

TOWN OF WINCHESTER – CITY OF WINSTED
Town Hall – 338 Main Street
WINSTED, CONNECTICUT 06098

*Minutes of Meeting
Zoning Board of Appeals
March 24, 2009*

FILED
CLERK'S OFFICE

MAR 31 2009

SHERA S. SEEDACK
CLERK OF TOWN OF WINCHESTER

The Zoning Board of Appeals met in the P. Francis Hicks Room. The meeting was called to order by Chairman Nalette at 7:05 p.m. The following members answered the roll call: Richard Nalette-Chairman, Ronald Dew, John Massicotte, Ray Winn, Susan Lange, Alternate Michael DeClement, and Zoning Enforcement Officer Marc Melanson. Alternate Michael Fox was not present.

R. Winn excused himself momentarily at 7:06 p.m. and Chairman Nalette seated M. DeClement for the first application.

Item 3. Explanation of Variance Procedure:

Chairman Nalette explained the ZBA meeting procedure to the applicants and the audience members.

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

New Applications:

#09-5065 Request for Variance from section 4a.2 front yard set back at 55 Overlook Road for Jeffrey D. Liskin and Robbin M. Liskin.

Mark Jones, Attorney and Jeffrey Liskin were present this evening. The Certification of Notice was submitted to M. Melanson

Attorney Jones said that the application had a photocopy of a survey by Peter Keefe. He is submitting an original this evening for the record which shows precisely what is on the print and some calculations that are now done by the engineer.

The property is located in the HLD zone however it is not at Highland Lake but located off Winchester Road. It is a single family residence built in about 1937 and the lot measures approximately 160 x 200 feet deep. What is being proposed is removing the existing one car garage and replacing it with a 12' x 12' mudroom with an attached 24' x 36' garage. It is a modest proposal that requires only one variance and that is the frontyard setback variance of 16 feet to allow the construction of the garage. The result would be that the garage will be 34 feet off the front property line and the existing house is closer to the road than the new garage would be. The house is approximately 27 feet from the road so the garage is less non-conforming than the existing already is. The proposed location of the garage is the most feasible given the topography of the lot and existing improvements on the lot. The Property slopes fairly significantly from left to right or north to south so the south side of the house is not appropriate for the project and also given the current layout of the house this is the only alternative. He said that with respect to the depth from the road it is not feasible to move it back given the existing septic field which is located to the East of the house.

Attorney Jones said that what is being asked for in his opinion is clearly supported by a number of cases that the ZBA has previously approved and for the record he submitted similar variances that have been granted.

He continued that this really has no impact on the neighbors, this is not a congested area and the lots are quite open. For all of the reasons cited they asked that they grant the frontyard setback variance.

ZBA

J. Massicotte asked if the front porch is included in the variance. M. Melanson said that it is already existing. It is existing as legal non-conforming. J. Massicotte asked what the hardship is for moving garage closer to the road than the current garage stands. Attorney Jones said that the location was chosen because it met as closely as it could the current layout of the existing house. Mr. Liskin said aesthetics. J. Massicotte asked if there was going to be full attic above the garage and asked if the mudroom would be one story. Mr. Liskin said it is one story.

Chairman Nalette called for Public Comment.

There was none

Chairman Nalette closed the Public Hearing.

Motion made by R. Dew and seconded by J. Massicotte to grant variance number 09-5065, from section 4a.2, for a Frontyard setback variance of 16 feet, for the purpose of building a 12' x 12' mud room, and a 24' x 36' one story garage, as per drawings submitted, for the property located at 55 Overlook Road.

Discussion: M. DeClement said that he recalls from the past that when there is a breezeway between the house and the garage that it opens up the possibility of the garage becoming a dwelling. M. Melanson said no because then it becomes a two family. M. DeClement said that if there is open space it is a non issue but if you connect those then it opens up the possibility to become a dwelling. M. Melanson said that it could become part of the house but as a separate apartment or anything like that it is illegal according to the Zoning Regulations.

All in Favor. Unanimous. Motion passes.

Reason: Reasonable Request.

R. Winn rejoined the meeting at 7:19 p.m. Chairman Nalette reseated R. Winn and M. DeClement returned alternate.

#09-5066 Request for Variance from section 4a.2 side yard set back at 358 East Wakefield Blvd. for Mary G. Trefry.

Attorney Mark Jones and Robert Trefry were present representing Mary G. Trefry this evening. They submitted the Certification of Notice to M. Melanson.

Attorney Jones said that property is a single family residence on a parcel which is 1.08 acres. As the Commission can see from the survey it is a very irregular shaped lot and the existing house is located in a very narrow part of that lot. They are proposing to remove an existing small deck and construction of a new 11' x 24' addition with a small attached deck of 6' x 10'. The kitchen now is very narrow and not very functional and this addition is for the purpose of increasing the size of that kitchen and that's why it is located where it is. They are looking for a sideyard variance of 23.1 feet. No other variances are required. He said that given layout of lot it is impossible to satisfy the 35' sideyard setback requirement and the house being located in the narrow section of the lot the sideyard simply cannot be met.

By way of support Attorney Jones provided copies of 6 or 7 different variances similar to what is being asked for. They also have letters of support from two abutting neighbors. He said that the house is well below the level of Wakefield Boulevard and will have no impact on neighbors or those above Wakefield Boulevard. They believe this is a modest request.

Chairman Nalette asked if both abutting properties are in Trust. Mr. Trefry said yes. R. Winn asked who lives on the properties. Mr. Trefry said that on the one side the sister and brother are both there part time and Sheila Houlihan herself is at the other trust. Attorney Jones said that the certified notices went out to both Carol and Michael.

Attorney Jones said the side that this is being proposed the distance is approximate 66 feet so there is a substantial open space between the subject property and the next house.

J. Massicotte said the survey map shows it as a one story drawing but it is a full walk out basement with the full deck. And is the addition going to be two story--basement plus first floor. Mr. Trefry said yes. Mr. Trefry also showed the Commission on the map where the galley kitchen is now and where it will be located in the addition as well as the deck. J. Massicotte said that in the comment section it says they use a well with the existing neighbor. Mr. Trefry said that there is a well head and in the deed it says it is a shared well but he doesn't believe anyone has used it in a long time. J. Massicotte asked if it is a walk out basement. Mr. Trefry said no that there is a window but there is not walk out.

J. Massicotte asked what the hardship is. Mr. Trefry said that there is no other way to do this keeping within the bounds of the house and makes it so they can have a functional kitchen. Attorney Jones said that it is an acre of land but due to the odd shape of the lot they cannot meet the sideyard requirements.

M. DeClement asked what they plan to do with the Hemlocks. Mr. Trefry said that one has to come out. There was a brief discussion on this.

Chairman Nalette called for Public Comment.
There was none.

Chairman Nalette closed the Public Hearing.

Motion made by J. Massicotte and seconded by S. Lange to grant variance number 09-5066, from section 4a.2, for a Northeast sideyard setback variance of 23.1 feet, for the purpose of building an 11' x 24' one story addition, with a walkout basement, and a 6' x 10' covered front deck, as per drawings submitted, for the property located at 358 East Wakefield Blvd.

*In Favor: R. Dew, R. Nalette, J. Massicotte and S. Lange. Opposed: R. Winn
Motion passes.*

Reason: Reasonable Request.

Item 5. Approval of Minutes of February 24th, 2009

Motion made by J. Massicotte and seconded by R. Dew to approve the minutes of February 24, 2009

All in Favor. Unanimous. Motion Passes.

Item 6. Old Business:

None

Item 7. New Business:

M. DeClement said he would like help in pursuing the 10.6 zoning regulation. Chairman Nalette said that he will help and will try to involve other Commissioners as well if possible.

Item 8. Bills Presented

*Motion made by R. Winn and seconded by R. Dew to pay the clerk 2.5 hours.
All in Favor. Unanimous. Motion Passes.*

Item 9. Correspondence

None

Item 10. Discussion w/ZEO, if any:

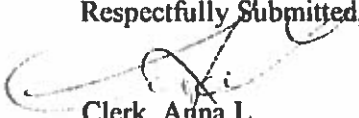
M. Melanson said that Planning & Zoning is working on changing regulations and they will soon have updates in regulations. He said one thing they have done is remove 4.7. M. DeClement asked what it means if 4.7 is gone. M. Melanson said that can't do any housing projects such as Wallens Hill and Clockmakers. He said that instead of using the size lots that they have now they can reduce them and use the additional for open space. They got rid of it for now because they want to rewrite it. No effect on anything that has already been through. He said that right now regulations are being changed in certain areas and certain sections are out or changed but they are not being changed in books and doesn't believe that the website has been changed either. He said that they cannot be giving out the Zoning Regulations books at this point because they are not updated.

Item 11.: Adjournment:

Motion made by R. Nalette and seconded by R. Winn to adjourn at 7:41 p.m.

All in Favor. Unanimous. Motion passes.

Respectfully Submitted,



Clerk, Anna L.