

**MINUTES OF THE ZONING BOARD OF APPEALS  
TOWN OF WOODBRIDGE  
REGULAR MEETING OF SEPTEMBER 12, 2016**

A regular meeting for the Zoning Board of Appeals for the Town of Woodbridge was held on Monday, September 12, 2016, in the Central Meeting Room of the Woodbridge Town Hall, 11 Meetinghouse Lane, Woodbridge, Connecticut.

**ROLL CALL**

**PRESENT:** Cynthia Gibbons – Chairman, Christopher Dickerson, Henry Nusbaum, and Edee Lockyer  
**ALTERNATES:** Aldon Hynes and Spencer Rubin  
**EXCUSED:** Mark Levine and Arlene Levine (alternate)  
**ALSO PRESENT:** Terry Gilbertson, Zoning Enforcement Officer (ZEO)  
Tammy Riccitelli – Recording Secretary

The meeting was called to order by the Chairman at 7:30 p.m. Spencer Rubin was seated for Mark Levine in his absence.

**PUBLIC HEARING**

**BRUCE AND JEAN WEBBER/ APPELLANTS – 53 ACORN HILL ROAD**

Relative to a proposed residential addition variances of Section 3.1.3 Table of General Bulk Regulations, Column 6 where a 75' front yard setback is required a 34.81' setback for a variance of 40.19', Section 3.1.3 Table of General Bulk Regulations, Column 8 Minimum Side Yard, where a setback of 25' is required a 20.58' setback for a variance of 4.42' and Section 6.2.1 where a road centerline setback of 115' is required a setback of 34.81' for a variance of 80.19'.

Relative to a proposed detached garage variances of Section 3.1.3 Table of General Bulk Regulations, Column 6 where a 75' front yard setback is required a 70.48' setback for a variance of 4.52', Section 3.1.3 Table of General Bulk Regulations, Column 9 Minimum Side Yard, where a setback of 15' is required a 3' setback for a variance of 12' and Section 6.2.1 where a road centerline setback of 115' is required a setback of 70.48' for a variance of 44.52'.

Jay Bright representing Bruce and Jean Webber, 53 Acorn Hill Road, was present to speak regarding the application. Mr. Bright stated:

- The Webbers are requesting front and side yard variances for an addition to their existing house which would include a master bedroom, bath, closet and possibly a laundry room. They are also requesting front and side yard variances for a detached two car garage.
- The house sits on almost 12 acres but it is pushed right to the northwest corner.
- The side property line is near a stonewall.
- The idea of putting the addition on the opposite side of the house was looked at but all the major rooms windows face out to the south.
- The addition would be setting up first floor living for the applicants.
- The variances for the house addition are: where a setback of 115' from the road centerline of the road is required an actual setback of 34.81', from the front property line where a 75' setback is required a 34.81' existing and from the required side yard a 20.51' setback.
- The house was built in 1820 before zoning was established.

- The garage requires variances to allow a 70.48' road centerline setback where 115' is required, , where a 75' front yard setback from the property line is required a 70.48' setback and a side yard of 3' where 15' setback is required.
- Because the addition comes out from the house towards the side, the existing driveway would remain where it is. There is no way to move the driveway farther away from the house. The new garage would be at the end of the existing driveway.
- The submitted survey map shows all of these measurements and locations.
- The hardship would be the existing location of the house on the lot, the orientation of the major rooms, and the fall of the grades toward the rear of the house.
- As the garage gets farther from the street the land drops off quite quickly. The septic system and septic tank are located on the survey. The health code requires a distance of 10' away from the system and tank so the garage could not be moved over or back very easily.
- The abutting neighbor on the proposed addition side of the house has seen the plans and has written a letter accepting the layout. The neighbor's house is further back from the road and downslope in elevation.

Mr. Dickerson asked the applicant if they had looked into making the addition conforming to the side yard setback, so the addition would be a little under 19' wide versus 23'. If that was done, the garage could be moved to the right as one faces the garage which would make the garage much farther away from the side yard setback than the 3' that is being requested.

Mr. Bright responded that that would cause the applicants to lose a considerable amount of space.

Zoning Enforcement Officer (ZEO), Terry Gilbertson added that if they were to build the entire addition on the other side of the septic tank, 115' away from the road, they wouldn't need relief at all. But that speaks to what the property was. It is one of the town's old farmhouses built close to the road, while it is clustered on that side yard, that side yard is not a routine side yard in so far as the side yard does not meet the road at a right angle. He thought that it should be understood that just behind the house the land drops off significantly. There is also an existing well on the opposite side of the house. He believed that some other configuration of the house might very well be possible, but it might not be desirable. What they are seeking is based on the unusual circumstances they find themselves in.

The Board discussed different options to see if they would work in place of the proposed variances.

Mr. Dickerson then asked the applicant if they had considered orienting the garage so that the doors faced the neighbors' house so the garage could be moved closer to the house.

Mr. Bright responded that a vehicle could not make that turn and then the garage would well onto the septic tank.

Mr. Dickerson stated that he was having trouble with the 3' side yard, since it was almost no side yard and he was struggling with that. Even though the current neighbor was

fine with the proposal, it's not really about her as much as it was about the applicant's property. What about the next person who buys that property next door?

Mr. Webber stated that a lot of time and thought had been put into the proposed design. They had thought about making the house addition it narrower. The historically, both they and their neighbors had thought the stonewall was the boundary line and all of them were sort of stunned that somewhere along the line over the years it sort of ended up moving. They might be able to make the garage a little bit smaller, but there is currently no garage.

There being no further comments, the Public Hearing was closed.

The Board members and ZEO Gilbertson discussed the hardship presented to them and the different options available to the applicant.

After discussion, Board members acted on the application as follows:

- \*\*\* **Mr. Dickerson moved to approve the proposed one-story residential addition variances at 53 Acorn Hill Road.**
- \*\*\* **Mr. Rubin seconded**
- \*\*\* **In Favor: Gibbons, Dickerson, Lockyer, and Rubin**
- \*\*\* **Opposed: Nusbaum**
- \*\*\* **Recused: No One**
- \*\*\* **Abstained: No One**

**Approved 4-1 vote**

*Hardship Reason: The Board approval was based on the unique configuration of the house oriented to the far East of the lot, along with the house being sited within the front yard setback (as its construction predates zoning), there was no other reasonable place to put the addition requested.*

- \*\*\* **Mr. Dickerson moved to deny the variance for a two-car garage at 53 Acorn Hill Road without prejudice.**
- \*\*\* **Mr. Rubin seconded**
- \*\*\* **In Favor: Gibbons, Dickerson, Nusbaum, Lockyer, and Rubin**
- \*\*\* **Opposed: No One**
- \*\*\* **Recused: No One**
- \*\*\* **Abstained: No One**

**Denied 5-0 vote**

**BARRY AND GAIL FISCHMAN/APPELLANT - 27 FOX DEN WAY**

**Relative to a proposed 18' x 28' detached garage variances of Section 3.1.3 Table of General Bulk Regulations, Section 3.1.3 Table of General Bulk Regulations, Column 8 Minimum Side Yard, where a setback of 15' is required a 13'1" setback for a variance of 1'11".**

Barry and Gail Fischman, applicants, were present to speak on behalf of the application. Mrs. Fischman presented as follows:

- They had been before the Board in July and were returning with a revised application for a garage. After hearing what the Board had said in July, the garage that was being proposed was now a one-car garage.

- The only possible place for a garage on the property is where it is shown. They understood that the Board did not want to grant a large variance so they had redesigned the proposed garage to be a single car garage and they hoped that the Board would consider this much smaller variance request.
- They had discussed the new proposal with their neighbors, who had come over and seen the staked out the location of the garage and they had seemed to be fine with it.
- The house does have an existing garage.

ZEO Gilbertson noted that while the lot is a conforming lot it is geographically constricted but some great onsite wetlands.

Mr. Nusbaum noted that the variance that was being requested was for is 1'11" and that the garage that was being proposed was 18' x 28'. If the garage was shifted by a foot then no variance would be required.

Mrs. Fischman responded that she understood Mr. Nusbaum's statement, but she asked the Board to understand that originally they had proposed a two-car garage and they've cut it down to a one-car garage.

Barry Silver, 23 Fox Den Way, abutting property owner spoke noting that he a the neighbor and unlike last time, he and his wife were shown what the Fischman's plan to do with and what they had changed it from and being that the garage would be smaller than it was before he did not have any objection to it at that point.

There being no further comments, the Public Hearing was closed.

The Board members and ZEO Gilbertson discussed the hardship presented to them and the different options available to the applicant.

After discussion, Board members acted on the application as follows:

- \*\*\* **Mr. Dickerson moved to approve the variance at 27 Fox Den Way as recorded.**
- \*\*\* **Mr. Rubin seconded**
- \*\*\* **In Favor: Gibbons, Dickerson, Nusbaum, Lockyer, and Rubin**
- \*\*\* **Opposed: No One**
- \*\*\* **Recused: No One**
- \*\*\* **Abstained: No One**

**Approved 5-0 vote**

*Hardship Reason: The unique situation of the land.*

### APPROVAL OF MINUTES

**\* Minutes of Board's Regular Meeting on July 11, 2016**

- \*\*\* **Mr. Dickerson motioned to approve the minutes as submitted.**
- \*\*\* **Mr. Rubin seconded**
- \*\*\* **In Favor: Dickerson, Nusbaum, Lockyer, and Rubin**

**\*\*\* Opposed: No One**  
**\*\*\* Recused: No One**  
**\*\*\* Abstained: Gibbons**

**Unanimous approval**

**ADJOURNMENT**

**\*\*\* Mr. Dickerson moved to adjourn the meeting at 8:50 p.m.**  
**\*\*\* Mr. Nusbaum seconded**  
**\*\*\* In Favor: Gibbons, Dickerson, Nusbaum, Lockyer, and Rubin**  
**\*\*\* Opposed: No One**  
**\*\*\* Recused: No One**  
**\*\*\* Abstained: No One**

**Unanimous approval**

**Accordingly, the meeting was adjourned at 8:50 p.m.**

Respectfully submitted,

Ms. Tammy Riccitelli  
Recording Secretary