

**ZONING BOARD OF APPEALS
Monroe, Connecticut**

**MEETING MINUTES
April 7, 2015**

Meeting: Zoning Board of Appeals
Regular Meeting – April 7, 2015
7 Fan Hill Road, Town Hall, Council Chambers

Present: Chairman James Wendt
Board Member Paul Lisi
Board Member Robert Saraco, Jr.
Board Member Dominic Paniccia (alternate)

Absent: Secretary Marion Callo
Vacant Board Member Seat
Vacant Board Member Alternate Seat

Also Present: Will Agresta, Planning and Zoning Administrator

OPENING OF MEETING

Chairman Wendt called the meeting to order at 7:30 p.m. Board Members were seated on a roll call, seating Alternate Paniccia.

PUBLIC HEARINGS

Vice Chairman Lisi read the Public Hearing Notice.

- **ZBA-2015-02, File #1376 – 56 Swendsen Drive – Assessor Map 90, Lot 21**
Application of property owners Joseph and Angela Bacoulis for an area variance of Zoning §3.1.6(A) to permit a front yard setback of 24 feet in lieu of the required 50 feet to allow for the demolition, reconstruction and expansion of an existing attached garage structure with new second story residence addition (RF-1 Zoning District). The reconstruction proposes a setback aligned with the front wall of the existing residence building, and includes relocation of the front entry stoop (to include a new roof cover) and stairs, as well as removal of existing shed remains presently located in the front yard setback.

Mr. Bacoulis presented his application indicating that the approximate 1.0 acre lot was located within a Residential and Farming District 1 (RF-1) and includes an existing 2-story residence

dwelling with attached 1-story garage on its northern end. The majority of the existing house and garage are presently situated in the applicable front yard setback. The existing house was constructed in 1969 and the garage was added in 1984.

The submitted survey indicates that the northerly corner of the existing house is set back 29.4 feet, while the attached garage portion is stepped back and its closest point to the front property line is 31.2 feet. The existing setback is non-conforming.

The owner indicated that the proposed application seeks to demolish the existing single story rear entry 2-car attached garage due to its current state of disrepair, and in its place construct a larger new side entry 3-car garage along with the addition of a second story addition to expand the upper floor living space of the existing residence. In doing so, the proposal seeks to eliminate the current stepped back condition between the house and garage and instead have a common horizontal plane across the entire front façade length of the dwelling/garage. Also, the existing front door stoop is proposed to be relocated closer to the garage-end of the dwelling and would include a new covered roof extension into the yard setback area. The remains of an existing shed structure located in the front yard, to the southwest of the residence building as a partial off-set of that proposed, would also be removed, thereby eliminating its setback nonconformity.

The Board members through questions noted that the front setback would match the existing house and the proposed roof line over the new garage portion would be no higher than present conditions of the existing house. The Board also noted that the remains of the existing shed in the front yard setback to be removed would eliminate a nonconforming condition.

- **ZBA-2015-03, File #1377 – 28 Easton Road – Assessor Map 45, Lot 54**

Application of property owner Jorge Santa, for an area variance of §3.1.6(A) of the Zoning Regulations to permit a front yard setback of 28.8 feet in lieu of the required 50 feet to allow for a second story addition and to permit a front yard setback of 21 feet to accommodate front steps which are currently 21.6 feet in lieu of the required 50 feet (RF-1 Zoning District).

The architect for the applicant presented the proposed project plans and described the requested area variances, noting that the subject property, located on the westerly side of Easton Road (Route 59), is an existing non-conforming undersized RF-1 District (minimum 1 acre) lot consisting of approximately 0.68 acres. The existing lot was created by subdivision in 1953. The subject lot includes an existing 1 ½ story dwelling, a substantial portion of which is situated in the existing front yard 50-foot setback area of the lot. The original house was constructed in 1962 and includes several additions, including a large deck and pool structure located partially within the front and side yard setbacks. The lot also includes a couple of sheds both of which are located entirely within a side or rear yard setback. The site's development coverage (buildings, structures and other impervious surface) of 22.4% is also nonconforming (a maximum coverage of 15% is allowed).

The applicant's architect indicated that the project involves the conversion of the upper half-story to a full second-story (which includes a portion over the existing non-conforming first floor located in the front yard setback); enclosure and conversion of an existing open covered porch area in the

front right side corner of the dwelling; reconstruction of the front steps and covered stoop, reducing the overall size of the stoop occurring in the front yard setback; and the removal and elimination of a large side deck and pool, much of which is within the front and side yard setbacks, as well as the removal of a large shed structure located entirely within the rear yard setback. These aspects would provide reductions of existing nonconforming conditions.

The Board members through questions noted that the proposed building alterations would be contained within the existing footprint of the main house and would retain both a single-family use and appearance.

The Board members also noted that the project would result in the removal and elimination of a large side deck and pool, much of which is within the front and side yard setbacks, as well as the removal of a large shed structure located entirely within the rear yard setback, thereby providing reductions of existing nonconforming conditions relating to setback and development coverage.

Polling the Board hearing no objections, Chairman Wendt closed the public hearing.

NEW AND ONGOING BUSINESS

MEETING MINUTES/CORRESPONDENCE

- Previous meeting minutes - None

DELIBERATIONS / DETERMINATIONS

- Completed Public Hearing Items from this Agenda

ZBA-2015-02, File 1376 – 56 Swendsen Drive – Assessor Map 90, Lot 21

OWNER: Joseph and Angela Bacoulis

APPLICANT: Joseph and Angela Bacoulis

MOTION: Saraco – To grant approval of ZBA-2015-02, 56 Swendsen Drive.

SECOND: Paniccia

DISCUSSION: The Board noted that the second story over the new garage will maintain the existing roof height across the front of the residence.

VOTE: 4-0-0 – Approved

Ayes Wendt, Lisi, Saraco, Paniccia

Nays None

Abstain None

ZBA-2015-03, File 1377 – 28 Easton Road – Assessor Map 45, Lot 54

OWNER: Santa Jorge

APPLICANT: Santa Jorge

MOTION: Lisi – To grant approval of ZBA-2015-03, 28 Easton Road.

SECOND: Saraco

DISCUSSION: The alterations will remain a 3-bedroom single-family residence, will result in an improved architectural appearance and condition, will stay within the existing building footprint (except 6 inches at front steps), and will provide reduction in existing impervious surface coverage nonconformities with removal of deck, pool and rear yard large shed.

VOTE: 4-0-0 – **Approved**

Ayes Wendt, Lisi, Saraco, Paniccia

Nays None

Abstain None

MEETING ADJOURNMENT

Chairman Wendt adjourned the meeting at 8:24 p.m.

Respectfully submitted,
Carol Re, Recording Clerk



Town of Monroe Zoning Board of Appeals
7 Fan Hill Road, Monroe, CT 06468
Phone (203) 452-2812 – Fax (203) 261-6197

APPROVAL

Application ZBA-2015-02 – File #1376
56 SWENDSEN DRIVE – RF-1 District – Assessor Map 90, Lot 21

Joseph and Angela Bacoulis (Owner/Applicant)

April 7, 2015

WHEREAS, the Town of Monroe Zoning Board of Appeals (hereinafter “ZBA”), upon the holding of a duly noticed Public Hearing opened and closed on April 7, 2015 (postponed from March 3, 2015 which meeting was cancelled due to weather conditions), has considered an application from property owners Joseph and Angela Bacoulis for an area variance of §3.1.6(A) of the Zoning Regulations to permit a front yard setback of 24 feet in lieu of the required 50 feet to allow for the demolition, reconstruction and expansion of an existing attached garage structure with new second story residence addition. The reconstruction will result in a setback aligned with the front wall of the existing residence building, and includes relocation of the front entry stoop (to include a new roof cover) and stairs, as well as removal of existing shed remains presently located in the front yard setback, as detailed in the following application materials and plans:

Application:

- Application ZBA-2015-02 – 56 Swendsen Drive;
- Attachment For Project;
- Adjoining Property Owners List;
- Septic As-Built, 09/15/14;

Plans:

- Existing Floor Plan, unsigned, no date;
- Proposed Floor Plan, unsigned, no date;
- Zoning Location Survey, Lewis Associates, 01/29/15; and

WHEREAS, the approximate 1.0 acre subject property is located on the easterly side of Swendsen Drive within a Residential and Farming District 1 (RF-1); and

WHEREAS, the subject lot includes an existing 2-story residence dwelling with attached 1-story garage on its northern end. The majority of the existing house and garage are situated in the applicable front yard setback; and

WHEREAS, the existing house was constructed in 1969 and the garage was added in 1984 according to the application; and

WHEREAS, the submitted survey indicates that the northerly corner of the existing house is set back 29.4 feet, while the attached garage portion is stepped back and its closest point to the front property line is 31.2 feet. The existing setback is non-conforming; however, a front yard setback of 50 feet has been required in the underlying zoning district since July, 1966; and

WHEREAS, the subject parcel is within 500 feet of a town boundary shared with Shelton, for which a referral notice was sent on February 17, 2015; and

WHEREAS, the subject parcel does not appear to include regulated wetlands or upland review areas; and

WHEREAS, the subject parcel is located within the Means Brook Reservoir Watershed, for which the applicant completed required notices thereof to the Commissioner of Public Health and the Aquarion Water Company of Connecticut pursuant to Connecticut General Statutes §8-3i; and

WHEREAS, on February 11, 2015, a copy of the public hearing notice was filed in the office of the Monroe Town Clerk and was published in the Monroe Courier on February 19 and 26, 2015; and

WHEREAS, the applicant mailed a copy of the public hearing notice of the proposed Area Variance application to abutting property owners within 100 feet of the subject property as evidenced by submission of certified mail receipts (and subsequent returned “green” cards); and

WHEREAS, the proposed application seeks to demolish the existing single story rear entry 2-car attached garage due to its reported current state of disrepair, and in its place construct a larger new side entry 3-car garage along with the addition of a second story addition to expand the upper floor living space of the existing residence. In doing so, the proposal seeks to eliminate the current stepped back condition between the house and garage and instead have a common horizontal plane across the entire front façade length of the dwelling/garage. Also, the existing front door stoop is proposed to be relocated closer to the garage-end of the dwelling and would include a new covered roof extension into the yard setback area; and

WHEREAS, the proposal also calls for the complete removal of the remains of a shed structure located in the front yard, to the southwest of the residence building as a partial off-set of that proposed, thereby eliminating a current setback nonconformity; and

WHEREAS, the proposed reconstructed garage portion of the dwelling would be located closer than presently, and a full second story would be added above the garage, thereby increasing the relative building mass and bulk encroachment into the front yard setback, hence the area variance request; and

WHEREAS, according to written comments from the Trumbull Monroe Health District dated March 2, 2015, “A four bedroom code complying septic system was recently installed in September of 2014, the house is served by city [public] water;”

NOW THEREFORE BE IT RESOLVED, the ZBA at its meeting held on **April 7, 2015**, upon motion by **ROBERT SARACO** and seconded by **DOMENIC PANICCIA**, voted **FOUR (4)** in favor and **NONE (0)** in opposition to **APPROVE**, for the reasons stated below, the above referenced application for an area variance **specific and solely to the use, structures, plans and other application materials submitted**, as follows:

<u>James Wendt</u>	<u>Chairman</u>	<u>AYE</u>
<u>Paul Lisi</u>	<u>Vice Chairman</u>	<u>AYE</u>
<u>Marion Callo</u>	<u>Secretary</u>	<u>ABSENT</u>
<u>Robert Saraco</u>	<u>Member</u>	<u>AYE</u>
<u>Domenic Paniccia</u>	<u>Alternate (seated)</u>	<u>AYE</u>

For the ZBA:


James Wendt, ZBA Chair

BE IT FURTHER RESOLVED, the ZBA relies on the following reasons in support of this **APPROVAL**:

- The front setback will match the existing house and the proposed roof line over the new garage portion will be no higher than present conditions of the existing house;
- The remains of an existing shed in the front yard setback will be removed; and

BE IT FURTHER RESOLVED, that the area variances approved herein shall be subject to the following:

1. The area variance approved herein shall be specific and limited to the building construction as detailed on the application plans as submitted. Any changes to the area variance extent or content shall render this approval null and void. Said approved area variances shall be inapplicable and non-transferrable to any other uses, structures or improvements on the subject premises.
2. The applicant shall provide five (5) signed and sealed certified copies of the Zoning Location Survey, which plan shall be revised to note the removal of the “shed remains” in the front yard. Said copies as approved shall be marked as “Final Approved” with a copy maintain in the record file of the ZBA.
3. Upon satisfaction of Condition #2 above, the owner shall record an original copy of this approval document (as provided by the Planning and Zoning Department) in the Monroe Land Records. A copy of said recording, showing all marks of recording, shall be filed in the office of the Planning and Zoning Department. This approval shall not take effect until the date of such recording and completion of the filing of the recorded copy as set forth herein.
4. The area variance approved herein, in of itself, does not authorize any physical construction to commence, all other required administrative, health, fire, wetlands, zoning and building permits are required prior to any construction. Development of the subject property shall be subject to compliance with all regulations and requirements effective at the time of applications for a Certificate of Zoning Compliance and Building Permit.
5. Failure to comply with the above conditions within six (6) months of the date of this approval shall render this approval null and void.
6. Prior to a Certificate of Zoning Compliance or Certificate of Occupancy for the building alterations relating hereto, the existing shed remains in the front yard shall be completely removed and the disturbed area affected stabilized.



Town of Monroe Zoning Board of Appeals
7 Fan Hill Road, Monroe, CT 06468
Phone (203) 452-2812 – Fax (203) 261-6197

APPROVAL

Application ZBA-2015-03 – File #1377
28 Easton Road – RF-1 District – Assessor Map 45, Lot 54
Jorge Santa (Owner/Applicant)

April 7, 2015

WHEREAS, the Town of Monroe Zoning Board of Appeals (hereinafter “ZBA”), upon the holding of a duly noticed Public Hearing opened and closed on April 7, 2015, has considered an application from property owner Jorge Santa for area variances of §3.1.6(A) of the Zoning Regulations to permit in lieu of the required minimum front yard setback of 50 feet the following reduced front yard setbacks:

- **Reconstruction of Existing Upper Half-Story to a Full Second-Story – 28.8 feet**, involving the removal of the existing roof and construction of a full second-story with new roof, which in part would increase the overall bulk of the structure in the front yard setback;
- **Enclosure and Conversion of Existing Open Porch to an Interior Mud Room – 31.2 feet**, involving construction of walls and enclosing the existing outdoor open covered porch area into a habitable interior floor area;
- **Reconstruction of Existing Front Steps and Stoop – 21.0 feet (existing is 21.5 feet)**, involving the removal of the existing front steps and covered stoop and reconstruction anew but smaller (less overall ground coverage and bulk in the setback than existing but six (6) inches closer to the front property line);

As detailed in the following application materials and plans:

Application:

- Application ZBA-2015-03 – 28 Easton Road;
- Adjoining Property Owners List;

Plans:

- Zoning Location Survey, Lewis Associates, 02/27/15, 03/01/15;
- EX-1 – Existing Plans and Elevations, J.R. Portillo Associates, AIA, 03/02/15;
- SK-1 – Proposed Plans and Elevations, J.R. Portillo Associates, AIA, 03/02/15; and

WHEREAS, the subject property, located on the westerly side of Easton Road (Route 59), is an existing non-conforming undersized RF-1 District (minimum 1 acre) lot consisting of approximately 0.68 acres; and

WHEREAS, the existing lot was first created by subdivision, Record Map 321, dated December 9, 1953; and

WHEREAS, the subject lot includes an existing 1 ½ story dwelling. A substantial portion of the existing house is situated in the existing front yard 50-foot setback area of the lot; and

WHEREAS, the original house was constructed in 1962 and includes several additions, including a large deck and pool structure located partially within the front and side yard setbacks. The submitted survey indicates that the existing house presently provides a front yard setback of 28.8 feet (21.5 feet to the front steps and stoop); and

WHEREAS, the subject lot also includes a couple of sheds both of which are located entirely within a side or rear yard setback; and

WHEREAS, in addition to an undersized lot area and non-conforming yard setbacks, as noted above, the site's development coverage (buildings, structures and other impervious surface) of 22.4% is also nonconforming (a maximum coverage of 15% is allowed); and

WHEREAS, there are no variances of record associated with the subject premises; and

WHEREAS, the subject parcel is not within 500 feet of a town boundary; and

WHEREAS, the subject parcel does not include regulated wetlands or upland review areas; and

WHEREAS, the subject parcel is located within the West Pequonnock Watershed, for which the applicant completed required notices thereof to the Commissioner of Public Health and the Aquarion Water Company of Connecticut pursuant to Connecticut General Statutes §8-3i; and

WHEREAS, on March 11, 2015, a copy of the public hearing notice was filed in the office of the Monroe Town Clerk and was published in the Monroe Courier on March 19 and 26, 2015; and

WHEREAS, the applicant mailed a copy of the public hearing notice of the proposed Area Variance application to abutting property owners within 100 feet of the subject property as evidenced by submission of certified mail receipts (and subsequent returned "green" cards); and

WHEREAS, the proposed application seeks to:

- Convert the upper half-story to a full second-story (which includes a portion over the existing non-conforming first floor located in the front yard setback);
- Enclose and convert an existing open covered porch area in the front right side corner of the dwelling;
- Reconstruct the front steps and covered stoop, reducing the overall size of the stoop occurring in the front yard setback; and

WHEREAS, the application also proposes the removal and elimination of a large side deck and pool, much of which is within the front and side yard setbacks, as well as the removal of a large shed structure located entirely within the rear yard setback. These aspects would provide reductions of existing nonconforming conditions as follows:

- **Removal of Existing Nonconforming Side Deck and Pool Structure** – Approximately half of the area covered by these structures is situated within the front and side yard setbacks, and thus are nonconforming. Their removal will eliminate the nonconforming front and side yard setback, while, with the removal of the other half, will also reduce existing nonconforming site development coverage;
- **Removal of Portions of Existing Nonconforming Front Stoop** – The amount of existing structure in the front yard setback would be reduced with the construction of the proposed new covered stoop and steps, while the site’s nonconforming development coverage would equally be reduced or made less nonconforming;
- **Removal of Existing Nonconforming Large Rear Yard Shed** – The proposed complete demolition and removal of the existing large shed from the rear yard setback would eliminate the existing nonconforming condition, while also reduce the site’s nonconforming development coverage; and

WHEREAS, in addition to the above noted nonconforming setback reductions as noted above, the elimination of the deck, pool and large shed will also result in the reduction of the existing nonconforming site development coverage to approximately 19.2% (or approximately 3.2% less), thereby trending towards increased conformity;

NOW THEREFORE BE IT RESOLVED, the ZBA at its meeting held on **April 7, 2015**, upon motion by **PAUL LISI** and seconded by **ROBERT SARACO**, voted **FOUR (4)** in favor and **NONE (0)** in opposition to **APPROVE**, for the reasons stated below, the above referenced application for an area variance **specific and solely to the use, structures, plans and other application materials submitted**, as follows:

<u>James Wendt</u>	<u>Chairman</u>	<u>AYE</u>
<u>Paul Lisi</u>	<u>Vice Chairman</u>	<u>AYE</u>
<u>Marion Callo</u>	<u>Secretary</u>	<u>ABSENT</u>
<u>Robert Saraco</u>	<u>Member</u>	<u>AYE</u>
<u>Domenic Paniccia</u>	<u>Alternate (seated)</u>	<u>AYE</u>

For the ZBA:


James Wendt, ZBA Chair

BE IT FURTHER RESOLVED, the ZBA relies on the following reasons in support of this **APPROVAL**:

- The proposed building alterations will be contained within the existing footprint of the main house and will retain both a single-family use and appearance;
- The project will result in the removal and elimination of a large side deck and pool, much of which is within the front and side yard setbacks, as well as the removal of a large shed structure located entirely within the rear yard setback, thereby providing reductions of existing nonconforming conditions relating to setback and development coverage as noted above; and

BE IT FURTHER RESOLVED, that the area variances approved herein shall be subject to the following:

1. The area variance approved herein shall be specific and limited to the building construction as detailed on the application plans as submitted. Any changes to the area variance extent or content shall render this approval null and void. Said approved area variances shall be inapplicable and non-transferrable to any other uses, structures or improvements on the subject premises.
2. The applicant shall provide five (5) signed and sealed certified copies of the Zoning Location Survey. Said copies as approved shall be marked as "Final Approved" with a copy maintain in the record file of the ZBA.
3. Upon satisfaction of Condition #2 above, the owner shall record an original copy of this approval document (as provided by the Planning and Zoning Department) in the Monroe Land Records. A copy of said recording, showing all marks of recording, shall be filed in the office of the Planning and Zoning Department. This approval shall not take effect until the date of such recording and completion of the filing of the recorded copy as set forth herein.
4. The area variance approved herein, in of itself, does not authorize any physical construction to commence, all other required administrative, health, fire, wetlands, zoning and building permits are required prior to any construction. Development of the subject property shall be subject to compliance with all regulations and requirements effective at the time of applications for a Certificate of Zoning Compliance and Building Permit.
5. Failure to comply with the above conditions within six (6) months of the date of this approval shall render this approval null and void.
6. Prior to a Certificate of Zoning Compliance or Certificate of Occupancy for the building alterations relating hereto, the existing deck, pool and large shed identified as to be removed and eliminated by the applicant, shall be completely removed and the disturbed area affected stabilized.