long as we restore what is there.
- J. Massicotte-what is the existing sq footage of the cottage?
- M. Closson-it is a seasonal 26 x 40 cottage.
- J. Massicotte-and the hardship for going to extravagantly and big?

- M. Closson- The garage is 32 feet deep. They are losing the garage by the road. We are open to suggestions if we need to downsize the garage.
- J. Massicotte-what is the total sq footage including the garage.
- M. Closson-2,722 sq ft. That is the house, the porch, the garage, it's everything. Currently there is 1,572 sq ft.
- J. Massicotte-so that doesn't include the second floor or the basement?
- M. Closson-the second story is a loft area, the two walk outs in the basement will eventually be finished.
- J. Pollack-do you know what the difference in the sq ft of the existing cottage and the proposed plans.
- M. Closson-the basement area that will be finished eventually is approximately about 900 sq ft, the main level, kitchen area will be about 1,368 including the breezeway, and the loft (master bedroom) is about 400 sq ft, totaling approximately 2,750. The screen porch is about 288 sq ft and the garage is 896 sq ft.
- R. Dew-how did you come up with 40' front yard setback?
- M. Melanson-it is a narrow street so you have to take the difference from the actual width of the road and 50 feet. The road is 20 feet wide, take the 20 from 50 giving you 30 add it to the 15 making it 65.
- J. Massicotte-how far back is the house from the property line.
- M. Melanson-the proposed house is 25.6 feet.
- J. Massicotte-if I added up everything correctly I come up with about 4,000 sq ft.
- M. Closson-the actual foot print is only 2,722.
- R. Dew-what was the hardship again?
- M. Closson-they would like to have a two garage because of the ease and access to it. The centering of the proposed house favors the other neighbors.
- R. Nalette-read for record 720 Lake Dr, they would prefer the house be built 10 feet from their property line versus the proposed 5 feet. Signed Pat & Wayne Wald.
- No public comment.

DECISION: Motion by J. Massicotte to grant variance application number 12-5113, from section 4a.2 for a front yard setback variance of 40', a rear yard setback variance of 9', an East side yard setback variance of 30', a west side yard setback variance of 32' and a lot coverage variance of 21%, for the purpose of building a 44'x 28' three story house with a 12'x 20'6" one story mudroom, a 28'x 32' one story garage, a 24'x 12' screened porch and a 4'x 8' covered porch with stairs, per the submitted drawings, for the property located at 722 Lake Dr. Second by R. Dew. Vote: RD, JM, JP, RN, DV (opposed) – motion failed. Commission-agrees it is too large and also doesn't leave room to repair sewer lateral.

Reason: In appropriate size.

12 -5114 - Request for variance from section 4a.2 and 3.11 for a front yard setback, from section 4a.2 for side yard setbacks, a rear yard setback, and lot coverage for the property at 730 Lake Dr., Able Sentry Limited.

Applicant: Able Sentry Limited

Mailing Address: c/o P/H Architects, 38 Taunton Hill Rd., Newtown, Ct. 06470

Property Address: 730 Lake Dr.

- David Logan P/H Architects representing applicant.
- Surveyor-John Dicara
- Builder-Gary Beecher
- Statement read by D. Logan in behalf of owner Mr. Southergill. Also noted was letters of support from 3 neighbors. Provided letter from Kevin O'Donnell and email from
- D. Logan-we are requesting 4 variances.
- J. Massicotte-the proposed garage is 40 feet from the road/property line.
- D. Logan-it is 33.5 feet.
- J. Massicotte-where did you come up with that?
- D. Logan-the measurement is perpendicular from the road.
- J. Massicotte-the measurement is supposed to be from the property line not someone else's.
- D. Logan-the total area of the property is 12, 220 sq ft for the lake side of the property.
- D. Logan-they are legally defined as two separate parcels of land.
- J. Massicotte-the front corner of the proposed garage the front yard setback variance is 34.5, do you take that to the corner of their property line or the road.
- M. Melanson-to the road.
- J. Massicotte-so even if the road is someone else's property you go through someone else's property.
- M. Melanson-yes otherwise they have to go with their property line which is 40 feet. You draw a perpendicular line to it and measure off it.
- J. Massicotte-the variance for the 12.5 is that going to the proposed sand area or to the lake.
- D. Logan-that is going to the lake.
- J. Massicotte-so it will be going to the edge of concrete boat ramp.
- D. Logan-yes. We will be building in the same location as the existing cottage and then extending back towards the road.
- J. Pollack-how many sq ft is the new house.
- D. Logan-the first and second floor area is 3200 sq ft, we have 1374 sq ft as internal finished living area on the first floor with a garage of 378 sq ft. The screen porch along with the front entry porch is a total of 480 sq ft and the open deck are area of 158 sq ft. Totaling 2392.
- J. Pollack-what is the sq ft of the existing house.
- D. Logan-1208 sq ft. The existing site coverage is 10% and we are asking 19.6%
- D. Logan-we are working with a very tight lot that is oddly shaped with quite a bit of acute angles and our buildable are is very tight on this lot. It is a very charming house and will have a lot of value to the lake.

Public Comment

- Mr. Brandolini-734 Lake Dr-commented that it is a nice looking house and has no issue with it.
- Norman Southergill-650 E. Wakefield Blvd-I would be happy to see them build this

Motion: by R. Dew to grant variance application number 12-5114, from section 4a.2 for a front yard setback variance of 34.5', a rear yard setback variance of 12.5', an East side yard setback variance of 16', a West side yard setback variance of 23' and a lot coverage variance of 4.6 %, for the purpose of building a 72'x 38'6" two story house with a walk out basement, with a 15'2" x 14' deck with stairs, per the submitted drawings, for the property located at 730 Lake Dr. , second by J. Massicotte. Vote: RD, RN, DV, JM one opposed JP-motion passes.

Reason-reasonable request.

#12-5115 Request for variance from section 4.2 west side yard setback for the property at 88 Wallens St. Carol Crossman.

Applicant: Carol Crossman

Mailing Address: 88 Wallens St, Winsted, Ct. 06098

Property Address: 88 Wallens St.

- Property owner-Carol Crossman-present-I would like to replace a canvas carport with a metal carport. The carport requires a level location; I am requesting a variance for the West side of the property. I had a survey done and I sent that to the town. The hardship is the layout of the land.
- R. Dew-I have two surveys, one is the proposed and one is the current.
- J. Massicotte-will it be open like the other one.
- C. Crossman-yes
- No public comment

Motion: by J. Massicotte to grant variance application number 12-5115, from section 4.2 for a West side yard setback variance of 8.5', for the purpose of putting up a 22'x 22' metal carport, as per the submitted drawings, for the property located at 88 Wallens St., second R. Dew. Vote: RD, RN, JP, DV and RM-motion passes.

Reason-reasonable request.

#12-5117 Request for variance from section 4.2 east side yard setback for the property at 41 Lewis St. for Sally Chesney.

Applicant: Sally Chesney

Mailing Address: 41 Lewis St, Winsted, Ct. 06098

Property Address: 41 Lewis St.

- Sally Chesney-property owner present. (can't hear applicant)
- J. Massicotte-are there any stairs coming off the deck?
- S. Chesney-yes in this area here, referred to plan.
- No public comment.

Motion: by R. Dew to grant variance application number 12-5117, from section 4.2 for an East sideyard setback variance of 22'6", for the purpose of building a 38.1'x 12' deck on the rear of the house with a 32.5'x 10' deck on the West side of the house, as per the submitted drawings, for the property located at 41 Lewis St, second by J. Massicotte. Vote: RD, JP, RN, JM and DV-motion passes.

Reason-reasonable request.

Item 5. Approval of Minutes for May 22nd, and August 28th, 2012.

Motion: by J. Massicotte to accept minutes as presented, second by D. Villa. Vote: all in favor-motion carries unanimously.

Item 6. Old Business

Item 7. New Business:

- A. John Noone, 21 Fairview Ave., Request for waiver of fees.
- J. Noone present-can't hear applicant-the only set back needed is from the neighbor I am requesting a waiver because my neighbor is in favor of it. Plus my backyard has always been a backyard and not a front yard for years. I brought a copy of the letter from the neighbor and a copy of the plans.
 - R. Nalette-we are not here to hear any part of your application from what I understand we are here to waive the fees when you do make an application. I didn't know it was on our application form that we could waive the fee. In my mind we spend a lot of money on that application with notices and registered mail therefore, I would not be in favor of doing that.
 - R. Dew-when he make his application and gets to that point, we will still have to send out the notices assuming he still would need a variance.
 - D. Villa-you are asking this panel to waive an application fee on something yet to exist. Anything that comes before this panel has an expense I think it is a bad president to set.

Motion: by R. Nalette not to grant a waiver of the fees, second by D. Villa. Vote: RD, RP, JM, RN and DV-motion fails.

Reason-unreasonable request.

- D. Villa-I don't know how you can make a motion on something that really doesn't exist.
- R. Nalette-if we don't make a motion then how do we deal with it then.
- D. Villa-can I offer a suggestion that you review it upon the application of a variance at that point. You are still going to incur the same expense.

- Item 8. Bills Presented
- Item 9. Correspondence
- Item 10. Discussion w/ZEO, if any
- Item 11. Adjournment

Motion to adjourn at 8:30 p.m. by R. Nalette. *Second* by J. Massicotte. **Vote: all in favor - motion carried unanimous.**

Respectfully Submitted,

Rhonda Roy
Minutes Secretary, Zoning Board of Appeals

PLEASE CONTACT THE BUILDING DEPARTMENT AT 860-379-3818, IF MEMBERS CANNOT ATTEND