



**TOWN OF WESTBROOK
ZONING BOARD OF APPEALS**

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MINUTES - ZBA REGULAR MEETING – 24 October 2012

The Westbrook Zoning Board of Appeals met on Wednesday, October 24, 2012, in the Multi-Media Room of the Teresa Mulvey Municipal Center located at 866 Boston Post Road. Chairman Mark Damiani called the Regular Meeting to order at 8:55 p.m. Members present were Mark Damiani, Bonnie Hall, Eve Barakos and Alternates Richard White and Devin Xenelis. Also present was Recording Secretary Category I, Janet L. Aiken.

Alternates Richard White and Devin Xenelis remained seated.

DECISIONS:

No. 12-18 - Appeal of Richard & Angela Jukonski, owner/applicant; David M. Royston, Esquire, agent. Property located at 70 Captains Drive. Identified on Assessor's map 195 as Parcel 11. CB zone. Variance requested from Zoning Regulations Section No. 4.65.03 increase in building coverage from Regulations max of 20% from currently existing 1,566.6 square feet (21.2%) to 1,890.6 square feet (25.5%) to add garage on street side of property. CAM approval required.

The Board discussed the application noting that the area to house the exterior portion of the garage is already used for parking, the house was conforming to lot coverage percentage until the percentage was reduced, and what was being asked for was the minimum needed for the improvement. The application also had the support of the Association and neighbors who noted it would enhance the neighborhood.

A motion was made by Mark Damiani, seconded by Bonnie Hall, to approve the variance as presented along with the CAM application. The motion carried unanimously.

No. 12-19 – Appeal of Mary Ann Dunn, owner/applicant. Property located at 150 Salt Island Road. Identified on Assessor's map 182 as Parcel 085. HDR zone. Variance requested from Zoning Regulations Section No. 4.33.06 front yard setback, to allow 2'4" where 25' required, and Section No. 2.10.06 extension/enlargement of non-conforming structure, to allow replacement of existing porch with roof to alleviate weather and water damage to front of home. CAM exempt.

The Board extensively discussed the last application and the current one, asking what was the significant difference between the two. While Mr. Dunn took the discussions of the Board at the prior hearing and modified this application toward the concerns raised at that time, except for the deletion of the handicap ramp, the application was essentially the same with a reduction in width for the proposed porch.

Hardship was discussed and it was noted that none pertaining to the property was claimed. Enlarging a non-conformity is not a repair to the property.

A motion was made by Bonnie Hall, seconded by Eve Barakos, to deny the application for lack of hardship pertaining to the land. Discussion of the motion included the proposal being out of the character of the neighborhood community. Views or lack thereof were not the Board's purview. A vote on the motion was called. The motion carried unanimously.

No. 12-20 – Appeal of Jessica M. Whelan, owner; Joseph Shea of AJ Shea Construction, applicant/agent. Property located at 28 Avenue C. Identified on Assessor's map 181 as Parcel 147. HDR zone. Variance requested from Zoning Regulations Section No. 4.33.06 side yard setback to allow 9' +/- where 10' required, and Section No. 4.33.06 rear yard setback, to allow 23' +/- where 35' required, to install in-ground pool. CAM exempt.

Discussion centered around the pool's location and the aesthetic considerations given by the agent, wanting the pool to line up with the existing house. It was noted that by moving the pool 1', one of the variances (side yard) could be eliminated. The lack of hardship was also discussed as the pool could be built entirely without any variances. It was also determined that the Affidavit in opposition was irrelevant to the variance requests.

A motion was made by Bonnie Hall, seconded by Mark Damiani, to deny the variance without prejudice. The motion carried unanimously.

No. 12-21 – Appeal of Stephen & Barbara Mason, Trustees, owners/applicants; Edward M. Cassella, Esquire, agent. Property located at 99 Second Avenue. Identified on Assessor's map 181 as Parcel 127. HDR zone. Variance requested from Zoning Regulations Section No. 4.33.06(b) side yard setback, to allow 4.0' where 10.0' required, Section No. 4.33.06(c) rear yard setback, to allow 3.8' where 35.0' required, and Section No. 2.10.06 extension/enlargement of non-conforming structure, to renovate existing non-conforming garage. CAM approval required.

After brief discussion centering around the uninhabitable vertical expansion and how the structure would upon completion be in compliance with the Flood Regulations, and that the proposal poses no public health or safety concerns, a motion was made by Mark Damiani, seconded by Devin Xenelis, to approve as presented along with the CAM application. The motion carried unanimously.

Minutes:

A motion was made by Mark Damiani, seconded by Bonnie Hall, to approve the minutes of the 9/26/12 public hearing. The motion carried unanimously.

A motion was made by Bonnie Hall, seconded by Richard White, to approve the minutes of the 9/26/12 regular meeting. The motion carried unanimously.

Bills:

A motion was made by Mark Damiani, seconded by Eve Barakos, to approve the bill from Jan Aiken for secretarial services for \$374.03. The motion carried unanimously.

A motion was made by Richard White, seconded by Mark Damiani, to approve the bill from the Hartford Courant for \$123.80. The motion carried unanimously.

Correspondence: Reviewed.

Other Business:

A motion was made by Mark Damiani, seconded by Eve Barakos, to approve the 2012 meeting schedule with the changes noted regarding deadlines for filing. The motion carried unanimously.

A motion was made by Bonnie Hall, seconded by Eve Barakos, to adjourn. The motion passed unanimously.

The regular meeting adjourned at 9:35 p.m.

Respectfully Submitted,

Janet L. Aiken

Janet L. Aiken, Recording Secretary Category I
Westbrook Zoning Board of Appeals

(ONE (1) digital disk was recorded for the 10/24/12 Public Hearing & Regular Meeting and filed with the Town Clerk's Office).

Janet L. Aiken
Janet L. Aiken, Recording Secretary Category I

10/28/12
Date Submitted