

THESE MINUTES ARE SUBJECT TO APPROVAL AT THE NEXT BOS MEETING

TOWN OF CHESTER, CONNECTICUT  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
Monday, April 19, 2021  
ZOOM Meeting

CALL TO ORDER

Chairman Blair called the meeting to order at 7:08 p.m. In attendance included: Bob Blair, Chairman, John DeLaura, full member, Erik Anderson, full member, and Vic Fetter, alternate member.

Bob Blair reported that there was a misprint on the agenda; i.e., the meeting is being held on Monday, April 19, 2021 not Thursday, April 19, 2021 as noted on the agenda. None of the applicants wished to have their Public Hearing delayed due to this procedural error.

APPROVAL OF MINUTES

John DeLaura made a motion to approve the minutes from the December 21, 2020 ZBA meeting. Erik Anderson seconded the motion. The motion passed unanimously.

OLD BUSINESS – None.

NEW BUSINESS – Public Hearings

Application for Variance - 20 Maple Street – Paul & Anna Sweeney: Variance of Section 60B – Required Characteristic, Side Lot Setback

The applicants agreed to have their case heard with 4 ZBA members present.

Documents relative to the public hearing relative to 20 Maple Street were screen shared. The applicants are seeking a variance from Section 60B – required characteristic, side lot setback.

The Public Hearing for 20 Maple Street was opened.

Mr. Sweeney requested a variance to install a 10x16 ft. pre-made storage shed on the foundation of pre-existing barn. There is no garage associated with the home. Without a variance, the shed can only be placed in the center of their back yard. The back yard is wooded, steep and contains areas of ledge. Ms. Sweeney reported that the nature of the hardship is in the lay of the land.

Bob Blair read the following letter in support of the variance:

“I am in support of their application for a shed as accessory buildings are in keeping with most property in the area. It adds value to the property and instead of having equipment under tarps, the equipment disappears”. Kim Senay, 9 Spring Street

Ms. Sweeney reported that Ed Meehan forwarded a letter to the ZEO in support of the variance. This letter was not available at the meeting.

Vic Fetter commented that it appears that the proposed shed will be placed on an old existing foundation and the applicants should be permitted to build on same. He questioned if a variance is even necessary. Bob Blair responded that the pre-existing barn/foundation is not noted on the field card on file and thus the need for a variance.

No negative comments/feedback was received relative to this application.

John DeLaura made a motion to close the public's portion of the public hearing relative to 20 Maple Street. Vic Fetter seconded the motion. The motion passed unanimously.

#### ZBA Deliberation

Bob Blair favored granting the motion due to evidence of a pre-existing foundation (for barn structure) and the proposed shed would not be close to neighboring structures. Also, the Board received no negative comments from neighbors relative to the proposal.

John DeLaura commented that there is a hardship with regard to the narrow shape of the lot and the topography at the back of the lot. Also, Section 40 I .2 (Accessory Building) of the Regulations allows for such an accessory building. The hardship is in the shape of lot and the topography of the property.

John DeLaura made a motion to close Deliberations relative to the 20 Maple Street application. Vic Fetter seconded the motion. The motion passed unanimously.

No additional comments were received from the Public.

John DeLaura made a motion to close the Public Portion relative to 20 Maple Street. Erik Anderson seconded the motion. The motion passed unanimously.

John DeLaura made a motion to approve the request for a variance from Section 60B, required characteristics, side setback as requested due to the hardship associated with the shape and topography of the lot and the evidence of a pre-existing structure at the proposed location of the shed. The motion was seconded and passed unanimously.

#### Application for Variance – 23 Old Depot Road – Bridget Chase/Jason Holtzman, Holtzman Design LLC, Agent – Variance of Section 60B – Required Characteristics, Side Lot Setback

The Public Hearing for 23 Old Depot Road was opened. The application requests a variance of Section 60B, Required Characteristics for a front setback of 17.7 feet in a 20-foot zone to convert an existing lean-to outdoor workshop to an enclosed 28x40' garage for the homeowner's truck maintenance and a home office above same.

Jason Holtzman, Holtzman Design, reported that the property owner, as an Essex Public Works employee, requires an enclosed garage/shop for maintenance of vehicles as well as a home office. Items relative to the request were screen shared showing the location of the property, an existing lean-to and details on the location of the well and septic system. The lean-to predates a 2001 addition to the house. The hardship reported relates to the need for an enclosed garage to facilitate vehicle maintenance and a home office as required by the homeowner's job. Also, due to the topography of the property and the location of well and septic, the proposed location is appropriate. In addition, the

proposed addition would not be visible from the street and enhances the aesthetics of the neighborhood.

ZBA members expressed concern that the proposal lacks a legal hardship and significantly increases the non-conforming conditions at the property. In addition, there may be a reasonable alternative location for the proposed addition to the property.

The applicant requested that the Public Hearing be continued until the next ZBA meeting. They intend to redesign the project and present a revised request to the ZBA.

Erik Anderson made a motion to continue the Public Hearing relative to 23 Old Depot Road to the next ZBA meeting. Vic Fetter seconded the motion. The motion passed unanimously.

Application for Variance – 15 Sunset Avenue – Andree & George Crane – Variance of Section 60B – Required Characteristics – Side Lot Setback – to facilitate the installation of a dormer to an existing garage.

Attorney, representing Thomas Perry, expressed concern that the agenda was posted incorrectly as noted above (agenda reported Thursday instead of Monday). In addition, there was a misunderstanding as the applicants thought this was a hybrid in-person/ZOOM meeting and were at the town hall. The property owners did not “ZOOM” into the meeting. They requested permission to present to the ZBA now and continue discussion at the next ZBA meeting.

John DeLaura reported that in addition to a variance request for Section 60B, there may be the need for a variance to section(s) 60A.2 and 50D as the proposal calls for the expansion of a pre-existing, non-conforming structure. Mr. DeLaura suggested that the first floor of the structure be renovated as an accessory apartment for an elderly individual instead of the second floor as proposed. If all work is done on the inside of the property, said renovations would not be in the ZBA’s jurisdiction. Note; however, that a Special Exception may be necessary from P&Z.

There was discussion about potentially eliminating or reducing the size of the proposed dormers. Representatives for the property owner will review sections 60A.2 and 50D as recommended and possibly withdraw the current application and re-file a revised application for ZBA consideration.

No ZBA action taken.

#### Receipt of New Applications

The application for property located at 32 Straits Road was received and will be considered at next month’s ZBA meeting. Vic Fetter reported that he is a neighboring property owner but the consensus of the Board, including Mr. Fetter, and the applicant was that there is no conflict of interest.

#### OTHER BUSINESS

Revision to Application Form Requirements – consider revision to Application Requirements, with recommendation to amend Section 16 as follows:

Applicant shall notify owners of properties immediately abutting or directly across the street from the subject property by USPS Certificate of Mailing and provide to the ZBA verification of mailing prior to the Public Hearing.

Section 20 – Postage for legal notice to surrounding neighbors within 500 ft – remove this requirement

ZBA members discussed the above proposed revision to application requirements. Bettie Perreault reported that there is no P&Z regulation or State Statute calling for notification to neighbors within 500 ft. of a property. This item appears only on the ZBA application form.

Bob Blair made a motion to revise the ZBA Application Form as presented. John DeLaura seconded the motion.

ZBA members discussed the potential inclusion of notification to property owners across vistas and/or waterways from subject property. These properties could be negatively impacted by development of property on the other side of said vista/waterway.

Bob Blair made a motion to withdraw the above motion. John DeLaura seconded the motion. The motion passed unanimously.

Bob Blair made a motion to revise the ZBA Application Form to amend Section 16 as follows: Applicant shall notify owners of properties within 150 ft. of the subject property by USPS Certificate of Mailing and provide to the ZBA verification of mailing prior to the Public Hearing and to remove section B as presented (Postage for legal notice to surrounding neighbors within 500 ft – removed). Erik Anderson seconded the motion. The motion passed unanimously.

ADJOURNMENT

Vic Fetter made a motion to adjourn the meeting at 9:00 p.m. Erik Anderson seconded the motion. The motion passed unanimously.

Respectfully Submitted,

Suzanne Helchowski  
Clerk