

ZONING BOARD OF REVIEW MINUTES
Tuesday January 28, 2014 Meeting 7:00 pm
Town Council Chambers, Town Hall

Present: Joseph Russolino (Chair), Jennifer Fairbank (Vice-Chair), Renu Englehart, Richard Land, and Jody Sceery.

Staff: Lea Anthony Hitchen, Assistant Town Planner; Wayne Pimental, Building Official; and Peter Clarkin, Town Solicitor.

Mr. Russolino, 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 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 and 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 Appeal Hearings – 7:00 PM

- 1. 2000 William L. DiStefano Jr. Revocable Trust** for property located at 30 Miss Fry Drive; Map 57 A.P. 14 Lot 193 (Zoned Farming, F-2). 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 is requesting to increase the garage height to 20'-7.”

Attorney Peter Nolan with offices at 1070 Main Street, Coventry was present representing 2000 William L. DiStefano Jr. Revocable Trust. He explained his client is seeking a height variance to 20'-7” from the allowed amount of 15' which is 5'+ of relief needed. Atty. Nolan stated that Mr. DiStefano is trying to architecturally blend the proposed structure with the existing house. He asserted that the height variance is not the result of any prior action the owner has done in the past; it is due to the unique characteristics of the present structure, and it will not result in any increase in financial gain to the applicant and it will not alter the general characteristics of the property or neighborhood from the standpoint of the Zoning Ordinance or the Comprehensive Plan in his opinion. Atty. Nolan also felt as though the request was the least amount of relief necessary.

Atty. Nolan explained the detached garage will be used for storage purposes only and there will only be electricity; no plumbing or water utilities connected to it. He verified that there will be no living accommodations on the second floor of the garage. He also added that he has reviewed the staff report and agrees with the proposed restrictions that have been set forth.

Atty. Nolan concluded that the parcel is two acres in size and is located in a beautiful section of Town within other large beautiful homes; this will continue on as is even with the garage in place. He noted no other variance is being requested and no dimensional variances are needed for setback relief. The garage will architecturally blend in with the home as presently designed.

Mr. Land questioned if the garage is specifically for the additional parking of vehicles. Atty. Nolan stated his client's vehicles will be parked in the garage; the garage will also be used for the storage of kid's "stuff," as well as tennis and pool equipment. Atty. Nolan commented that there is currently a temporary storage unit on the premises which the owner wants to remove and put and all of the contents in the garage; he heard there was a rumor it was being used as a commercial storage unit – tis is not true.

Mr. William DiStefano commented that he talked with staff about reserving the right to allow a tub sink possibly in the future or any other permissible use. Mr. Russolino noted that staff has given the Board a revised condition.

Mr. Russolino opened the hearing for public comments.

Ms. Sally Anne Lund of 37 Miss Fry Drive was interested to know if any more trees were going to be removed during the course of the project. She added that many trees were removed when the pool was installed.

Mr. DiStefano could not confirm for sure whether more trees would be taken down or not but he still has much more landscaping to do. Atty. Nolan added that much of the landscaping is being redone right now; there will be additional landscaping as the weather warms.

With no further questions Mr. Russolino called for a motion.

Motion by Ms. Fairbank to approve the application with the condition that the second floor space of the detached garage shall only serve as storage space or any other permissible use but not as separate living quarters. Seconded by Ms. Englehart.

Mr. Russolino stated to force the applicant to comply with the 15' requirement would make the building look boxy and out of character to the rest of the house and neighborhood. He believes Atty. Nolan has eloquently stated the reasons why the applicant has met all of the relevant standards and he will be voting in favor of the application.

VOTE: 5 – 0.

2. **Jin Jun Xiong & Hong Xu** for property located at 240 Moosehorn Road; Map 48 A.P. 14 Lot 233 (Zoned Farming, F-2). The Applicant seeks a Dimensional Variance from Table 2 of Chapter 260 of the Town Code; Zoning Ordinance, Dimensional Regulations by Zone. The Applicant is requesting to construct an attached three-car garage addition to the existing structure which will not comply with the side setback requirement.

Mr. Jin Jun Xiong of 240 Moosehorn Road, the owner of the property, represented the application; he explained by way of the submitted photographs that he would like to construct a three car garage to the existing house and convert the existing garage to a living room. He added the existing garage space is a three car garage and he is requesting the new attached garage be a three car garage as well.

Mr. Xiong explained that the last picture shows his backyard where the home's septic system is located; he wanted to put the addition back there but the septic system prohibits him from locating the addition there so he is only able to add the garage to the north side of the structure.

Mr. Xiong stated that his wife had talked to the next door neighbor (to the north at 230 Moosehorn Road) regarding the proposed addition to which they did not have any issues.

Mr. Xiong confirmed that with the new addition it will be 13'-5" from the northern property line which encroaches into the side setback by 16'-7".

Ms. Fairbank asked how close the subject house is to the next house. Mr. Xiong approximated the next door neighbor's house to be between 60'-80' feet away. Mr. Xiong added that his house is setback further from Moosehorn Road than 230 Moosehorn Road.

Mr. Russolino asked if the neighbor will be able to see the addition when there is vegetation in the springtime. Mr. Xiong asserted that the neighbor will not be able to see the addition while there is foliage.

Ms. Sceery asked if any additional vegetation will be removed from the property for the addition. Mr. Xiong said no since the area is already open.

With no public comments, Mr. Russolino asked for a motion.

Motion by Mr. Land to approve the application as filed. Seconded by Ms. Fairbank.

Mr. Russolino commented that he believes that applicant has met all the relevant standards; furthermore the abutting neighbor will not be able to see the addition nor is there any objection from them. He will be voting in favor of the motion.

VOTE: 5 – 0.

Zoning Board of Review Business

1. Minutes: Review/action on the minutes of the November 26, 2013 meetings.

Motion by Ms. Sceery to approve the November 26, 2013 minutes. Second by Mr. Land. Motion supported 5 – 0.

With conclusion of all business, there was a motion by Ms. Englehart, second by Mr. Land to adjourn at 7:35 PM. Motion supported 5-0.

Minutes respectfully submitted by:

Lea Anthony Hitchen,
Assistant Town Planner

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