

ZONING BOARD OF REVIEW MINUTES

Tuesday, June 23, 2020 Meeting 7:00 pm

VIRTUAL – Convened at 7:00 PM via the ZOOM Remote Meeting Platform

Present: Richard Land, Chairman; Melody Alger, Ashley Cullion, Jody Sceery, and David Collier (Alternate).

Absent: Christopher Mulhearn, Vice-Chairman and Barry Golden (Alternate).

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

Mr. Land, Chair of the Board, called the meeting to order at 7:00 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 prejudice 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. **ANGEL WINPENNY d.b.a. MMLSAJK INC.** for property owned by **KEVIN PEZZUCO** located at 431 Main Street; Map 75 A.P. 3 Lot 97 (Zoned Commercial Downtown – CD-1). The Applicant is seeking Dimensional Variances under Chapter 260 of the Town Code, Zoning Ordinance; Article VI, Off-Street Parking Regulations, Section 260-20, Required Off-Street Parking Spaces and Section 260-21(B), Location and Ownership of Parking Spaces. The Dimensional Variances are required because the Applicant seeks to expand the existing 21 interior only seating capacity to a total of 33 interior/exterior seats. There is insufficient on-site parking to accommodate the increased capacity.

Mr. Land acknowledged he, along with the other Board members and the Town's legal counsel, received correspondence from Ms. Hitchen earlier in the day from the Applicant requesting to withdraw without prejudice the submitted application.

Ms. Alger motioned to accept the withdrawal without prejudice. Seconded by Ms. Cullion.

Roll Call Vote: Ms. Alger: Yes, Ms. Cullion: Yes, Ms. Sceery: Yes, Mr. Collier: Yes, Mr. Land: Yes (**VOTE 5 – 0**) to accept the withdrawal.

2. **ROBERT E. EUSTON** for property located at 24 Somerset Street; Map 75 A.P. 3 Lot 001 (Zoned Residential – R-10). The Applicant seeks Dimensional Variances from Table 2 of Chapter 260 of the Town Code; Zoning Ordinance, Dimensional Regulations by Zone which sets forth the front and side yard setbacks. Additionally, the Applicant seeks relief from Article V, Section 260-14 Nonconforming by Dimension. The Applicant seeks to construct a second garage

addition on the northwest side of the existing structure which constitutes as an intensification to the legal nonconforming property.

Mr. Land noted the Applicant submitted a detailed package of information along with the application including drawings of the existing and proposed conditions of the proposed garage.

Mr. Robert Euston, property owner of 24 Somerset Street, represented the application. He explained there will be an addition to the rear of the structure which will accommodate a new master suite as well as kitchen and family room renovations for improved movement within the home. This portion of the project does not require any zoning relief as the addition falls within the building envelope.

Specific to the dimensional relief, Mr. Euston asserted he is requesting to construct a secondary attached 13'x25' garage on the northwest side of the home. The existing home sits 10.9' from the front property line where there is a required 30' setback, making the subject structure nonconforming by dimension. The garage will require 18'8' of front setback relief. The proposed garage addition will be flush with the existing garage but extend further into the side setback thereby needing between 4'-4.4' of side setback relief.

Mr. Euston explained he has a medium sized vehicle which he cannot get into the existing garage which makes it unusable; the new garage would add much more usability to the current situation.

Mr. Land opened the hearing for public comments. No public comments.

Mr. Land pointed out the staff report suggests setting the proposed garage back; he affirmed this was a suggestion not a condition for approval. Mr. Euston confirmed the design is to have the front of the proposed garage remain flush with the existing garage.

With no further questions from the Board or the public Mr. Land asked for a motion.

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

Mr. Land commented the relief is very modest and reasonable and met the relevant 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.

Roll Call Vote: Ms. Alger: Yes, Ms. Cullion: Yes, Ms. Sceery: Yes, Mr. Collier: Yes, Mr. Land: Yes (**VOTE 5 – 0**) in favor of the motion.

Zoning Board of Review Business

1. Minutes: Review/action on the following set of minutes:
 - a. April 28, 2020
 - b. May 26, 2020

Minutes tabled to the following meeting.

April 28, 2020 minutes continued to the June 23, 2020 meeting.

Motion to adjourn by Ms. Alger. Seconded by Ms. Sceery Approved 5 –0.

Zoning Board of Review meeting adjourned at 7:20 pm.

Minutes respectfully submitted by:

Lea Anthony Hitchen,
Assistant Town Planner

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