

TOWN OF NEW LONDON  
ZONING BOARD OF ADJUSTMENT  
JULY 2, 2007

PRESENT: William Green (Chairman), Cheryl Devoe, Laurie DiClerico, Jeff Horten.

PUBLIC HEARING 1

Paul and Joanne Lazdowski requested a variance to the terms of Article V §C-2 of the New London Zoning Ordinance in order to construct a garage that would violate side yard setback requirements for their property located on Moyahs Lane in the R2 zone, Lot 103-15.

Bill Green opened the hearing at 7:40 p.m., called the roll, read the Notice of Hearing as posted, and announced that the hearing would be tape recorded.

Applicants Paul and Joanne Lazdowski were present at this hearing. New London Zoning Administrator Peter Stanley also attended the hearing. No abutters attended or submitted written comment.

Applicant's Presentation

Paul Lazdowski said that as a result of the June 11<sup>th</sup> discussion with this Board he conferred with the architect and they have redesigned the proposed garage. Applicants now propose construction that will be 21'6" wide, with one bay of 24' in length and a second bay of 18' in length. He noted that the garage's closest points to the side yard property lines will be 23' on the north side and 30' on the south side. (In the R2 zone, side yard setback requirements call for an aggregate of 50' with not less than 20' on either of the two sides. This proposal more than satisfies that requirement.) In fact, he noted that this makes the construction less non-conforming than the present structure, and it avoids any wetlands issue by having the exterior indent for the second bay (in the lower right or southeast corner). In response to Bill Green's question, he confirmed that they really just shortened everything, and the purpose of having that one bay be shorter than the other is to avoid any wetlands issue there.

Bill Green pointed out that with these dimensions, applicants do not really need a variance. Zoning Administrator Peter Stanley agreed. All they need do is submit an amendment to their building permit application.

PUBLIC HEARING 2

Alan and Priscilla West requested a variance to the terms of Article V §C-2 of the New London Zoning Ordinance in order to allow enlargement of the current garage within the required (15') side yard setback on their property located at 17 Prescott Lane in the R1 zone, Lot 73-19.

Bill Green opened the hearing at 7:50 p.m., called the roll, read the Notice of Hearing as posted, and announced that the hearing would be tape-recorded.

Applicant Alan West (West Revocable Trust) was present at this hearing. New London Zoning Administrator Peter Stanley also attended the hearing. No abutters attended or submitted written comment.

### Applicant's Presentation

Alan West pointed out that the property line to the left (or north) of the current structure slants inward from front to back, thus the front portion of the proposed addition does meet the requirement for the 15' setback, but a small triangular section (about 10 feet long and 2 feet wide) will transgress the setback.

He made the following points in defense of the variance:

- o The transgression into the setback would be very small.
- o The addition will be invisible to the neighbors as the area is buffered by a tree line.
- o There is already a double, paved driveway there.
- o There is no other way to accomplish the objective.

Jeff Horten referred to the previous case, and asked if, like the Lazdowki's, would the Wests consider a smaller garage. Alan West said they could cut off the back corner of the proposed building, that is, construct straight back to the roof line and then cut in at an angle. He agreed that that would be possible, but it would not give him the roominess he would like.

Bill Green referred to the drawings presented in the application packet, and asked for confirmation of the dimensions of the proposed building. The proposed construction will be 22' deep and 12.5' wide. For the Board's information, Peter Stanley said that typically, a door for a single bay garage is 9' by 7'; a door for a double garage is 16'.

Bill Green asked if this is a level lot. Alan West said pretty much so.

Hearing no further comments or questions, Laurie Diclerico moved to close the public hearing and enter deliberations. Cheryl Devoe seconded. There was no further discussion. Motion unanimously approved.

### Deliberations

Jeff Horten noted that the proposal includes some additional space above the garage bay. He also noted that there is a walkway between the house and garage. Alan West said he does not feel that having space overhead adds to the square footage of the whole. Jeff Horten agreed, but pointed out that the walkway between the garage and house is pushing the garage out (toward the setback line).

Bill Green advised the hearing that this request is for an area variance. Five criteria must be met:

1. The variance will not result in diminution of surrounding property values.
2. The variance will not be contrary to public interest.

3. Hardship must exist.
4. Granting the variance would do substantial justice.
5. The variance will not be contrary to spirit of the ordinance.

He said he feels this proposed use does meet criteria #1,2,4 and 5, but does not meet the requirement for hardship.

He went on to clarify that the courts have ruled that two conditions must exist in order for the Board to find that hardship exists, and to grant the area variance:

(a) A special condition of the property exists that makes the area variance necessary in order to allow the development as designed.

Board members agreed that for this proposal, no such special condition exists on this property.

(b) The same benefit cannot be achieved by some other reasonably feasible method that would not impose undue financial burden on the applicant.

Although this design is the owner's first choice, the Board found that redesigning it to conform to the setback would be do-able.

Alan West asked what special conditions of the property would have to be found. The Board gave examples of applications for construction that require a variance in order to avoid wetlands issues, or problems with slopes.

Bill Green pointed out that granting this variance could set precedent. Anyone with similar circumstances could then request and expect variances, and variances would become moving targets.

Alan West said this is really the only place they can put the additional bay, and they are only talking about 10x2 feet. Bill Green agreed, the Board is not suggesting the garage be moved to the other side of the house.

Hearing no further comments or questions, Laurie DiClerico moved that the Board deny this variance. Jeff Horton seconded. There was no further discussion. Motion unanimously approved.

Peter Stanley advised Alan West that to go ahead with construction, he need only to amend the building permit application that is pending now.

#### OTHER

1. Bill Green signed the building permit relevant to the variance granted to the Lazdowskis on June 11 (for Substantial renovations to dwelling on Moyahs Lane).

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2. Consideration of the June 11 minutes was deferred to the next meeting at which a quorum of members (who were present on June 11) will be available.

The meeting adjourned at 8:20 p.m.

Respectfully submitted,

Sarah A. Denz  
Recording Secretary