

# Zoning Board of Appeals

## Branford, Connecticut 06405

### Minutes

The Branford Zoning Board of Appeals meeting of January 21, 2020 at the Community House, 46 Church Street on was called to order at 7 pm by Chairman James Sette. Also attending were ZEO Jaymie Frederick Peter Berdon, Leonard Tamsin, David Laska, Brad Crerar and Donald Schilder and Barry Beletsky. Absent: Bud Beccia.

20/1 – 1. 19/11 – 2. Sonya Kallapodhi, Owner (aka Sonya Gluzman)/Nikola Kallapodhi, Applicant, 34 Oak Hollow Road: Heard at the November meeting when a variance was granted, however a typo was discovered in the Decision Notice at that time. The variance request was for Front setback from 30 ft. to 25.4 ft. and due to a typo it was shown as 25.9 ft., therefore for housekeeping purposes the Board discussed the application and Brad Crerar made the motion that it should be granted to 25.4 ft. based on the original hardship. Jim Sette, second that motion with Leonard Tamsin, Barry Beletsky and Peter Berdon also voting in favor.

20/1 – 2. Ellen B. Sikel and Theresa J. Sikel, 161-165 Leetes Island Road: Mr. Anderson, civil engineer representing the applicant needs a variance for stairs with a landing to access an accessory apartment in an existing structure and also for two dormers. He explained that the present structure is entirely within the rear setback and anything done would require a variance. This building replaced the original barn in 1999 and during discussion the question arose as to when the original barn that this one replaced was built. Also, if there were any conditions on the variance granted to build the new one, pointing out that many times a variance is granted conditioned on there not being human habitation and if the original owner accepted that condition, it would prohibit an accessory apartment. Mr. Anderson decided to postpone rather than the application be denied and Peter Berdon suggested that the Board would like to see the SF Area of the entire building and what the dimension of the building line is as well as what the hardship was in granting the variance in 1999, since there didn't seem to be one now. **Postponed to February 18, 2020.**

20/1 – 3. ALMR LLC, Owner/David D'Atri, Applicant, 4 Three Elm Road: The applicant Mr. D'Atri explained his wishes to modify existing decks/balconies and to add on a two story addition within footprint of existing porch built in 1870 (which is to be removed). This building was planned originally three years ago, and in January went for variances which were granted, however there were no green card as proof of mailing submitted so in February the variances were rescinded and it was decided to put it on hold while septic system issues were addressed. An entirely new septic system has been upgraded and installed presently, however now because FEMA requirement are involved the plans are quite different that those three years ago.

His Architect Bill Causley explained that in order to be FEMA Compliment, a great deal of storage space will be lost so the proposed construction of a 16'x16' addition attached to the existing structure is requested to store electric service and mechanical equipment such as boilers and laundry equipment. There were several plans showing the design of the building with some

balconies that will be removed and replaced with longer ones and described the structure to be cedar shingled with verticle board above and a metal roof with an overhang to protect the new cantilevered balconies. Also, there will be ample parking. Letters in support were entered as exhibits #1: Peter Krusturer. #2: Tom Coval, #3:Mr. Collopy, also #4: the applicant Mr. D'Atri and # 5: Mr. Stevens, Civil Engineer. Mr. D'Atri stated that the hardship is basically that due to the costs of improvements, the building must be improved to be FEMA compliant causing the loose of over 3,000 SF of storage space.

**Opposition:** Barbara Chisler of 8 Three Elms Road asked about the size of the replacement balcony nearest her home sensing that it would be larger. Although the length of the new balconies are increased to 7 ft. in length, they will remain as they currently are at 4.7 ft. from the road. Mr. D'Atri explained that they were eliminating several balconies. She had questions concerning the septic system and also the retaining wall and was told that it was not the preview of the ZBA, those will go before the Planning and Zoning Commission for hearings where they will be addressed. She also questioned the hardship, but that had been addressed in the reasons that more storage area was necessary because he needed to adhere to FEMA regulations. She did agree that the building was a much better design. A similar proposal was heard in January 2016 and was approved, however there was a problem with noticing, so in February, 2016 the variance was rescinded. This current plan is brand new and a much better design so was worth the wait.

**In rebuttal,** Mr. D'Atri explained that he has already gone through the State, Town and Historic Commissions have met all their requirements and to be compliant with FEMA all utilities must be raised which makes it imperative to allow storage of those elsewhere. There was a question concerning how many units would be included in the plan and Mr. D'Atri said he was hoping to keep it at the current 7, however the plans show 6 units and Jim Sette explained that the Decision Notice states that the 'as built' be consistent with the documents and site plan in the file which would hold it to 6 units. On the motion by Jim Sette to approve and a second by Jim Sette and on a second by Brad Crerar, Peter Berdon, Barry Beletsky and Leonard Tamsin voted to **grant the variance 5/0.**

In addressing the Coastal Site Plan review with a letter in the file from Thomas Stevens, Civil Engineer, which explained the process to the satisfaction of everyone. It was **approved** on the motion by Jim Sette, Brad Crerar with Leonard Tamsin, Barry Beletsky and Peter Berdon also voting.

**Other Business:**

On the motion by Brad Crerar, second by Leonard Tamsin, the Minutes of December 17, 2019 were approved with Jim Sette, Barry Beletsky and Peter Berdon in agreement.

The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Mary Leigh Bianchi, Clerk