

**COVENTRY ZONING BOARD OF APPEALS
MINUTES
REGULAR MEETING OF TUESDAY, MARCH 16, 2021**

CALL TO ORDER:

By: Rossignol

Time: 7:04 p.m.

Place: Virtual

ROLL CALL:

		PRESENT	ABSENT
REGULAR MEMBERS:	Elizabeth Bauer, Secretary	X	
	Monika Debowska	X	
	Frank Infante		X
	Courtney Rossignol, Chairperson	X	
	Claire Twerdy, Vice Chairperson	X	
ALTERNATE MEMBERS:	Thomas Boudreau	X	
	Mike Gerrity	X	
	Valdis Vinkels		X
STAFF:	Alexa Gorlick, ZEO	X	

Boudreau was seated for Infante.

READING OF LEGAL NOTICE(S):

Bauer, Secretary, read the legal notices into the record.

EXPLANATION OF PROCEDURES

Rossignol, Chairperson, explained the procedures to the public.

PUBLIC HEARINGS:

1. #ZBA-21-1 – Application of property owner Mindy MacCluskey, requesting a variance of Table 4.04.A. Dimensional Requirements (Rear Yard Setback, 50’ required – 20’ proposed), to construct a 24’ x 24’ shed at 1577 North River road, Coventry, CT 06238 (Assessor’s ID # R04256) GR80 Zone.

Mindy MacCluskey was present. The property is about one acre in size. The proposed plan is a construct a shed in the rear. The proposed placement of the shed is because there are a lot of trees and ledge (shown on the plan) on the property and the desire to place it as far back as possible. The submitted plot plan shows the existing patio and fire pit and septic system. There is also an existing shed and garden in the back yard. Even if the garden is moved it will be difficult to put the shed there. The property behind the MacCluskey’s is ~15-17 acres lot without a house. This shed would not impede on that lot. The shed will be constructed and finished to match and blend in with the rest of the neighborhood. The hardship is the ledge. This shed would not have a driveway going to it. It will be used for yard equipment and a woodshop.

Gerrity asked if electricity will go into the shed to which Ms. MacCluskey said yes. Debowska asked if the smaller shed will be demolished? MacCluskey said they want to see how this woodshop works out before deciding what to do with the existing shed. Twerdy said the rear of the property looked as if it is completely level and that continues beyond the shed placement and onto the other property. MacCluskey said there is a slight slope at the garden that goes up ~10 degrees. The property at the rear is wooded and has a fairly good incline. There is a long garage/shed about ½ acre beyond this property; there is no house. The trees along the right side of the house are on the abutting property. Boudreau asked if the shed will be on a foundation or posts. MacCluskey said it will be on a cement slab.

Audience of Citizens:

No one was present to speak.

The hearing is closed.

Motion: I move the Coventry Zoning Board of Appeals approve application #ZBA-21-1 – Application of property owner Mindy MacCluskey, requesting a variance of Table 4.04.A. Dimensional Requirements (Rear Yard Setback, 50’ required – 20’ proposed), to construct a 24’ x 24’ shed at 1577 North River road, Coventry, CT 06238 (Assessor’s ID # R04256) GR80 Zone.

The hardship being: Limited space due to existing trees, ledge, and existing structures.

By: Debowska

Seconded: Boudreau

Discussion: None

For: Rossignol, Bauer, Twerdy, Boudreau, Debowska

Against: None

Abstain: None

The motion passes.

- #ZBA-21-2 – Application of property owner William P. Younge, requesting a variance of Section 4.01 Conformity with Regulations to adjust the corner property lines between lots owned by the applicant to make the lots more conforming and Section 4.02.01.c.2 Use of Existing Nonconforming lots (Side Yard Setback, 10’ required – 7’ provided) to reconstruct a residence on nonconforming lot at 263 Woodland Road, Coventry, CT 06238 (Assessor’s ID # R05105) LR Zone.**

William Younge was present. He is asking the ZBA to approve a side yard setback of 7’ instead of the regulated 10’. This lot is currently nonconforming and the adjustment of property lines is to try to make both properties more conforming.

Andrew Bushnell, Bushnell Engineering, was present and described the history of the lots in the neighborhood. This neighborhood was created as 50’ wide lots in the 1920s. In the 1930s the lots not yet developed were split in half creating one lot with lake frontage but no road frontage and the other just the opposite. A 10’ right-of-way down to the lake was created for those lots without lake access. In essence, one lot became two small lots with two parking areas and a 10’ right-of-way creating four parcels of non-conformity. The property line adjustments will get 261 Woodland closer to the required area and provides access to it without having to cross 263 Woodland.

The side yard variance is for the proposed location of a new house on 263 Woodland. This house was constructed in the 1930s and it has been worked on, at times not up to code, over the years to make it a year-round home. It is at end of life. The proposed plan is to center the new home on the lot pushing it closer to the road. The lot coverage will be under the regulated 15% but over the 10%. To mitigate the overage of the 10%-mark inground infiltrators are proposed for the storm water. Permeable pavers are proposed for the driveway. There will be a 10’ easement over 261 Woodland to access the lower level of the house.

Bauer was concerned the legal notice did not encompass the property line adjustments and the ZBA does not normally deal with combining properties – does a hardship need to be identified. Gorlick relayed that Eric Trott said the notice was correctly published. Bushnell said an approval by the ZBA for the side yard variance is not providing approval for the lot line modification. That was mentioned to show the site is being reworked to improve the non-conformity on both properties. It is thought to be best to move the house on 263 as far as possible from the border with 261. Bauer said the lot line modifications are adding some extra land to both pieces. Bushnell said the properties are both owned by Younge with two deeds. However, single ownership may not be so in the future. Twerdy said she would have to have a reference to the zoning regulations why the ZBA would have authority on the

realignment. Mr. Bushnell said this is normally a PZC issue but it is only in subdivisions that the PZC reviews lot line modification. In Bushnell's opinion this hearing is for the ZBA to consider a decision on the side yard setback reduction. Bauer referenced the section of the regulations mentioned in the agenda item title that talks about lots not meeting dimensional standards. Gorlick read a text from Eric Trott that said the ZBA has the authority in this case to make a decision and Trott did discuss this with the Town Attorney.

Mr. Younge said the lot is currently nonconforming. The new home would be closer to meeting conformity. The construction of the new house will not obstruct anyone's view to the lake. All of the neighbors are on board with the proposed plan.

Audience of Citizens:

No one was present to speak.

The hearing is closed.

Motion: I move the Coventry Zoning Board of Appeals approve application #ZBA-21-2 – Application of property owner William P. Younge, requesting a variance of Section 4.01 Conformity with Regulations to adjust the corner property lines between lots owned by the applicant to make the lots more conforming and Section 4.02.01.c.2 Use of Existing Nonconforming lots (Side Yard Setback, 10' required – 7' provided) to reconstruct a residence on nonconforming lot at 263 Woodland Road, Coventry, CT 06238 (Assessor's ID # R05105) LR Zone to adjust current property lines in accordance with Section 4.01 and to provide approval for a side yard setback of 7'.

The hardship being: Lot predates zoning

By: Bauer

Seconded: Twerdy

Discussion: Boudreau said he agrees with Bauer and Twerdy; he has trepidation that the property line adjustment is going outside what would be our scope as a Board. Gorlick has communicated this concern to Eric Trott, Director of Land Use. His reply "They do in this case (regarding the board having authority to approve lot line modifications)- it is only to recognize the new alignment per the referenced regulations. Attorney Rich Robert's advised that it is legally prudent to do." Rossignol said she is comfortable with this as long as this reply is noted in the Minutes.

For: Rossignol, Twerdy, Bauer, Debowska

Against: Boudreau

Abstain: None

The motion passes.

- #ZBA-21-3 – Application of Jonathan Casado (Sabrina Pools), owner Christopher Stacer's representing agent, requesting a variance of Table 4.12.05.**

Dimensional Requirements (Rear Yard Setback 50' required – 37' proposed), to construct a 12' x 24' pool house and a variance of Section 4.12.05 Lot Coverage (15% allowed – 19.72% proposed) to construct a 12' x 24' pool house and an 18' x 36' inground pool at 86 Stonecroft Lane, Coventry, CT 06238 (Assessor's ID # R06217) GR80 Zone.

Gorlick said the public hearing sign was not posted in time for this meeting. The matter can be opened and heard tonight but then tabled until next month. Gorlick said this decision is about the lot coverage and the rear yard setback.

Christopher and Heidi Stacer were present. Mr. Stacer said they are requesting a variance for a pool and pool house in the backyard. The Inland Wetlands Agency has approved the plan. Due to the lot coverage a rain garden will be installed to capture stormwater. The rain garden will be constructed in the front to prevent erosion. The existing shed will be removed from the wetlands and be demolished. The hardship is the lot coverage and any other placement would be too close to the septic system.

Audience of Citizens:

No one was present to speak.

Rossignol closed the hearing before being reminded this matter must be continued to the next meeting; she withdrew the statement.

The hearing is continued until the April meeting.

NEW BUSINESS/DISCUSSION

1. Approval of January 19, 2020 Regular Meeting Minutes

Motion: I move that the Coventry Zoning Board of Appeals approve the minutes of the January 19, 2020, amended to 2021, regular meeting.

By: Boudreau

Seconded: Twerdy

Discussion: Rossignol asked if application 20-09Z was carried forward. Twerdy said the application was received in 2020 but not heard until 2021.

For: Rossignol, Boudreau, , Twerdy, Bauer, Debowska

Against: None

Abstain: None

ADJOURNMENT:

Motion: Move to adjourn at 8:06 p.m.

By: Boudreau

Seconded: Bauer

Respectfully Submitted,

Yvonne B. Filip

Yvonne B. Filip, ZBA Clerk

PLEASE NOTE: These minutes are not official until approved by the Zoning Board of Appeals at the next Board meeting. Please see the next Board meeting minutes for approval or changes to these minutes.