

## MINUTES

### Sachem's Head Association Zoning Board of Appeals

Town of Guilford

November 4, 2019

A meeting of the Sachem's Head Association Zoning Board of Appeals (ZBA) was held on November 4, 2019 at 7:30 p.m. in the Menunkatuck Room Room at the Nathanael Greene Community Center, 32 Church Street, Guilford, Connecticut. With Chairman Jeffrey Cooper presiding, the meeting was called to order at 7:30 p.m. Mr. Cooper indicated that the meeting was being recorded as required by Connecticut statute.

**ZBA Members Present:** Jeffrey Cooper, Doug Rollins and Jonas Lieponis, constituting all the members of the ZBA, were present. Alternate Barbara Riley was also present.

**Additionally:** The applicant Peter Ginz, together with his representative Russell Campaigne of CK Architects, appeared. Matt Wilson, the Zoning Enforcement Officer of the Sachem's Head Association was also present.

Chairman Cooper certified that the legal notice for the public hearing was posted and was being held within the specified required time. It was advertised twice in the Guilford Courier, a newspaper of general circulation, on October 24 and October 31, 2019. Notice was also given to the following abutting neighbors by a mailing deposited in the U.S. mail on October 9, 2019: Eileen Clark, Robert and Patricia Edmands, Catherine Crawford, James Anderson, Paul Fry and Brigette Peucker,

The meeting was called on application of Melissa and Peter Ginz of 52 Indian Road, Map No. 004, Assessor's Lot No. 005, following a decision by the Sachem's Head Association Zoning Commission to deny the applicants' application for Zoning Compliance with respect to the removal of a connector between the existing main house and garage which would deem the existing 23.5 feet in height garage an accessory structure which would be over the 18 foot height limit for accessory

structures. The applicant, in accordance with its application, is seeking a variance from the Maximum Building Height for accessory buildings set forth in Table 1 of the Sachem's Head Zoning Ordinance. The applicants' plans provided for building an addition to the west side of the applicants' property with a foundation and basement with subsurface storage space. The addition would meet the lot coverage requirements of the zoning ordinance provided a variance is granted from the 18-foot height limitation of accessory structures. The existing garage under the plan would be separated from the principal building resulting in the creation of an accessory structure with a prohibited height of 23.5 feet.

Mr. Campaigne made a presentation at the meeting on behalf of the applicants setting forth the details of the proposed renovation and addition to the property. He noted that property was uniquely impacted by the fact that the lot was negatively affected by underlying ledge with a covering of only 1-2 feet of soil. The property was unique as compared to the other lots in the immediate vicinity that were not so impacted. As the result the appellant could not create any subsurface storage space or foundation except through the construction of an addition on the west side of the existing principal building that would allow for the construction of a basement with subsurface storage.

The surrounding houses all had basements with associated storage according to Mr. Campaigne. Separating the garage through the elimination of the existing connector, thereby denominating the existing garage an accessory structure, would free up enough lot coverage to allow for the construction of an addition with a foundation, basement and storage space.

Mr. Campaigne also noted that no changes to the existing garage were anticipated. As a result of the elimination of the connector in the front of the property the bulk and massing view of the property would be improved. Mr. Campaigne also focused the Board's attention on the practical difficulty of trying to rebuild the garage to comply with the accessory structure height requirement due to changes in the building codes from when the garage was originally constructed.

Mr. Cooper noted that the ZBA had not received communications from any party objecting to the appeal before the Board. He also noted that no one had attended

the meeting other than zoning Board of appeals members, the appellant and its representative and the Association's zoning enforcement officer.

Following Mr. Campaigne's presentation and questions from various Board members with there being no further comment from any parties, Mr. Cooper announced that the public hearing portion of the meeting had ended and that the Board would now proceed to rule on the variance appeal.

The Sachem's Head Zoning Board of Appeals voted unanimously 3-0 to grant the variance as requested.

The Board found that the applicants had met the requirements in the zoning ordinance for the grant of a variance. Due to the exceptional topography associated with the property by reason of the existing ledge the applicants could not create adequate storage space without adding an addition on the west side of the property that would include blasting to create a foundation and a basement with subsurface storage. To overcome the practical difficulty associated with the existing configuration and subsurface condition of the property, the appellant could only meet the lot coverage requirements by removing the garage connector and thereby suffer the garage becoming an accessory structure which would not meet the accessory building height limitation under the provisions of the ordinance.

The Board noted that the garage would not be changed in design or otherwise and would remain in keeping with the generally colonial design of the buildings in the surrounding neighborhood. The Board also concluded that the special circumstances associated with this property that did not have a basement or subsurface storage by reason of the property's existing ledge configuration did not apply to other properties in the neighborhood which had basements and subsurface storage and constituted a hardship upon which a variance could be granted. The Board also concluded that the relief requested could also be granted without detriment to the public welfare or impairment to the integrity of the zoning ordinance. The elimination of the connector would also help reduce the appearance of bulk and massing in front of the property. In addition, the garage would remain in keeping with the other buildings in the immediate vicinity. The

Board noted that the grant of the variance and removal of the connector would result in a material underutilization of the permissible lot coverage.

The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Jeffrey Cooper

Chairman, Sachem's Head Zoning Board of Appeals