

**Borough of Fenwick
Zoning Board of Appeals
Public Hearing and Special Meeting – April 30, 2016**

The Special Meeting of the Borough of Fenwick Zoning Board of Appeals was held on Saturday, April 30, 2015 at 11:30 a.m. at 4 Nibang Avenue.

MEMBERS PRESENT: Robert Gay, Peter Brainard, Martha Staniford, Laurie Goldsmith, Becki Renshaw (Alternate).

MEMBERS ABSENT: Kathy Berluti, Bill Walton (Alternate), Nancy Haviland (Alternate).

OTHERS PRESENT: Marilyn Ozols, ZEO; Sabrina Foulke.

1. Call to Order.

Chairman Gay called the meeting to order at 11:40 a.m. and seated B. Renshaw as a voting member. A quorum was established (Gay, Brainard, Staniford, Goldsmith, Renshaw).

- 2. Public Hearing: ZBA 16-001. 3 Old Fenwick Road, map 5, lot 107.** John Gagne and Elizabeth Plonka, owners; Sabrina Foulke, applicant; request for variance of Section 5.3.1 (16.5' front yard) to permit front entry stoop 14.6' from front property line. Coastal Site Plan Review required.

Sabrina Foulke, architect, presented. She stated that a variance was granted last year and she pointed out the differences between that plan and this. She explained that the Building Code required them to raise the house two feet and they determined that, structurally, it was better to demolish and rebuild a similar house than to try to work with the existing structure; they are rebuilding on the same foundation but adding the necessary steps has made the intrusion into the setback shorter but wider than was previously approved; only the front steps are an issue and coverage has actually decreased; they will regrade the front yard some but do not have sufficient space to address access to the increased height by regrading; they did not look into relocating the house on the lot because they are keeping the existing foundation which is in a conforming location. P. Brainard questioned why there was not a need to increase the steps in the rear of the house the same as in the front and it was determined that the site is relatively flat so the number of steps in the rear may not have been accurately depicted on the site plan. Members discussed the amount of change and noted that there is less intrusion but more square footage in the setback area although the total square footage of intrusion is still small. It was noted that fewer variances are required than were required previously since once the building is removed the new construction no longer increases a nonconformity, and that the regulations would allow the intrusion into the setback if the house was raised to comply with FEMA, but since they are choosing to demolish in order to create a structurally improved house, they do not receive the same exemption from the setback, although the effect is the same. P. Brainard expressed concern that the increased size of the porch was driven by the HDC requirement to add pillars, but S. Foulke noted that although the porch could be reduced slightly in size if there were no pillars, the porch would still have to extend into the setback in order to comply with building code requirements; the decrease in size would be minimal. R. Gay noted that the intrusion proposed is diminimus; they are not crowding neighbors; the situation has been complicated because the building code is requiring that the house be raised; the variance request is no larger than what was previously approved; and by some measure the current request is for smaller variances than were previously granted. S. Foulke noted that it might be possible to pull the porch back slightly. R. Gay responded that it would not be appropriate for the Board to grant a variance for a plan that was not before them, but if the porch could be pulled back more, that would be a good thing.

There being no members of the public present and no further comment, **M. Staniford moved to close the public hearing. B. Renshaw seconded the motion and it was approved unanimously.**

The motion carried, 5-0-0.

IN FAVOR: Gay, Brainard, Staniford, Goldsmith, Renshaw

OPPOSED: none
ABSTAINED: none

3. Possible decision: ZBA 16-001: 3 Old Fenwick Avenue.

Members reviewed the discussion in the hearing and considered requesting a redesign to lessen the amount of variance required, but determined that the difference would be minimal and that redesign of a submittal was not a good practice.

A motion was made by M. Staniford to grant a variance of Section 5.3.1 (16.5' front yard) to permit the front entry stoop 14.6' from the front property line for application ZBA16-001 as shown on the plans submitted. The motion was seconded by L Goldsmith and approved 4-0-1.

The motion carried, 4-0-1.

IN FAVOR: Gay, Staniford, Goldsmith, Renshaw
OPPOSED: none
ABSTAINED: Brainard

P. Brainard noted that he was not convinced of the hardship or that the porch could not be redesigned so as not to require a variance.

Members discussed compliance with the CT Coastal Management Act. It was noted that there was not any appreciable change from the prior application which was found to be consistent.

A motion was made by P. Brainard to find the application consistent with the goals and policies of the Connecticut Coastal Management Act. The motion was seconded by B. Renshaw, and approved unanimously.

The motion carried, 5-0-0.

IN FAVOR: Gay, Brainard, Staniford, Goldsmith, Renshaw
OPPOSED: none
ABSTAINED: none

The record plans are:

- *Site Development Plan, Property of John Gagne & Elizabeth Plonka, 3 Old Fenwick Road, Borough of Fenwick* by Angus McDonald, Gary Sharpe & Associates, dated May 27, 2015, revised through 2/15/16.
- *Plonka + Gagne Residence, 3 Old Fenwick Road, Old Saybrook, CT* by Point One Architects
 - *Architectural Site Plan* dated 02.9.16, revised 4/30/16
 - *Proposed Elevations* (north and east) dated 02.9.16, revised 04.30.16
 - *Proposed Elevations* (south and west) dated 02.9.16, revised 04.30.16

5. Approval of Minutes: July 30, 2015.

L. Goldsmith moved to approve the minutes of the July 30, 2015 special meeting as submitted. P. Brainard seconded the motion and it was approved unanimously.

The motion carried, 5-0-0.

IN FAVOR: Gay, Brainard, Staniford, Goldsmith, Renshaw
OPPOSED: none
ABSTAINED: none

6. Old Business / Other Business.

It was noted that the Appellate Court had accepted the appeal of the decision on 20 Mohegan Avenue. A court date has not yet been set. Members noted that the Superior Court decision was very well written.

7. Adjournment.

M. Staniford moved to adjourn the meeting at 12:25 p.m. P. Brainard seconded the motion and it was approved unanimously.

Respectfully submitted,

Marilyn M. Ozols
Acting Recording Secretary