

**Town of Andover Connecticut**  
**Zoning Board of Appeals**  
**Community Room, 17 School Road, Andover**

**May 17, 2017**  
**Regular Meeting**  
**7:00 PM**  
**MINUTES**

1. **Call to Order:** Evelyn Russell calls the Meeting to order at 7:03PM

2. **Roll Call/Seating of Alternates**

Members Present: Evelyn Russell, John Hanfield, David Hewett, Dorothy Yeomans, Walter Weir

Members Absent: None

Alternates Present: Donald Keener

Alternates Absent: Wayne Thrope

Public Present: Attachment #1

Staff Present: John Valente, Sandra Nichols

3. **Additions/Changes to the Agenda**

None

4. **Public Participation**

**Evelyn Russell** suggests that this Agenda Item be moved to after the agent for the applicant presents what the applicant is asking for. The Board Members agree.

5. **New Business**

**Evelyn Russell** asks who is present represented the applicant to introduce himself and address the Board. She then proceeds to read the Notice that was published in the Rivereast.

Applicant: Daniel Roy, 2120 Tuckerbunn Drive, Charlotte, NC. Location: 332 Lake Road, Andover, CT, map 43, block 47, lot 145 for relief from Section 11.2 (Space Requirements) of the Andover Zoning Regulations by requesting a variance to increase the total building height from the maximum structure height average of 25 ft. to 29.9 ft., to decrease the rear yard setback from the required 75 ft. to 54 ft., to reduce the total side yard setback from the allowed 50 ft., to 30 ft., having a setback of 10 ft. on the east property line and 20 ft. setback to the west and to increase the total lot coverage from the required 12% maximum to 16.8% in order to demolish the current structure and construct a new residence.

**Evelyn Russell** asks who is present to introduce themselves to the Board.

**Michael Dion**, licensed professional engineer and agent for the applicant introduces himself and submits the Certified Mail tags for the record representing who was notified of the application regarding the action at the property to John Valente.

**John Valente** discusses the abutter certified letters that were sent out. He would like to know if there is a discrepancy regarding who was to be notified as some residents are saying that they were not notified.

*Discussion on the regulation requirement in regards to the notifications, 100ft requirement, in the Town regarding this and what Mr. Dion believed he was supposed to do was not clear on the application according to Mr. Dion.*

**Evelyn Russell** asks the public present if anyone has an issue?

**Georgia O'Brien**, 325 Lake Road states that she was not notified and she describes her property location and the view that she has. She also takes issues with what property owners were notified that are not in proximity of the property being addressed at this meeting.

**Michael Dion** explains that he received the information from the Town Assessors Office on who needs to be notified.

*The Board and John Valente agree that everyone that was required to be notified was not therefore they will allow Mr. Dion to continue with his presentation however will have to vote at the next Meeting in order to allow all the residents to speak.*

**Evelyn Russell** asks Mr. Dion to explain the application as it was presented to the Board.

**Michael Dion** explains what Mr. Roy, the applicant, has done since he purchased the house approximately three years ago. He states that Mr. Roy repaired the Lake wall, with an approved permit from the IWWC and rebuilt/repair the Septic with

the approval of The Eastern Highland Health District (B100 form). This required that extensive tree removal. He states that due to those trees being removed and the reconfiguration of the septic it enabled the homeowner to change the configuration of the footprint of the house (finding the repair area of the septic). Mr. Dion talks about the topography of the land how this lot is non conforming and that the current house is situated on this lot is non conforming with all of the setbacks and lot coverage and the several variances that are required. He discusses that the proposed location of the new structure would be an additional 8ft back from the lake. The current house is 45ft, the Town code requires 75ft and the proposed house would be 54ft from the lake, this would require a variance. The other setbacks are on the Northerly side the 10ft current setback would be maintained, the southerly side would be 20ft which is allowed however they are requesting a variance for the cumulative requirement which is 50ft currently at 43ft and are proposing 30ft which requires a variance. The hardship being that a conforming lot is 200ft in width and the existing lot is 100ft in width. Talks about the proposed new home, more linear and the proposed garage, to eliminate the parking that currently takes place on the street, would provide the coverage that exists today. Mr. Dion explains that even though the house is smaller the garage would add more coverage. The Coverage would go from 13.5 to 16.8 with the proposed two car garage.

**John Valente** clarifies the setbacks with Mr. Dion. There is no variance required for the front set back on the westerly side will be reduced (12-13 feet) to 20ft however this is the minimum required which will be maintain. The cumulative will be the request for the variance.

***Discussion on the setbacks, current house footprint, the house proposed to be built and coverage***

**Dorothy Yeomans** asks about the height of the current house and what is on the ground level is it living space.

**Michael Dion** replies that he is not sure of the exact height and that the ground level is a walkout basement with limited space.

**Dorothy Yeomans** could this ground floor be designed as a first floor

**Michael Dion** replies that that is not conventional and part of it is underground and it would have ground water leaking in.

***The Board would like to know how much higher it is by next month. Mr. Dion also mentions how the cutting of the trees expanded the view of the lake.***

***General discussion on the property and the proposed design of the house.***

**Michael Dion** uses a picture of the property that shows what the owner wishes to do with the property and how he estimated the elevation of the house height using a picture of the proposed design of the house. He states that there is a similar house

on Lake Road (Mr. Pollin?) that caused concern to some residents regarding the proposed height of his new home and the blockage of the Lake view. Mr. Dion summarizes that with the trees that were cut the view has increased/will be better, the septic system is better and the coverage on the sight will be better and the sight more stable. He summarizes the variances that the applicant requires and again states how the lot and the coverage is non conforming and the proposed design of the house with the garage will increase it. He also states that the height is 4.9ft higher than what the regulations allow (25ft) and the hardship that he states is the topography of walkout and the non conformity of the lot.

**Dorothy Yeomans** asks Mr. Dion if there was a hardship at this property prior to this or is this hardship created by building a new structure?

**Michael Dion** replies that this is a hardship and he has witnessed ground water leaking in the basement and with new construction techniques this will assist resolving this and the redesigned/repared septic is an improvement on the property.

**Dorothy Yeomans** asks about the septic and the requirements in place in the Town

**Michael Dion** replies that the leaching system is in place and the septic system was improved.

**Walter Weir** asks what Mr. Dion estimates the height is in the picture he presented from the ground to the peak?

**Michael Dion** explains how he measured the height and how he took the average height from different peaks.

**John Valente** explains how the height regulations work regarding the different points that are required to be measured for an average height.

**Evelyn Russell** asks John Valente for more clarification on how this is done.

**John Valente** explains how this is done on the lake side of the road and the opposite side of the road.

**Dorothy Yeomans** asks Mr. Dion how high it is from the road.

**Michael Dion** explains the roof height and believes that it would be 16-18 feet above the road at it's highest peak. He states that this is a hipped roof and the average elevation is 29.9.

***Discussion on the property, the height as it is situated with the slope to the Lake and the walk out basement.***

#### **4. Public Participation** (moved to after Agenda Item 5)

**Evelyn Russell** begins the public speak by advising the public to address the Board only. She begins with those who are against the application.

**Ann Baxall**, 329 Lake Road, believes that if this application is approved that the residents will lose a beautiful view.

**John Valente** asks her to clarify exactly where her house is situated and she states that it is directly across from the property being discussed.

**Ann Baxall** ask if the garage is part of the requested variance?

**John Valente** replies that it is part of the application and he explains where it is to be located.

**Ann Baxall** states that she believes that there are too many variances requested for a vacation house.

**John Valente** asks her if she would be satisfied if the height was reduced to 25ft. She replies that she would be.

**Gloria D'anzi**, 330 Lake Road, has concerns where the house will be situated she believes that it will actually be closer to the lake in the way that it is situated. She talks about the view that she believes she will lose with the proposed new house from her kitchen window.

**Mike Dion** replies to this concern and states that it will be 8ft further from the lake then the current house is.

**Gloria D'anzi** asks how close the driveway would be to the property line?

**John Valente** replies that Zoning does not regulate the location of the driveways. He continues to mention lot coverage Regulation and changes that the Town is looking at.

**Gloria D'anzi** questions if there is a storm water diversion plan

**Mike Dion** explains to her what the current plan is

**Gloria D'anzi** would like to know what shrubs and trees the homeowner plans to plant

**Mike Dion** states that this is not a topic that he would discuss with the homeowner therefore he cannot answer that. However what he has done so far with the property, repairing the lake wall and cutting down trees, has only improved the property and he believes that is his intention.

**Art Wood**, 335 Lake Road, ALMA President/Representative, asks if there is anything that could impact the Lake? Possibly the septic?

**John Valente** replies to this by stating what standards they utilized.

*Detailed discussion among all present on the requirements of the septic on the property, the fact that there is no requirement to put in a new septic and the B100 form regarding the septic that was approved. General discussion on septic systems.*

**Mike Dion** talks about the lot coverage on the property/lot

**Gloria D'anzi** asks about the layout of the house

**Mike Dion** replies describing the layout of the house/ architectural structure of it.

**Dorothy Yeomans** ask what the difference in square footage of the two houses this is answered by the Board and Mr. Dion replies that it is currently 780sqft is the deck.

**Evelyn Russell** opens the floor for any person in the public to speak for the applicant.

**Alan Roy**, 340 Lake Road, speaks on behalf of his brother and states that he is thinking of moving into the house full time therefore it would not be a vacation home. He also states that there is no intention to block the view and that the Town would benefit from the added taxes with the property improvements.

**Evelyn Russell** the public participation and the meeting on the application presented this evening will remain open until the next meeting on June 21, 2017. She reiterates to Mr. Dion that all the Certified letters of notice need to be mailed to the residents effected prior to this meeting.

**Dorothy Yeomans** has additional questions for Mr. Dion about the proposed roof on the house. Could Mr. Dion bring an alternate roof line?

**Mr. Dion** uses the photo of the proposed house that shows the roof line to explain why this proposed roof is the best option.

**6. Old Business:** None

**7. Approval of Minutes:** July 27, 2016 Special Meeting Minutes

**Dorothy Yeomans Motions** to approve the July 27, 2016 Special Meeting Minutes

**Dave Hewett Seconded**

**Motion Passed/Unanimous 5/0/0**

**8. Correspondence:**

**John Valente** talks about the Town regulations regarding non conformities. He states that Attorney Branse will let the Board know what the proposed language will be. He should have this by the next meeting. He quickly reviews what regulation was submitted (4.1.4) and there is a brief discussion on this regulation. John continues discussing what the Town of Columbia has done instead of having a variance with a hardship they applicant applies for a Special Permit. He will bring the information that he has to the Meeting next month.

*Discussion on this topic*

**9. Adjournment**

**Walter Weir Motions** to Adjourn at 8:40 PM

**Don Keener Seconded**

**Motion Passed/Unanimous 5/0/0**

\*Respectfully submitted by Sandra Nichols, Commission Secretary