

**Town of Warren
Zoning Board of Appeals
Regular Meeting – Minutes
Wednesday, February 25, 2015 - 7:30PM
Warren Town Hall – 50 Cemetery Road**

PRESENT: Vice-Chairman Jon Garvey, Trisha Barry, Bill Hopkins; Alternate Nancy Florio; Stacey Sefcik, Zoning Enforcement Officer.

EXCUSED: Chairman George Githens; Alternate Peter Brodhead.

1. CALL TO ORDER & DESIGNATION OF ALTERNATES.

In the absence of Chairman George Githens, Vice-Chairman Jon Garvey called the regular meeting to order at 7:30PM. The proceedings were recorded digitally, and copies are available in the Land Use Office. Alternate Nancy Florio was seated for George Githens.

2. PUBLIC HEARINGS:

A. Arthur Howland & Associates for DH Partners, LLC, 8 North Shore Road – Variance of Section 16.2.1 to Permit 2nd Story Addition and Conversion of Existing Screened Porch to Living Space within 50 Feet of the Shoreline.

Paul Szymanski, PE addressed the Board on behalf of the applicant. He submitted proof of notice to abutting neighbors as well as proof of signage posted at the property. Mr. Szymanski explained that the applicant wished to build a second story addition to the main house located onsite, as well as converting an existing screened porch area to year-round living space. He then reviewed the maps and plans for this proposal, as well as the current and proposed elevations. Mr. Szymanski explained that the addition on the second floor would create a third bedroom, as the property owner had two children. The new bedroom would have a French door opening out to a deck that extended one-foot out from the house; even with this small deck, the proposal would still extend no further out than the existing roofline. Mr. Szymanski stated that no expansion of the existing footprint was proposed, and there would be no increase to impervious coverage and great care was taken to minimize disturbance.

Mr. Szymanski explained that the property was a peninsula that was surrounded by Lake Waramaug on three sides. Because of this, the entire property was within the 100-foot shoreline setback area. He noted that the Zoning Regulations permitted some structures 50-100 feet from the shoreline by special exception; however, because of the overlapping shoreline setbacks, only a very small portion of the main house was in the area where a special exception might be permitted. The applicant was therefore requesting a variance to permit the second floor addition on the southeastern side of the house, which would be located 20.6 feet from the southeastern shoreline, and a variance to permit the conversion of an existing screened porch to living space, which would be 27.5 feet from the shoreline.

Ms. Sefcik reviewed Section 16.2 – “Shoreline Setback Requirements” and Section 16.3 “Special Exception – Shoreline Setback” with the Board. Mr. Garvey questioned whether additional bathroom facilities would be proposed, and Mr. Szymanski responded negatively. Mr. Garvey questioned whether the conversion of the screen porch area to living space constituted a change of use, and he expressed concern about the impact of additional well and septic usage on Lake Waramaug. Mr. Szymanski noted that the proposal had obtained approval from the Torrington Area Health District, which Ms. Sefcik stated was present in the file. Mr. Szymanski explained how the TAHD granted approvals based on the number of bedrooms proposed. Ms. Sefcik explained that the current screen porch and the proposed living space were all part of the permitted residential usage of the property.

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Ms. Barry questioned Mr. Szymanski as to whether the nonconforming status of the existing house on this property constituted a hardship under the Regulations. Mr. Szymanski read to the Board the language of Section 8-6 of the Connecticut General Statutes regarding unique hardship requirements. He explained that this property was the only property in Town that was surrounded by water on three sides. He distributed to the Board an aerial map of the property and the surrounding area.

Mr. Hopkins stated that he had been on the Zoning Board of Appeals for many years, and he stated he believed the property had required a variance in order to tear down the previous home and build this main house in its place. He expressed concern that such a variance might have imposed some limitations regarding any future expansions. Ms. Sefcik stated that she could research this issue for the Board if they continued the public hearing.

Mr. Garvey explained to Mr. Szymanski that only four members of the Board were present at this meeting. In order to grant a variance, four affirmative votes were required. As the Board had five regular members, it was the applicant's decision whether he would like to defer a decision until five members were present. Mr. Szymanski stated that he would prefer to have five members present to act on this matter, and in any case, he wanted to request a continuance in order to have time to prepare and submit additional information regarding the issue of the uniqueness of the hardship for this property. Ms. Sefcik explained that the next meeting date would be March 25, 2015. She would make copies of the audio of this meeting so that absent members would be able to listen to the recording prior to the March meeting.

At 8:00PM, the Board agreed to continue the public hearing in the matter of **Arthur Howland & Associates for DH Partners, LLC, 8 North Shore Road – Variance of Section 16.2.1 to Permit 2nd Story Addition and Conversion of Existing Screened Porch to Living Space within 50 Feet of the Shoreline** to the March 25, 2015 regular meeting.

4. APPROVAL OF MINUTES.

A. June 25, 2014 regular meeting.

The Board agreed to table this matter to the March 25, 2015 regular meeting.

5. OLD BUSINESS.

No business was discussed.

6. NEW BUSINESS:

A. Arthur Howland & Associates for DH Partners, LLC, 8 North Shore Road – Variance of Section 16.2.1 to Permit 2nd Story Addition and Conversion of Existing Screened Porch to Living Space within 50 Feet of the Shoreline.

The Commission agreed to table this matter to the March 25, 2015 regular meeting.

7. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION.

A. Discussion Regarding ZBA Vacancies.

Mr. Garvey noted that there was one regular member vacancy and one alternate member vacancy on the Board. He explained that he wanted to find out whether Ms. Florio or Mr. Brodhead would be interested in becoming a regular member, at which point there would then be two alternate member vacancies. He asked members to let their neighbors know about these vacancies and ask them to consider volunteering to serve in this capacity.

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B. Possible Amendments to Zoning Regulations.

Ms. Sefcik advised the Board that the Planning & Zoning Commission was in the very early stages of considering revisions to the Zoning Regulations in an attempt to clarify some areas that have been inadvertently creating some confusion. She explained that a public hearing would be part of the text amendment process, and input from residents would be encouraged. Mr. Garvey asked whether the Commission might be interested in receiving input from the Zoning Board of Appeals regarding areas where additional clarity could be helpful, and Ms. Sefcik stated that the PZC would very likely welcome input from the ZBA, as they were the board that encountered requests to vary the Regulations.

MOTION Ms. Florio, second Mr. Hopkins, to adjourn the meeting at 8:20PM; unanimously approved.

Respectfully submitted,

**Stacey M. Sefcik
Zoning Enforcement Officer**