

MINUTES OF SEPTMEBER 6, 2017 MEETING FOR THE
EASTON ZONING BOARD OF APPEALS

The meeting was called to order at approximately 5:30pm by Acting Chair, Patricia Berlin.

Regular members present - Patricia Berlin and Raymond Ganim

Regular members absent - John Harris, Victor George and Charles Lynch

Alternate members present - Dr. Mitchell Greenberg, Thomas Dollard and Maureen Williams

For the record: Dr. Mitchell Greenberg was appointed to vote for John Harris, Thomas Dollard was appointed to vote for Victor George and Maureen Williams was appointed to vote for Charles Lynch.

1. **Appointments:** None

2. **Public Hearings:**

Z-17-5126-05, Danny A. Rodrigues and Jenna L. Beik, 11 Sport Hill Parkway, Easton, CT, for a variance of Article 5, Sect./Para. 5.4.1 of the Easton Zoning Regulations in order to allow for minor additions to a pre-existing non-conforming dwelling on a non-conforming lot, 9.5 ft. in-lieu-of 40ft. side yard setback, 19.9 ft. in-lieu-of 50 ft. front yard setback and 44.3 ft. in lieu of 75 ft. from the center line of Cold Spring Road and 43.9 ft. in-lieu-of 50 ft. front yard setback and 63.5 ft. in-lieu-of 75 ft. from the center line of Sport Hill Parkway. Attorney Raymond Rizio presented the application; his client, Danny Rodrigues was also present and clarified items concerning the application.

Attorney Rizio stated that there were four additions:

1. Addition to the front for a small entry way with platform and steps.
2. Small addition extension off the garage in the front setback for stairway to the basement, as existing stairs bisect the existing basement which consists of a crawl space and unfinished basement area. It was noted that the basement was currently wet and needs to have a system installed to alleviate the water problem.
3. Addition off rear of house, in the side setback, for patio with a balcony above and steps to the patio.
4. Extension of an All-Season Porch in the side setback, a couple of feet, to allow for more useable space as a family room and the construction of bathroom above; part of bathroom area being proposed above is restricted by a chimney.

Attorney Rizio submitted nine pictures which showed the view of the house from rear, front and side as well as the view of several properties to show the large distance from neighboring houses. Attorney Rizio also submitted a new survey which depicted the proposed patio with balcony above and stairs to the patio, in the side setback. It also proposed a new septic system to be constructed as the current one was on Town property and located near drainage areas. Danny Rodrigues discussed the proposed new septic and noted that no Certificate of Occupancy would be issued unless a septic system is installed.

MINUTES OF SEPTMEBER 6, 2017 MEETING FOR THE
EASTON ZONING BOARD OF APPEALS

2. Public Hearings: Z-17-5126-05 (continued)

Attorney Rizio presented the hardship of the property: small building area on the lot, where most of the house already sits in the setback area, property is pre-existing non-conforming, created prior to zoning, size of lot, .39 acres, which is substantially less than the required acreage of one acre, layout of the house on the property and the fact that the property is on a corner lot with two front setbacks. Attorney Rizio also stated that these minor additions were reasonable and that the additions would not have a negative effect on the neighborhood but would enhance the neighborhood and correct a health hazard to the Town, due to the location of the existing septic system on Town property near drainage areas. No one from the public spoke. The Acting Chair, Patricia Berlin, declared the public hearing closed.

Motion was made by Patricia Berlin, seconded by Raymond Ganim, to grant the application for variance to the Easton Zoning Regulations for Article 5, Sect./Para. 5.4.1 in order to allow for minor additions to a pre-existing non-conforming dwelling on a non-conforming lot, 9.5 ft. in-lieu-of 40ft. side yard setback, 19.9 ft. in-lieu-of 50 ft. front yard setback and 44.3 ft. in lieu of 75 ft. from the center line of Cold Spring Road and 43.9 ft. in-lieu-of 50 ft. front yard setback and 63.5 ft. in-lieu-of 75 ft. from the center line of Sport Hill Parkway, based on the fact that the proposed additions, as amended at the public hearing to include a small patio with steps and with a balcony above off the rear of the house, in the side setback, which will not further encroach into the side setback area as indicated on the plans submitted at the public hearing, are diminutive in nature, the hardship being that the dwelling is a pre-existing non-conforming dwelling, built in 1937 on a pre-existing non-conforming lot, the lot is undersized, .39 acres in a one acre zone, the lot is a corner lot with two front setbacks, and the layout of the lot is such that there will be no adverse effect on the surrounding properties with regard to health, safety, welfare or property values and strict adherence to the regulations would result in exceptional or unusual hardship. It was discussed that the applicant had stated that he recognized that there must be a relocation of the existing septic system currently on Town property and that this must be approved by the Town of Easton Health Officer; therefore the Board did not condition their approval. The vote was unanimous, 5-0, motion carried.

3. **Minutes:** Minutes for July 5, 2017 – No action taken, as only two of the members attended that meeting.
4. **Meeting Adjourned:** Motion was made by, Patricia Berlin, seconded by Dr. Mitchell Greenberg, to adjourn the meeting at approximately 6:45PM. The vote was unanimous, 5-0, motion carried.


Margaret Anania, Recording Secretary