

# Zoning Board of Appeals

## Branford, Connecticut 06405

### Minutes

The Branford Zoning Board of Appeals meeting of January 15, 2019 was called to order at 7 pm by Chairman James Sette. Also attending were David Laska, Leonard Tamsin, Brad Crerar and Donald Schilder. Absent Peter Berdon, Barry Beletsky and Anthony Beccia.

19/1 – 1. Chris Morley, (Owner)/Stephen Perdo (Applicant), 146 Cedar Street (D 6/7/3 MF) Var. Sec. 3.4.A – Line 5: Front setback from 50 ft. to 38 ft. and Line 6: Side setback from 50 ft. to 38 ft. to replace front steps and canopy with new steps and porch. Also, Waiver of Sec. 8.1.C – Line 3: Enlargement of nonconforming structure.

The applicant requested that the hearing be continued so on Jim Sette's motion and David Laska's second, the hearing was opened and honored the request to continue to February 19, 2019.

### Old Business

18/12 – 3. Patricia Pearson, 10 Tyler Avenue, Attorney Marjorie Shansky represented the applicants who had applied for a prior variance in 2016 which was denied so they modified their design to lessen the nonconformity on the north side of the existing house and are requesting another chance to expand their very small older house on an irregular shaped lot which will be razed. The new house would meet the requirements along the south side making it in compliance and therefore less nonconforming. Two abutting neighbors represented that the house was too large for the property.

Atty. Keith Ainsworth represented the Lepers, and claimed that if the lot was vacant, denying a variance would be rendering the property unbuildable, however there are already two habitable home on it, therefore that eliminated that hardship and although it appeared that they were becoming less nonconforming with the design of the new structure, he felt that they were actually expanding the nonconformity by extending the line of the house to allow building the new area. He also, pointed out that there is already another house on the property which would be forbidden in the current regulations.

Bill Kusterer, abutting on the other side, was concerned about the seawall and felt that the high water mark they were using in their calculations was wrong and if corrected would eliminate some of the buildable area. He also requested that they consider doing construction in the off season.

During rebuttal Atty. Shansky explained that the square footage of both houses had already been added and were less than the bulk issue required and that other house preceded the passing of the Zoning Requirements and was therefore grandfathered in. In regards to the high water mark dispute, the engineer explained that they would still be compliant under the bulk requirement. He further explained that all safeguards to protect the Sound will be taken during construction.

David Laska was also concerned about the size of the house, inasmuch as it was about triple the size of the original one, however it was pointed out that no bulk variances were required, and it was simply that the original house was so undersized that made it made the proposed house seem so large. In the packet Atty. Shansky provided it showed that there were other homes in the area about the same size.

James Sette made the motion to grant the variance and on a second by Brad Crerar, the application was granted 5/0 with Leonard Tamsin, David Laska and Donald Schilder in agreement.

18/12 – 1. The Peter Hentschel Revocable Trust/ Peter Hentschel Trustee, 30 School Street, The house is situated set back from the road because there is a good deal of wetlands located throughout the middle of the property. There is a large septic system area adjacent to the house, leaving little suitable area for the proposed garage. Because School Street is a narrow street where a larger setback is required it would push the garage into the middle of the wetland area and there is little room to build anywhere without a variance. Atty. Robert Harrington entered a brief which explained that due to there being a ROW (Seastrand) where cars are currently parked on a gravel/sandy area a garage located there would still require variances. The property is large, but because there is also a septic system to contend with anywhere else that could be possible locations would require variances as well. He entered four letters of support from neighbors in favor of the application as well as an elevation diagram showing features of the building.

Opposition: Linda Reed a neighbor explained that having talked to neighbors who were concerned about flooding in the area and she, having credentials working in wetlands and having been involved in the Stony Creek Zoning Board, was there representing their concerns as well as her own. Because this is a Historic District, she was upset that the garage would be used for storage of antique and the structure would be detrimental being located directly on School Street. She also expressed concerns that because the Hentschel property was located downwards from the neighbors, the addition of the garage would impede drainage and runoff causing flooding throughout the area. She also addressed the lack of hardship because there were other locations where the garage could be located, one of which was already being used for parking on a gravel area.

Rebuttal: Atty. Harrington advised the Board that the use of the garage was not an issue and that no matter where they had tried to locate the garage, the fact that there was vast wet land area this was the best location and showed on a neighborhood location map that there were many other properties that had similar garages on their properties. In addressing drainage he called attention to the fact that there were several catch basins along School Street that were capable of catching run off from the higher levels and inasmuch as the Wetlands Commission will be hearing the application the issue is not the venue of the Zoning Appeals Board. He reiterated acquiring a variance was the first step required prior to applying for an Inland-Wetlands hearing. On a motion to grant by Jim Sette, second by David Laska the variance was granted 5/0 with Leonard Tamsin, Brad Crerar and Donald Schilder in agreement.

The Minutes of December 18, 2018 were voted to accept by James Sette, David Laska, Leonard Tamsin and Brad Crerar.

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Mary Leigh Bianchi