

Subject to Approval

**ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
July 13, 2021**

The Regular Meeting of the Madison Zoning Board of Appeals was conducted Tuesday, July 13, 2021, at 7 p.m. by way of an online Zoom Webinar, with public participation available through a Zoom Webinar link and password, as well as through a telephone call in number, with a Zoom Webinar identification number, all publicly posted.

MEMBERS PRESENT

Commissioners William Piggott, Richard Gilbert, and Dennis Crowe

MEMBERS ABSENT

Chairman Ned Moore, and Commissioner Jason Brown

ALTERNATES PRESENT

Jennifer Gordon

OTHERS PRESENT

Zoning Enforcement Officer John De Laura, Maria Pettola (Land Use Staff)

Acting Chairman William Piggott called the public hearing and regular meeting of the Madison Zoning Board of Appeals to order at approximately 7:05 p.m., and he reviewed the procedures, including that by state statute, four votes are needed to approve applications, and a simple majority is not sufficient. The legal notice, as published, was read into the records. Agenda items were taken in the order prescribed in the minutes.

8247+CSP. 132 Kelsey Place. Map 14, Lot 4. R-4 District. Owners/Applicants: Brian A. & Mary D. Miller. Request to vary Madison Zoning Regulations Section 2.17 to permit 24.6 ft. where 50 ft. is required to a critical coastal resource for the demolition and reconstruction of a FEMA compliant single-family home. **APPLICANT REQUESTED POSTPONING OPENING OF HEARING TO THE NEXT REGULARLY SCHEDULED MEETING OF AUGUST 10, 2021.**

8248. 41 Hartford Avenue. Map 12, Lot 18. R-4 District. Owner/Applicant: David Knox Trustee. Request to vary Madison Zoning Regulations Section 3.6d) to permit a side yard setback of 7.3 ft. where 10 ft. is required to replace a closed one-story structure with a carport addition and to permit existing shed and 8.8 ft. side yard setback where 10 ft. is required.

Owner David Know introduced his architect Russell Campaigne who will present the application. Mr. Campaigne explained that the owner who uses the property as a second home will be living

there full time. The proposal is to remove a portion of the home and replace it with a carport. It is an interior non-conforming existing lot that predates zoning. It would lessen the nonconformity by replacing a closed structure with an open structure. The hardship that is unique to the property is that it is an interior lot with a very tight access point. The proposal is modest. The second part is placing a two-story addition in a conforming location at the back of the house to add an addition over the existing deck. It encroaches on the existing shed by less than 10 ft. making the shed part of the existing structure. They will spruce up the shed and clean the area around it. Mr. Campaigne shared elevations of the proposal. It's not in a FEMA zone.

Commissioner Gilbert questioned why the garage was not put in the back of the house. Mr. Campaigne explained that it would have tight access. There are large trees that screen the property that would have to be removed. The neighbors were notified and were in agreement with the proposal.

Commissioner Crowe moved to close the public portion of the hearing and enter into deliberations, with Commissioner Gilbert seconding. It was unanimously approved.

Commissioner Gilbert felt there was somewhat of a reduction of the nonconformity and is in favor. Commissioner Piggott noted that the two setbacks have not changed and is in favor. Commissioner Crowe had some concern about the hardship. Commissioner Gordon was comfortable with the presentation with the setbacks not changing.

Commissioner Crowe moved to closed the deliberations and move back to the regular meeting with Commissioner Gilbert seconding.

Commission Gilbert made a motion to approve as presented due to the intensification and moving to more conformity with the open carport. Commissioner Crowe seconded. It was unanimously approved.

8249. 113 Island Avenue. Map 16, Lot 18. R-5 District. Owner: Chris Schriever; Applicant: Gulick & Company. Request to vary Madison Zoning Regulations Section 3.6a) to permit a front yard setback of 10 ft. where 25 ft. is required for the installation of a generator and Section 3.6b) to permit a side yard setback of 9 ft. where 12 ft. if required for installation of a condenser.

Travis Gulick presented the application. The property is on the corner of Island Avenue and Prospect. They came last year to raise the house. The house and garage were raised to 14 ft. They have two 25 ft. front yards. He showed a small area that is available to place the appliances. They lost power during the recent storm. He showed that there is not much of a back yard. The proposal is to place the condenser on the south side of the property. The owners at 115 Island are in favor. Also, the owner at 9 Prospect. He showed the proposed generator location. It would be the only location because it won't be closer than 5 ft. to an operable window. They would screen with a gate and shrubs. Commissioner Gilbert asked why they could not place the appliances in the back

yard. Mr. Gulick explained it is a small area and would take out the entire terrace area and be near an operable window in the garage. The appliances would have to be raised.

Commissioner Crowe made a motion to close the public portion of the hearing and move to deliberations with Commissioner Gilbert seconding. All were in favor.

Commissioner Crowe said it is a tiny property. Commissioner Piggott said he didn't see a hardship. Commissioner Gilbert agreed. Commissioner Gordon said two front yards is a challenge and is a unique situation but there could be an alternate location.

Commissioner Crowe made a motion to come out of deliberations and go back to the regular meeting with Commissioner Gilbert seconding. All were in favor.

Commissioner Crowe made a motion to approve the application based on the small lot and limited locations where the appliances can be set. Commissioners Piggott and Gilbert voted nay. Commissioners Crowe and Gordon voted yea. The motion does not carry. The application is denied.

8250. 12 Liberty Street. Map 28, Lot 143. Owner: Leo White; Applicant: Gulick & Company. Request to vary Madison Zoning Regulations Section 3.6d) to permit a 13.2 ft. side yard setback where 20 ft. is required to expand a shed dormer.

Travis Gulick of Gulick & Company presented the application. Proposal is to extend the dormer. It is a good size lot, over an acre but the issue is that the house is tucked into the corner 11.2 ft. from the side line. The setback goes through the middle of the house. He showed elevations of the house and the proposed expansion of the dormer. It does not extend to the edge of the roof. It is to gain living space and not looking to make a massive house. The neighbors to the east are in favor of the project. The dormer will be 13.2 ft. from the side line.

Commissioner Crowe made a motion to close the public portion of the hearing and go into deliberations with Commissioner Gilbert seconding. It was unanimously approved.

Commissioner Gilbert didn't see the hardship but only an intensification of an existing nonconformity. It is not changing the nature of the house or neighborhood. It is modest. They have the discretion as it meets the criteria under the Zack's case. Commissioner Crowe agrees. Commissioner Gordon also agrees because the house is nonconforming. Commissioner Piggott agrees and that it is not egregious.

Commissioner Crowe made a motion to go back to the regular meeting with Commissioner Gilbert seconding. It was unanimously approved.

Commissioner Gilbert made a motion to approve although we don't see a hardship but it is only an intensification of an existing nonconformity. The application meets the requirements

set forth in the Zack's case and the project should proceed exactly as presented. Commissioner Crowe seconded and it was unanimously approved.

Approval of Minutes: June 8, 2021.

Commissioner Crowe made the motion to approve the June 8, 2021 minutes as submitted; it was seconded by Commissioner Gilbert and unanimously approved.

Adjournment

Acting Chairman Piggott called the meeting adjourned at 8:20 p.m.

Respectfully submitted,
Mary R. Haburay
Clerk pro tem