

## **ZONING BOARD OF REVIEW MINUTES**

**Tuesday, April 5, 2022 Meeting 6:00 pm**

**125 Main Street, Town Council Chambers**

Present: Richard Land, Chairman; Christopher Mulhearn, Vice-Chairman, Jody Sceery, Melody Alger, Barry Golden and David Collier (Alternate).

Absent: Christopher Mulhearn, Vice-Chairman

Staff: Lea Anthony Hitchen, Assistant Town Planner and Michael Ursillo, Legal Counsel.

Mr. Land, Chair of the Board, called the meeting to order at 6:00 PM and introduced the members and staff present. He then read the Board's procedures into the record. Each person addressing the Board will first state his or her name and address for the record. The applicant and his or her legal representative will present the case and witnesses may be called to testify. Such testimony must be relevant to the application. Expert witnesses will be sworn in and there will be no prejudgment as to the expertise of any witness. Pictures, diagrams and other documents given to the Board as evidence will be appropriately marked as exhibits and will be retained by the Board for the record. Upon completion of the applicant's presentation all other persons wishing to offer evidence in favor of the application may then do so one at a time. Following that all persons wishing to offer evidence against the application may then do so one at a time. It is asked that comments are confined to the zoning matter being heard and that repetitive remarks are avoided. Cross examination or rebuttal may be allowed if the Board feels it would be appropriate and useful. All questions from the floor will be directed through the Chair only. After all relevant facts have been heard the Chair will call for a motion; the Board will then discuss the motion and the Chair will call for a vote. During the discussion among voting Board members, the Board will not accept any new and further testimony unless it is specifically requested by a Board member. The Board will make every attempt this evening to render a decision. The written decision will be recorded in the Town Clerk's Office as soon as possible following the approval of the minutes of the meeting.

**Zoning Board of Review Hearings – 7:00 PM**

1. **ADAM VANACORE – INNOVATIVE DESIGN CONCEPTS, LLC** for property owned by **JEFFREY & LEAH MEGA** and located at 98 Mawney Street; Map 74 A.P. 2 Lot 181 (Zoned Residential, R-10). The Applicant requires a Dimensional Variance from the allowable maximum height for the construction of a detached garage. Chapter 260 of the Town Code, Zoning Ordinance, Table 2 – Table of Dimensional Regulations by Zone sets forth a maximum height of 15 feet for accessory structures. The Applicant intends to demolish the existing detached garage and construct a new 835 s.f. two-vehicle detached garage with storage space above and is requesting the garage height to be 20'-4", requiring 5'-4" of relief. **(Continued from the February 22, 2022 and March 22, 2022 meetings.)**

Mr. Adam Vanacore of Innovative Design Concepts, LLC was on hand to represent Jeffrey and Leah Mega, the property owners. Mr. Vanacore explained there is an existing carriage house/garage which sits to the back of the subject property. In his professional opinion the detached garage is a failing structure and the request is to demolish it and build in its place a two-car garage (carriage barn) with an interior staircase to the second level storage space. The 835 s.f. garage would be 20' 4" tall where 15' are allowed because the applicants desire dry storage area above.

Mr. Vanacaore asserted the existing garage sits 2.4' off the rear property line. The new garage will sit a total of six (6) feet from the rear property line and meet an accessory structure setback.

Mr. Vanacore commented the primary structure has a basement with a rubble foundation with a musty smell and low head height making it an inappropriate space for storage. The existing garage cannot adequately fit a modern-day vehicle and has a crumbling rotted wood floor. The proposed new structure will accommodate appropriate storage space needs and provide proper garage requirements.

No comments from the Board members or public.

Ms. Alger motioned to approve the application as submitted. Seconded by Ms. Sceery.

Mr. Land made note for the record that a comprehensive application has been submitted along with images of the existing deteriorating structure, plus diagrams and a Class I survey of the property, detailed proposed elevations of the new garage including the height descriptions.

Mr. Land found that the application met the dimensional variance standards, those being:

The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land and not the general characteristics of the surrounding area.

The hardship is not the result of any prior action by the applicant and does not result primarily from the desire for greater financial gain.

Granting the request will not alter the general character of the surrounding area or impair the purpose or intent of the Zoning Ordinance or Comprehensive Plan.

The relief to be granted is the least relief necessary.

The hardship suffered by the owner if the variance is not granted shall amount to more than a mere inconvenience.

VOTE: 5 – 0.

Motion to adjourn by Mr. Collier. Seconded by Mr. Golden. Approved 5–0.

Zoning Board of Review meeting adjourned at 6:15 pm.

Minutes respectfully submitted by:

Lea Anthony Hitchen,  
Assistant Town Planner

For more information, please refer to the recording available in the Planning Department.