

Town of Stafford  
Zoning Board of Appeals  
Regular Meeting  
October 4, 2018 - 7:00 p.m.  
Veteran's Meeting Room  
Warren Memorial Town Hall

RECEIVED  
STAFFORD, CT

2018 OCT -9 P 12:56

*Spago*  
*[Signature]*  
TOWN CLERK

Members Present: Anthony Guardiani, Chair  
Arlene Avery  
Rich Longmore  
Dennis Kaba, Alternate  
James Greene, Alternate

Also Present: David Perkins, ZEO  
Judith Mordasky, Alternate  
Attorney Ken Slater of Halloran & Sage,  
representing Isabella's Court Condominium Association  
Public

### Public Hearings

Application submitted by Isabella's Court Condominium Association to split off a 9,659 s.f. area out of an existing lot to create a new nonconforming lot.

90 – 92 Furnace Avenue, Map 49, Lot 6, Zone B

Vary Sections 3.5a and 4.9 to allow a street frontage of 80 ft. where 250' is required (new lot) and allow street frontage on preexisting lot to be reduced from 163.94 to 83.94 where 250' is required.

Vary Sections 3.3 and 4.9 to allow a lot depth of 120' where 150' is required (new lot) and to allow lot size of 9,659 s.f. where 40,000 s.f. is required (new lot).

Anthony Guardiani, Chair, opened the public hearing at 7:05 p.m. seating Regular members, Anthony Guardiani, Chair, Arlene Avery, and Rich Longmore and seating Alternate members James Greene for Henry DaDalt and Dennis Kaba for Tim Armstrong.

Anthony Guardiani read the public notice.

Attorney Ken Slater of Halloran & Sage, representing Isabella's Court Condominium Association, provided a layout of the entire 93-unit project. He recapped his previous presentation. His client would like to split off the 75+-year-old home at the entryway to the complex as it is a single family home and was never contemplated to be a unit in the age-restricted complex behind it. The house was included in the development only because the developer needed the frontage that the house had on its lot in order to access the land in back for the development. In hindsight the developer should have asked for a variance at the time, but that did not happen and they would like to correct that error now.

Attorney Slater said they are offering no proposal to build any new units as they already exist on the private road in back. They are not proposing to build anything new. Instead, they are asking that the ZBA split off the house to allow an individual .22 acre lot at 90 Furnace Avenue, then authorize it to have 83.94 feet of street frontage, thus enabling an undersized lot.

He addressed concerns from the previous variance application. There was a question about liability with regard to use of the road and he presented wording for a suggested easement. He said they cannot split the house off from the condominiums and do an easement without first getting the requested variance. He submitted several copies of a "Declaration of Common Driveway Easement," noting that if the variance is granted, then the condominium association could propose allowing that easement. In this way, all of the unit owners behind could use the easement to get to their individual units in back. He said the homeowner at 90 Furnace Avenue would have to carry casualty coverage to include the easement area.

Attorney Slater discussed the hardship. He noted he checked both "yes" and "no" on the form with regard to whether there was a hardship. He said it has been recognized that variances may be granted if the variance will eliminate a non-conformity. This would eliminate the house as a non-conforming unit in the development and provide a common sense solution. It also would not create an adverse effect on the neighborhood. This would also allow the house to be sold and to provide a new housing opportunity.

Attorney Slater noted there are about 54 occupied units in the development and he had 42 signatures from unit owners expressing their support.

Dennis Kaba asked when the development was built. Mr. Casagrande, the developer, said he believed it was started in 2004 or 2005. Dennis Kaba said this problem should have been fixed a long time ago. Attorney Slater agreed, noting the problem was only discovered when the property owner wanted to sell the house and realized that to do so, it needed to be cut out of the condominium development.

James Greene asked if cutting the house out to create a new lot would create any new non-conformities. Dave Perkins said there would be no new nonconformities besides the lot size and frontage. The setbacks meet the regulations.

Anthony Guardiani asked how the house was being treated with regard to property taxes, if it was taxed as part of the Isabella Court development. Mr. Casagrande said the house at 90 Furnace Avenue is taxed separately.

Arlene Avery questioned why the Planning & Zoning Commission at the time the development was approved granted the project even though the frontage was deficient. Dave Perkins said he tried to research past records. He said there might have been just a 150 foot frontage requirement at the time or it may simply have been an oversight. It is not certain. Attorney Slater noted that if the Board does nothing, they will eventually be forced to treat the house as an age-restricted unit, which is impractical.

Dave Perkins asked how the lot configuration was originally handled. Mr. Casagrande said 90 Furnace Avenue became 90 and 92, with just the entrance for the driveway becoming 92 Furnace Avenue. All of the individual unit owners at Isabella Court live at 92 Furnace Avenue.

The public hearing was opened to public comment. John Cepiel of 92 Furnace Avenue, Unit 63, noted that the entire entrance driveway does not have any houses on it or anywhere near it, and nothing could

be built in that area. He said the problem with things as they presently stand is that the house does not conform to the units. The units are all one level with vinyl siding. He said if things stay as they are, the Association would have to maintain the house and those maintenance fees would be cost prohibitive.

Arlene Avery said she visited the Reillys at Unit 89 on Monday. She said she noticed some rockfall coming off the ledge with some rock on the side of the chain link fence. She expressed some concerns about the stability there. Arlene was informed that the ledge has all been drilled and pinned.

Tom Reilly, who lives in Unit 89, said he would rather not be encumbered by the maintenance for the single family home. However, he noted that the application for a variance changed from before in that the last time Attorney Slater was representing Casagrande Builders and this time he is representing the Isabella Court Condominium Association. He asked why there was a change. Attorney Slater said the Association has control over the common elements in the development, and it was believed that this would be a better representation as the unit owners would benefit from the change. Tom Reilly expressed concerns that the unit owners would be footing the expenses for the variance application and any other associated expenses. Attorney Slater said that Mr. Casagrande paid for the application fee, but if unit owners have concerns about any other expenses, they would need to take that up with the Association, as it is a private matter.

There were no other questions or comments. James Greene made a motion to close the public hearing, seconded by Dennis Kaba. All were in favor.

#### REGULAR MEETING AGENDA

1. Call to order
2. Establish a Quorum.
3. Approval of August 2, 2018 and September 6, 2018 Regular meeting minutes.
4. Discussion and possible action on Application submitted by Colburn Enterprises, 74 Wales Road, tabled from 9/6/18.
5. Discussion and possible action – Public Hearing items – 90-92 Furnace Avenue
6. Adjournment

**1. Call to order.**

Anthony Guardiani, Chair, called the regular meeting to order at 7:45 p.m.

**2. Establish a Quorum.**

Anthony Guardiani, Chair, continued the quorum as was established for the public hearing.

**3. Approval of August 2, 2018 and September 6, 2018 Regular meeting minutes.**

Rich Longmore made a motion to accept the August 2, 2018 Regular meeting minutes as written, seconded by Dennis Kaba. Anthony Guardiani, Rich Longmore, Arlene Avery, and Dennis Kaba voted in favor. James Greene abstained. Motion carried.

James Greene made a motion to accept the September 6, 2018 Regular meeting minutes as written, seconded by Arlene Avery. James Greene, Arlene Avery, Anthony Guardiani, and Dennis Kaba voted in favor. Rich Longmore abstained. Motion carried.

**4. Discussion and possible action on Application submitted by Colburn Enterprises, 74 Wales Road, tabled from 9/6/18.**

Anthony Guradiani unseated Rich Longmore and seated Judith Mordasky in his place, as she was present when the variance application was first presented in September.

Based on the September discussions, Dave Perkins compiled some potential motions. The ZBA could accept the application as presented, deny it, or offer alternatives. The alternatives proposed would change the proposed screened porch to a 20 foot by 12 foot deck. It would also reduce the proposed garage from 20 feet by 30 feet to 10 feet by 30 feet. This would provide for a 10 foot setback. It was noted that where an addition was put on the south side, there already exists a small entryway porch. Additionally, on the waterside of the property, there is a deck there already. This proposal would not increase any non-conformities, and would make the home more habitable.

Anthony Guardiani asked about the environmental concerns raised at the previous meeting. Dave Perkins said it would be the purview of the Inland Wetlands Commission and the Health Department to address those concerns.

Judith Mordasky said the largest concern at their last meeting was the size of the garage. This new proposal increases the distance it would be from the neighbor's property – from one foot to ten feet. Arlene Avery said she felt more comfortable with this proposal. James Greene said changing the screened porch to a deck alleviated some of his concerns. There was consensus that this proposal was a better option.

James Greene made a motion, seconded by Arlene Avery to approve the application submitted by Colburn Enterprises, 74 Wales Road, Map 17, Lot 74, Zone AA to vary: section 4.9:

- North side line to 8 feet to allow addition of garage to the east and deck to the west.
- South side line to 18 feet for a 10 foot by 12 foot deck and a 44 foot by 12 foot addition and garage
- West line setback for construction of a 30 foot by 12 foot unroofed deck to one foot.
- East line set back to 10 feet for construction of a 30 foot by 10 foot attached garage
- Lot coverage from maximum 15% to 48%
- 3.12D building line setback from 100 feet (required) to 10 feet.
- As per drawings stamped 10/4/18

The hardship is due to the undersized lot. Additionally, the changes to the size of the structure will bring it into conformance with current zoning regulations and make the home more habitable. A vote was taken on the motion and all were in favor.

**5. Discussion and possible action – Public Hearing items – 90-92 Furnace Avenue**

There was a general consensus that the creation of the proposed new lot would fix a problem without creating any negative impact on the neighborhood.

Dennis Kaba made a motion, seconded by James Greene to approve the application submitted by Isabella's Court Condominium Association to split off a 9,659 s.f. area out of an existing lot to create a new non-conforming lot at 90-92 Furnace Avenue, Map 49, Lot 6, Zone B.

Vary Sections 3.5a and 4.9 to allow a street frontage of 80 ft. where 250 feet is required (new lot) and allow street frontage on preexisting lot to be reduced from 163.94 to 83.94 where 250 feet is required. Vary Sections 3.3 and 4.9 to allow a lot depth of 120 feet where 150 feet is required (new lot) and allow lot size of 9,659 s. f. where 40,000 s.f. is required (new lot). With this motion, the applicant is also required to file maps as mylars at the Town Clerk's office.

A vote was taken on the motion and all were in favor.

**6. Adjournment**

Rich Longmore made a motion to adjourn, seconded by Arlene Avery. The October 4, 2018 Stafford Zoning Board of Appeals meeting was adjourned at 8:00 p.m.

Respectfully submitted,



Annie Gentile  
Recording Secretary