I. REGULAR MEETING/PUBLIC HEARING(S) (7:00 P.M.)

1. Call to Order

Chairman T. Faulise called the meeting to order at 7:00 P.M.

2. Roll Call

Present: Theodore Faulise - Chairman, William Przylucki, Thersea Madonna and Mary Ann Manning, Joseph Savino, Town Planner Mario Tristany, and Recording Secretary Kate Lacasse
5 People of Interest
Absent: Gordon Santerre and Duane Button

3. Determination of Quorum

Chairman T. Faulise determined that a quorum of the Commission was seated.

4. Matters Presented for Consideration

A. ZBA 01-19 18 Courtney Burns, 42 Leha Ave., Griswold, CT Requesting relief from Section 10.4 Griswold Zoning Regulations to reduce the Side Yard from 15 ft. required to 6.1 ft. provided to construct a 26 ft. x 36 ft. Metal Garage Building. Property is zoned R-40.

- Applicant Courtney Burns was present.

- Applicant has notified all abutters, 5 Certified mail receipts were submitted into the record.

- A letter from direct abutter Linda Bastien in support.

- Applicant stated that she would like to construct a 26 ft.x36 ft. metal garage. The applicant stated that the garage would have a concrete foundation; the garage will match the current homes color and character. Applicant stated that she would look into ribbed and heated roofing in order keep the snow from falling onto the direct abutter’s property.

- Applicant stated there is no other location to construct the garage due to the location of the septic tank and leaching field.
• Chairman T. Faulise stated that he would like to know the exact height of the structure before granting a variance.

• Chairman T. Faulise stated that there was no one in the audience for or against granting the variance.

• Dave Vieux, 59 Leha Ave, stated that he would like to be sure that the garage would not be an extension of East Coast Auto. D. Vieux stated that snow melting and ice sliding off a metal roof can be dangerous, and would fall on the abutting property.

• Applicant stated the garage would only be used for personal use. Applicant stated that she would look into ribbed and heated roofing in order keep the snow and falling onto the direct abutter's property.

• The commission requested the applicant to bring detailed garage plans that show the proposed garage height and to also provide the commission with the height of the existing fence.

• **MOTION:** A motion was made by M. Manning, which was seconded by T. Madonna to continue the public hearing for application ZBA 01-19 to the September 5, 2018 regular meeting. The motion passed unanimously.

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**B. ZBA 02-19 Joseph and Julia Lobe, 4 Pauline Place, Griswold CT**
Requesting Relief from Section 10.4 of the Griswold Zoning Regulations to reduce the side yard from 50 ft. required to 40 ft. provided to construct a 574 sq. ft. addition. Property is zoned R-80

• The applicant Joseph Lobe was present.

• Applicant has notified all abutters, 5 Certified mail receipts were submitted into the record.

• A letter was submitted into the record from Gary and Loretta Giramonti, direct abutters, in favor of the variance.

• Applicant stated that he would like to enlarge his living space by removing the current garage, construct a 6 ft. addition and add a (3) bay garage on to the 6 ft. addition.

• Applicant stated that there is no other location for the addition due to location of the septic tank and wetlands behind the home.

• T. Faulise asked if there was anyone for or against granting the variance.

• Hearing none a motion was requested.

• **MOTION:** W. Przylucki made a motion, which was seconded by J. Savino to approve application ZBA 02-19. The motion passed unanimously.

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**C. ZBA 03-19 Alexandra and Eric Brown, 71 Monroe Ave, Griswold CT**
Requesting relief from Section 10.3 of the Griswold Zoning Regulations to reduce the front yard requirements from 50 ft. to 40ft. to construct a 6 ft. x 22 ft. porch. Property is zoned R-60.

• Contractor Robert Rich was present to represent the applicant.

• Certified letters and (8) certified mail receipts were submitted into the record.
• R. Rich stated he wishes to build a 6 ft. x 22 ft. porch on the front of his client’s home.

• Zoning board asked what the hardship is.

• R. Rich stated he wasn’t aware of a hardship.

• J. Savino stated that on the application, the hardship was listed as the home being built before zoning was regulated.

• R. Rich stated he was not aware of where the property line is, therefore unsure if his measurements were exact.

• Chairman T. Faulise asked applicant is he would like to continue the public hearing in order to find the correct measurements.

• MOTION: W. Przylucki made a motion, which was seconded by J. Savino to continue the public hearing for application ZBA 03-19 to the September 5, 2018 regular meeting. The motion passed unanimously.

D. ZBA 04-19 Donna Dumas, 27-28 Baca Drive, Griswold, CT Requesting addition to be deemed an “accessory apartment” to a single family dwelling and for the property not be considered a two family dwelling. Property is zoned R-80.

• Applicant Donna Dumas was present.

• Attorney Stewart Norman was present to represent applicant.

• Proof of certified (7) mailing receipts was submitted into the record.

• S. Norman stated that he is appealing a ruling from the Building Officer, who deemed the property as a two-family dwelling. The intent was for this property, to be used as an accessory building. S. Norman stated that when the apartment was constructed the Building Officer had the homeowners add a roof and side walk to connect the garage to the house. The homeowners always considered the apartment an accessory apartment, it was used as in-law apartment for the homeowner’s mother. S. Norman stated that in his opinion if the property wasn’t on a large lot, they would have been considered a two-family as opposed to accessory building. S. Norman the reason we are here tonight and asking for the appeal, is now that Mrs. Dumas no longer needs the large home, and her mother is deceased she would like to sell the home and it because it’s deemed a two-family, mortgage lenders do not want to lend for a two-family home. If it’s deemed an accessory apartment the home will conform better to the neighborhood. S. Norman stated that the application process was done haphazardly.

• Zoning Board of Appeals members took a minute to review application ZBA 04-19.

• Chairman T. Faulise asked the Town Planner M. Tristany if the property is currently in compliance as an accessory apartment.

• Town planner M. Tristany stated that in 2004 when the building permit was issued to construct the garage apartment the sidewalk and roof that connects the garage apartment to the home was not included. The roof and side walk building permit was not issued until 2006. Section 4.24 of the Griswold Zoning Regulations states Accessory uses and buildings, except that no accessory building shall be used as a residence. The property has been listed for sale advertising an apartment with
kitchen, living combo for family or rental income. M. Tristany stated that he had spoken to the listing agent and the hardship was that they were unable to sell the house as a two family. M. Tristany stated, that financial hardships are not allowed to be considered by the Zoning Board for a variance. M. Tristany stated, Section 11.18 of the Griswold Zoning Regulations reads **Accessory Apartment:** The purpose of this section is to provide an arrangement within a single-family dwelling for a set of rooms to be used as a separate living facility where family members related by blood and/or marriage can reside in privacy and independence while still being close to relatives for assistance when needed. M. Tristany stated the “key” language is to qualify as an accessory apartment; it must be within the single family dwelling. The dwelling that you received a permit for is located within a detached garage structure and therefore does not satisfy the qualifications to be named an accessory apartment.

- T. Faulise stated that in the Griswold Zoning Regulation it states that for an accessory apartment you must apply and receive a (5) year permit for accessory apartment occupancy. T. Faulise asked applicant D. Dumas if she ever applied and received a permit of occupancy.

- Applicant stated no, she was not aware of such permit.

- Town Planner M. Tristany stated that in 2004 the building permit was specifically issued to create a two-family. M. Tristany stated that the permit should have never been issued, in order for it to be considered a two-family it would have needed to be an addition to the existing house.

- Zoning Board member J. Savino asked what the definition of part of the house.

- M. Tristany stated the home and the garage would need to be linked with access to the apartment from the home.

- T. Faulise asked if applicant would like to get rid of the two-family apartment, the Zoning Board could declare it was issued incorrectly and deem the home a one family.

- Applicant stated no.

- T. Madonna stated if we look at the way it’s specifically written, it states only one accessory apartment should be created within a family dwelling or within an addition to the house. T. Madonna stated, I think it’s hard to say its within the house, it’s an addition to the garage.

- S. Norman stated that when the sidewalk and roof was added, in order to attach the garage to the home, that the homeowners believed that they were making an extension to the house.

- T. Madonna stated that by granting the appeal, The Zoning Board would be changing the definition of accessory apartment, you are asking us to make it more conforming by not applying a regulation.

- The Zoning Board asked Town Planner M. Tristany to get a legal opinion from the Town Attorney.

- S. Norman asked for the opportunity to do a proposed motion. I would have the proposed motion to M. Tristany tomorrow.

- **MOTION:** T. Madonna made a motion, which was seconded by W. Przylucki to continue the public hearing for application ZBA 04-18 in order to request legal clarification. The motion passed unanimously.

A. **Old Business**
A. Approval of the July 03, 2018 Special Zoning Board of Appeals Meeting Minutes.

- Chair Theodore A. Faulise asked for any corrections or omissions.

- T. Madonna stated that on page 3 bullet 1 T. Madonna was misspelled.

- **MOTION:** W. Przylucki made a motion, which was seconded by J. Savino to accept the minutes of the July 03, 2018 Special Meeting of the Zoning Board with the mentioned correction. The motion passed unanimously.

B. **Any Other Business**

- None

C. **Adjournment**

  Chairman T. Faulise asked for a motion to adjourn tonight’s meeting.

- **MOTION:** M. Manning made a motion, which was seconded by T. Madonna to adjourn the meeting at 8:47 P.M. The motion passed unanimously.

Respectfully Submitted,
Kate Lacasse
Recording Secretary