

Chairman John Proctor

# TOWN OF LEDYARD CONNECTICUT Zoning Board of Appeals

~ AGENDA ~

Wednesday, March 15, 2023 6:30 PM Council Chamber - Remote Format

# REMOTE MEETING INFORMATION

Town Hall Annex - Council Chambers

Join Zoom Meeting https://us06web.zoom.us/j/86509291619?pwd=MyszOE15bVNZRFB4U1NNV0JoUzdxZz09

# Meeting ID: 865 0929 1619 Passcode: 669503

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL APPOINTMENT OF ALTERNATES
- IV. CITIZENS PETITIONS (ILIMITED TO NON-AGENDA ITEMS)
- V. APPROVAL OF ADDITIONS TO AND/OR CHANGES TO ORDER OF THE AGENDA
- VI. PRE APPLICATION OR WORKSHOP
- VII. PUBLIC HEARINGS/APPLICATIONS
- VIII. OLD BUSINESS
- IX. NEW BUSINESS
  - **A.** Application ZBA#966 of Casey Campbell, 66 Iron Street, Ledyard, CT 06339, for a variance to Section 5.2 of the Zoning Regulations, to reduce the side yard setback from 15' to 7' to build a detached garage.

Attachments: ZBA#966 - 66 Iron - Detached Garage ZBA#966 - 66 Iron Street Map ZBA#966 -66 Iron St. Planners Comments

- X. APPROVAL OF MINUTES
  - A. November 16, 2022 Draft Minutes

Attachments: ZBA Revised Meeting Minutes Nov 16

# XI. CORRESPONDENCE

- XII. REPORTS
  - A. Planning Director Report

Attachments: Activity report Feb March PZC

XIII. ADJOURNMENT



File #: 23-1147

Agenda Date: 3/15/2023

Agenda #: A.

# APPLICATION

Subject/Application:

Application ZBA#966

# **Background:**

Zoning Regulation to be varied: 5.2 Requested Variance: Reduce side yard setback from 5' to 7' to build a detached garage. Hardship: "Due to the nature of the property (natural hardscapes, existing driveway, change of elevations, abundant bedrock, etc.,) it would be most sensible to locate a detached garage at the proposed location. Shifting further inside the property (east) would require removal of a second deck and prohibit both the access to pump the septic and reasonable access to the garage".) Prior Variances or Appeals: None.

**Staff Comments:** (type text here)

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TOWN OF LEDYARD Zoning Board of Appeals 741 Colonel Ledyard Highway

Ledyard, CT 06339

Application #	966
Submittal Date:	21123
Receipt Date:	21123
Receipt # い	59078
Application Fee	\$ 500
State Fee	<u>\$ 60</u>
Total	\$ 560

Phone \_\_\_\_\_

## APPLICATION TO ZONING BOARD OF APPEALS

# **Applicant & Property Identification**

Applicant:	
Address:	
Email:	

<u>Casey Campbell</u> <u>66 Iron 56 Ledyard, CT 06339</u> <u>clcampbell92292@gmail.com</u>

Agent (if applicable): Address: Email:

Address of Property: Property Owner:

66 Iron St Ledyard, CT 06339 Casey Campbell Phone (973)919-1875

**Application Checklist - 10 Copies** 

$\Box$ Completed, signed, and dated application form. Distal	*	1 Cop
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□ Copy of receipt of payment of application fee (from ZEO office).

Assessor's Property Card.

☑ Assessor's Map showing location of subject property.

Letter authorizing agent to act on behalf of applicant (if applicable).

Clarifying and/or supporting information (including correspondence, other agency decisions, photos, etc.)

D Topological survey map - required only if needed to render decision.

Site plan showing lot dimensions, area, north arrow, septic location, well, setback distances, &

locations of proposed and existing structures drawn to scale - required only if necessary to render decision.

# Type of Application: Check one or more as appropriate

# (A) <u>Application for Reversal of ZEO Decision</u>

"Reference §15.9-C-(1) of the Ledyard Zoning Regulations & Chapter 124 §§'s 8-6 & 8-7 of the Connecticut General Statutes. Application for appeal must be made within fifteen (15) days of (1) receipt of the order, requirement, or decision of the ZEO, (2) the publication of a notice of the ZEO's decision per CGS §8-3-(f), or (3) actual or constructive notice of such order, requirement, or decision, whichever is earlier, as provided by CGS §8-7. A copy of this application must be <u>filed</u> with the ZEO and with the ZBA within the fifteen (15) day period."

Identification of ZEO decision(s) being appealed? \_\_\_\_\_\_

Justification(s)or Grounds for appeal (attach additional pages if necessary):



**TOWN OF LEDYARD Zoning Board of Appeals** 

741 Colonel Ledyard Highway Ledyard, CT 06339

# (B) APPLICATION FOR CERTIFICATE OF VARIANCE TO THE ZONING REGULATIONS

Zoning Regulation(s) to be varied: (attach additional pages if necessary) <u>5.2</u>

<u>Requested Variance:</u> (for filing in land records)	leduce side yard Setback from
	dute tehed gavage

<u>Hardship</u>: (should address purpose of variance, criteria for granting of variance including any exceptional difficulty or unusual hardship on which a ZBA decision to grant the requested variance can be supported – Reference CGS §§'s 8-6 & 8-7). (Attach additional pages if necessary)

Due to the nature of the property (natural hardscapes, existing driveway, change
c 1 1, 1 1 1 Latrick the strongly be much sensible to larate a detected
(1) I have been a the standbar int to the warder the Cast I have a the and
the removal of a second deck, and prohibil both the accestopumpthe septir and reasonable
access to the garage.

Prior Variances or Appeals to ZBA regarding property? If yes – application #(s) and dates: None

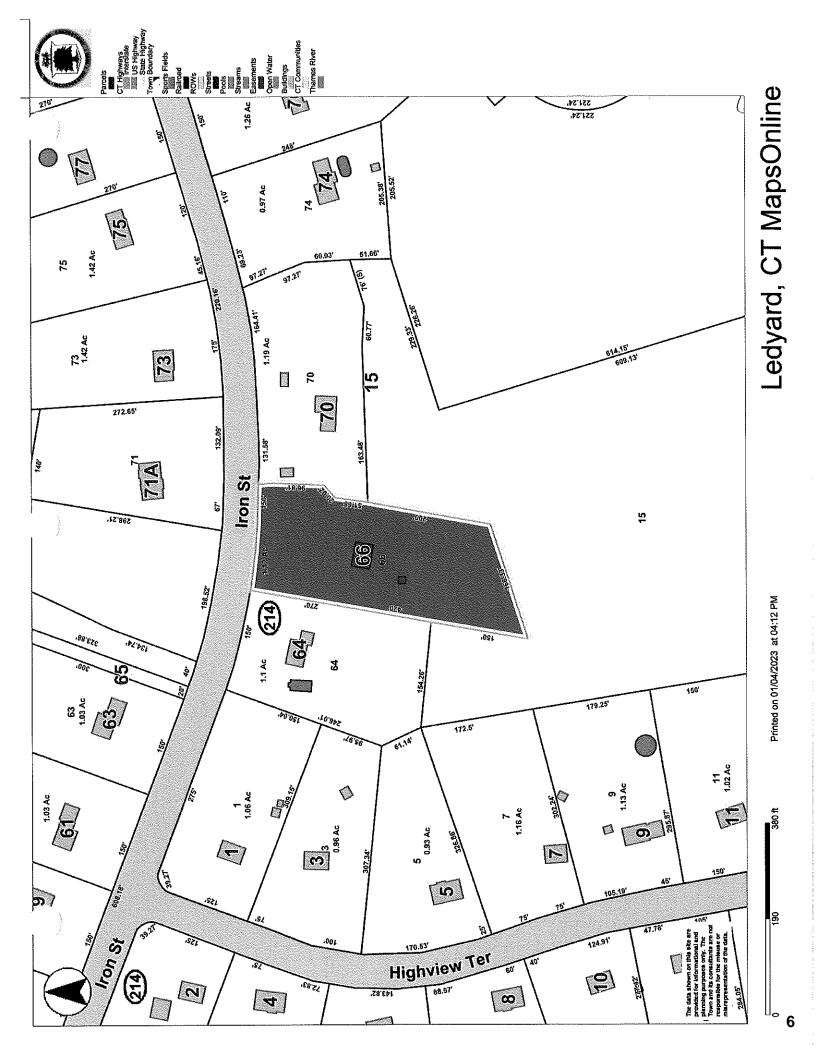
# $\Box$ (C) Application for Location Approval for Dealing in and/or Repairing Motor Vehicles (Ref: CGS §14-54(B))

# □ (D) Application for Location Approval for Gasoline Station (Ref: CGS §14-321)

The undersigned acknowledges that delays may occur in the variance or ZEO decision appeal process due to the possibility of the public hearing being continued if necessary to reach a proper decision. For a variance application, the undersigned also acknowledges having read the information on the reverse side of this application and has received an instruction sheet for calculating setback reductions.

Applicant Signature:

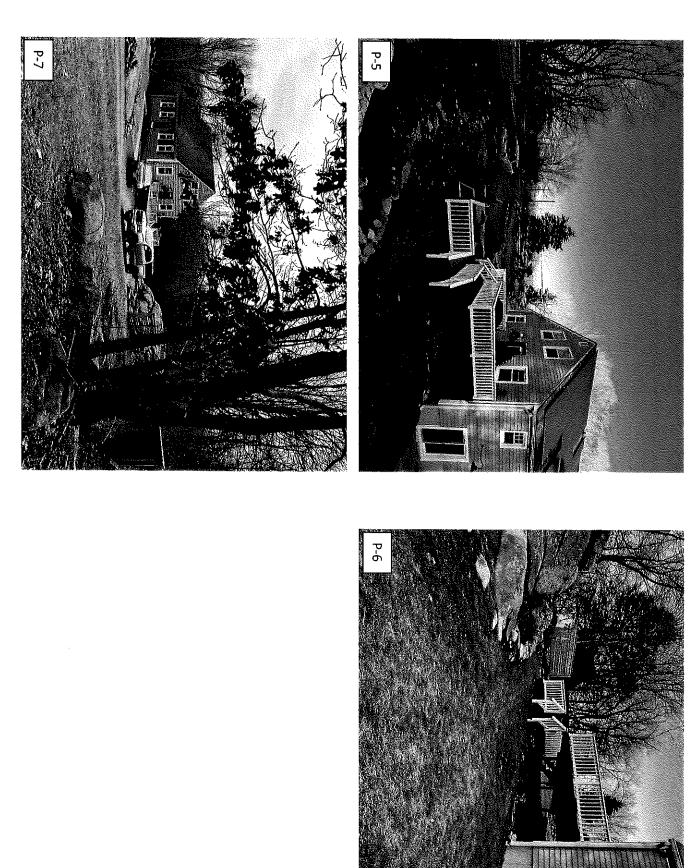
Date: \_\_\_\_\_



# CASEY CAMPBELL – 66 IRON STREET, LEDYARD, CT – JANUARY 2023



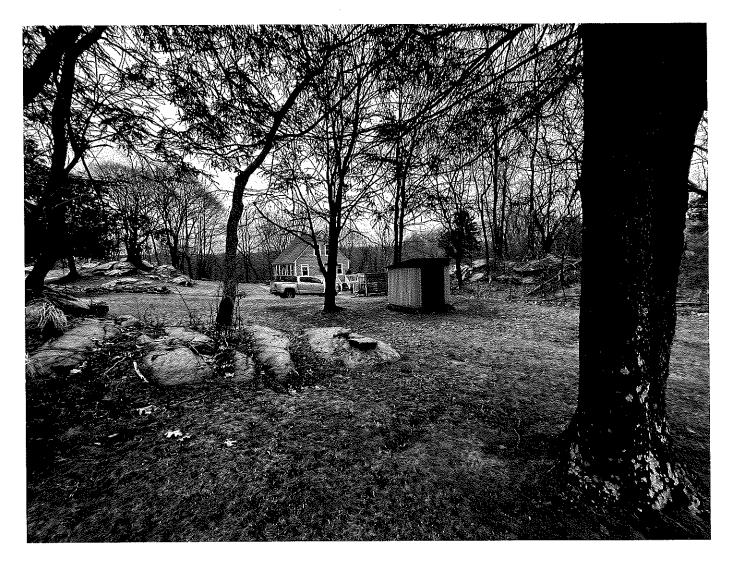
CASEY CAMPBELL - 66 IRON STREET, LEDYARD, CT - JANUARY 2023

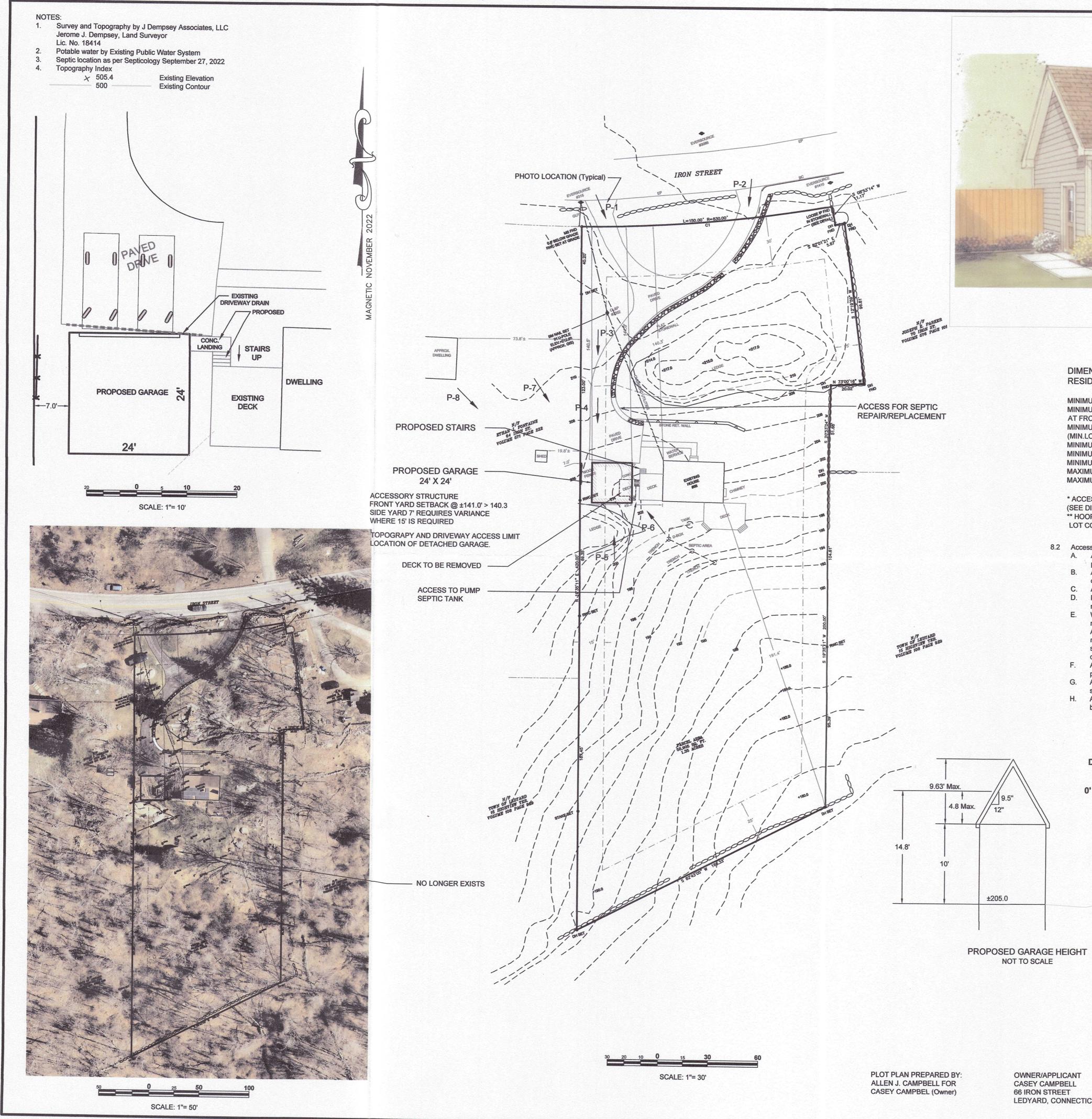


From: Casey Campbell clcampbell92292@gmail.com Subject: P.8

Date: Jan 13, 2023 at 11:16:42 AM

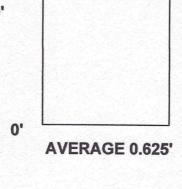
To: rlca@centurylink.net





- 8.2 Accessory Structures and Uses A. Accessory buildings and structur
- permit. B. A building attached to a principa
- common with it, is an integral pa Accessory buildings require a pr In Residential Districts, Accessor C. D.
- required rear and side yard setb E. When located in a Side Yard, a minimum width required by a Sid Accessory Building shall be no o required along such street. No A six (6) feet. When a lot fronts or
- one-third (1/3) of the lot farthest
- Accessory structure Building He principal structure(s) or building
- G. Accessory structure building area structure or building.
  H. Accessory structures or buildings by the Commission with an approximation of the structure of t

# DISTANCE GRADE TO FI



OWNER/APPLICANT CASEY CAMPBELL 66 IRON STREET LEDYARD, CONNECTICUT

		KEY MAP	200' ZONE R-40 edyard Ct. MapsOnLine	212
DIMENSIONAL REQUIREMENTS RESIDENTIAL ZONING DISTRICT R40 MINIMUM LOT AREA (sf.) MINIMUM LOT FRONTAGE & LOT WIDTH AT FRONT BUILDING LINE (lf.) MINIMUM LOT FRONTAGE FOR LOTS ON CUL-DE-SAC (lf) N/A (MIN.LOT WIDTH STILL APPLIES) MINIMUM FRONT YARD SETBACK (lf) MINIMUM SIDE YARD (lf) MINIMUM REAR YARD (lf) MAXIMUM LOT COVERAGE (%AREA)** MAXIMUM BUILDING HEIGHT OF PRINCIPAL STRUCTURE (ft.)*** * ACCESSORY STRUCTURES (DETACHED) CAN BE A MINIMUM (SEE DIAGRAM APPENDIX E) ** HOOP HOUSES, HIGH TUNNELS AND MOBILE/PORTABLE COD	OF SIX (6) FEET FROM A REAR SETBACK LINE.	EXISTING 58,905 150' 140.3' 49.2' 191.4' 8.4%	PROPOSED 58,905 150' 141.0' 49.2' Accessory 7.0' 191.4' 9.28	
<ul> <li>LOT COVERAGE</li> <li>Accessory Structures and Uses</li> <li>A. Accessory buildings and structures with a floor space larger the permit.</li> <li>B. A building attached to a principal building by a covered passage common with it, is an integral part of the principal building and</li> <li>C. Accessory buildings require a principal building or use on the second common with it, is an integral part of the principal building and</li> <li>C. Accessory buildings require a principal building or use on the second common with it, is an integral part of the principal building and</li> <li>C. Accessory buildings require a principal building or use on the second common with it, is an integral part of the principal building and</li> <li>C. Accessory buildings require a principal building or use on the second common with it, is an integral part of the principal building and</li> <li>E. When located in a Side Yard, an Accessory Building shall be second common with required by a Side Yard for a principal building Accessory Building shall be no closer to a side street lot line the required along such street. No Accessory Building located in a six (6) feet. When a lot fronts on two (2) parallel streets, any A one-third (1/3) of the lot farthest from both streets</li> <li>F. Accessory structure Building Height is limited to either eighty principal structure(s) or building (s) or 12 feet, whichever is greed. Accessory structures or building strat do not meet the required by the Commission with an approved Special Permit.</li> </ul>	geway or having a wall or part of a wall in I not an accessory building. same parcel. In rear yards or in side yards (exclusive of the ont yards. situated no closer to a side lot line than the g. When located on a corner lot, an han at least the depth of any Front Yard a Rear Yard shall be closer to a lot line than accessory Building shall be located on the oper-cent (80%) of the height of the eater. (80%) of the living area of the principal			
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Land Use Department Juliet Hodge, Director of Planning & Development 741 Colonel Ledyard Highway, Ledyard, CT 06339 Phone: (860) 464-3215 Fax: (860) 464 -0098 planner@ledyardct.org

# MEMORANDUM FOR THE RECORD ZBA MEETING -03/15/2023

Applicant:Casey CampbellOwner:Casey CampbellAddress:66 Iron St., Ledyard CT (MBL 54/1110/66)

Variance requested: Applicant/Owner Requests an 8'' variance of the minimum required 15' front yard setback per ZR Sec. 5.2 (Dimensional Requirements: Residential Zoning Districts) to allow for the construction of a detached garage.

# **STAFF COMMENTS:**

66 Iron Street is located in the R-40 Medium Density Residential District on 1.12 (48,787sf) with approximately 150' of frontage on Iron Street. The site is developed with a single-family residence with three attached decks all within the building envelope for the lot.

Applicant proposes to remove the small deck (right of the house) and construct a 24' x 24' garage at the end of the existing driveway and partially within the side yard setback area. The Applicant's claimed hardship is that natural topography of the parcel and abundance of ledge prevent the garage from being located elsewhere. The location of the waterline is also a limiting factor. If the garage were shifted further toward the house, the 2nd deck – which contains access to the house, would have to be removed, and there would no longer be a direct access to the septic system in back (for pumping) as access around the side would be complicated by the presence of ledge.

The law is clear that the applicant must show that because of some unusual characteristic, that is unique to his property, the literal enforcement of zoning regulations (in this case the side yard setback requirements) would result in exceptional difficulty or unusual hardship. This may in fact be the case with this application. However, the Commission must also find that the denial of this variance would deny the applicant all reasonable use of his property. As with nearly all variances sought for parcels that contain a principal use, this is essentially impossible, as the applicant certainly has reasonable use of his property (single-family residence).

While the proposed location of the garage is certainly the most logical location at the end of the existing driveway and am fairly certain there will be little objection to the proposed location, my job as staff is to explain the law with respect to variances and advise you of the possibility of appeal should the Board does not adhere to the strict standards for granting a Variance. You are, however, free to vote as you like and run the risk of appeal. **Please note** that whether you vote to approve or deny the requested variance, you must state for the record the reason for your decision

and specifically describe the exceptional difficulty or unusual hardship - or lack thereof - on which your decision is based.

# If the Board is inclined to grant the variance, the following language is suggested:

"I make a MOTION to GRANT the variance as requested in Application #966 at 66 Iron Street, Ledyard CT to reduce the required side yard setback from 15ft per ZR Sec. 5.2 (Dimensional Requirements for Residential Zones) to 7ft to allow for a 24' x 24' detached garage to be located a distance of 7' to the side property line as depicted on the map submitted with the Application. The setback is only reduced in the area of the proposed garage.

The findings for the granting of the variance are unique to this property and the variance would be in the harmony with the general intent and purpose of the Regulations and would conserve the public health, safety, convenience, welfare and property values; and

The exceptional difficulty or unusual hardship on which the decision is based is as follows:

# **BOARD SHALL LIST ITS FINDINGS HERE:**

i.e. Water line runs up the driveway and in front of the house Significant amount of ledge in front yard and rear yard preventing alternative locations off the existing driveway. Yard slopes down immediately behind the deck – and septic tank located directly behind the house Large are of exposed ledge immediately behind the location of the proposed garage.

# If the Board is inclined to deny the variance, the following language is suggested:

"I make a MOTION to DENY the variance as requested in Application #966 at 66 Iron St., Ledyard, CT to reduce the required side yard setback from 15ft per ZR Sec. 5.2 (Dimensional Requirements for Residential Zones) to 7ft to allow for a 24' x 24' detached garage to be located a distance of 7' to the side property line as depicted on the map submitted with the Application.

# THE BOARD SHALL LIST ITS REASONS FOR THE RECORD HERE:

i.e. The applicant is not being denied reasonable use of his property. Garage could be located within the required setbacks if both decks were removed. Possible location exists in the front yard area if ledge can be removed.

Respectfully submitted, Juliet Hodge, Director of Planning & Development



File #: 23-1148

Agenda Date: 2/15/2023

Agenda #: A.

# AGENDA REQUEST GENERAL DISCUSSION ITEM

Subject: November 16, 2022 - Draft Minutes

**Background:** (type text here)

**Department Comment/Recommendation:** 

(type text here)



Proctor

TOWN OF LEDYARD **Zoning Board of Appeals Meeting Minutes** 

Regular Meeting		
Wednesday, November 16, 2022	6:30 PM	Hybrid Format

### I. CALL TO ORDER

John

Chairman Proctor called the Zoning Board of Appeals Meeting to order at 6:30pm.

### II. PLEDGE OF ALLEGIANCE

### III. **ROLL CALL APPOINTMENT OF ALTERNATES**

Present: Board Chairman: John Proctor and Vice-Chair: Rich Murphy Board Members: Charles Priebe and Sharon Pealer Board Alternates: John Rodolico (Appointed as Voting Member) Not Present: Board Members: Eric Treaster Board Alternates: Marie-Boyhan-Pedro

### IV. **APPROVAL OF MINUTES**

Approval of December 15, 2021 Draft Minutes

Motion made by John Rodolico and seconded by Sharon Pealer to accept the Meeting Minutes of December 15, 2021 as written.

Motion carried 5-0.

### V. CORRESPONDENCE

CT Federation of Planning and Zoning Agencies Quarterly Newsletter

### VI. **OLD BUSINESS**

None

### VII. **NEW BUSINESS**

None

# **VIII. ANNOUNCEMENTS**

None.

# IX. ELECTION OF OFFICERS

Chairman Proctor stated that he would be willing to stay as Chairman and asked if any other Board Members were interested in running. Eric Treaster stated via email that he would be willing to be Chairman. Discussion followed.

Motion was made by Charles Priebe to reappoint John Proctor as Chairman of Zoning Board of Appeals, Richard Murphy seconded. All members voted in favor. Motion carried 5-0.

Motion was made by John Proctor to reappoint Rich Murphy as Vice-Chair, John Rodolico seconded. All members voted in favor. Motion carried 5-0.

# X. DISCUSSION AND APPROVAL OF 2023 MEETING SCHEDULE

2023 Meeting Schedule

Sharon Pealer suggested moving the meeting time to 7:00pm. Discussion followed. The Board Members decided to keep the meeting time at 6:30pm.

Motion was made by John Rodolico and seconded by Charles Priebe to approve the 2023 Meeting Schedule. John Proctor, Charles Priebe, John Rodolico and Rich Murphy voted in favor. Sharon Pealer voted against. Motion Carried 4-1.

# XI. DISCUSSION OF PRELIMINARY BUDGET 2023-2024

YTD Budget

Board Members received a copy of the YTD Budget.

The Board discussed cost of training as well as the CAZEO events.

Motion to approve the 2023-24 budget was made by Rich Murphy, seconded by Charles Priebe. All members voted in favor. Motion Carried 5-0.

# XII. ESTABLISHMENT OF GOALS & OBJECTIVES FY 2024

None.

# XIV. ADJOURNMENT

Rich Murphy made a Motion to Adjourn the Zoning Board of Appeals Meeting at 6:55pm, John Rodolico seconded, All members voted in Favor, Motion Carried 5-0.

Chairman, John Proctor

Date



File #: 23-1289

Agenda Date: 3/15/2023

Agenda #: A.

REPORT

**Staff/Committee Report:** Planning Director Report



TOWN OF LEDYARD Department of Land Use and Planning *Juliet Hodge, Director* 741 Colonel Ledyard Highway, Ledyard, CT 06339 Telephone: (860) 464-3215 Email: planner@ledyardct.org

# Activity Report

Feb 9 – March 9, 2023

# 1. SITE VISITS:

- 2/09/23 Coachman Pike Complaint Response Blight Junk Vehicles
- 2/21/23 4 Rosemarie Dr. As-built Inspection
- 2/21/23 58 Avery Hill Rd. Re-inspection (Blight)
- 3/02/23 5 Quail Meadow Site Inspection to verify location of structure
- 3/02/23 32 Village Dr. As-built Inspection
- 3/02/23 10, 12 & 14 Rockledge Court-As-built re-inspection
- 3/07/23 32 Village Dr. Review existing driveway issue with J. Bernardo

# 2. **ENFORCEMENT**:

**576 Lantern Hill Rd. - Perkins Case** – Hearing for Contempt of Court scheduled for 2/3/23. Building being demolished. Still receiving complaints about unpermitted commercial activity and possible dumping of material into the wetlands. **Hearing continued** 

**5 Quail Meadow**: Unpermitted Storage Container. Owner submitted a permit. Waiting to verify location relative to setbacks. **Resolved 3/2/23** 

**58** Avery Hill Rd. – Complaint Received. Blight- Junk Cars & Garbage. NOV/RFVC sent 1/24/23. No response. Reinspected – No Change.

- 2/09/23 Complaint: 5-7 River Rd Blighted Property
- 2/13/23 Complaint: 5 Marlene Dr. Person living in a shed. (letter sent in October re: Unpermitted Shed. No Response)
- 2/13/23 Complaint: Follow-up on 21 Gallup Unpermitted home Occupation
- 2/12/23 Complaint: 949 LCR Junk & Debris (multiple complaints RVC sent in September followed up w/ owner House being sold)
- 3/06/23 Complaint: 1711 Rte. 12 Blight / Abandoned House

# 3. <u>APPLICATION REVIEWS:</u>

**Application #IWWC22-18URA of Avery Brook Homes,** LLC, 1641 Rte. 12, Gales Ferry, CT 06335 for URA activities associated with the siting of new single-family homes with associated grading and utilities on 9 of 36 lots in a proposed 8-30g Re-Subdivision located on 94,96,98 and 100 Stoddards Wharf Rd, Ledyard CT. **Received 9/6/22; Public Hearing continued with extension granted to 3/7/2023.** 

# **ADMINISTRATIVE PLAN REVIEW**

ZP#5761 134 Avery Hill Rd. NSFH - Approved
ZP#5787 5 Quail Meadow - ACC Structure - Approved 3/6
ZP#5795 11 Crocker Hill Rd. NSFH
ZP#5796 138 Whalehead. NSFH
ZP#5797 2 Marty's Way NSFH
ZP#5798 21 Tanager Ln., GF NSFH

ZP#5799 121 Whalehead NSFH

ZP#5773 9 Abbey Rd. – NSFH Waiting on Info

ZP# 5791 3 River Road - Garage conversion to In-Law Apt. - Need Site Plan and LLHD - On Hold

# **CERTIFICATES OF ZONING COMPLIANCE ISSUED:**

- 2/28/23 4 Rosemarie Ct. NSFH (Bond for Driveway and Monuments)
- 3/06/23 10 Rockledge CT New Manufactured Home (Bond for Driveway)
- 3/0623 12 Rockledge CT New Manufactured Home (Bond for Driveway)
- 3/06/23 14 Rockledge CT New Manufactured Home (Bond for Driveway)

# BONDS RECEIVED/RELEASED

- 2/14/23 Bond **Released** for Green Falls Assoc. \$9,300
- 2/23/23 Received: \$35,000 for 34 Village Dr. (Fireside farm Sub Cul-de-sac)
- 2/28/23 Received: \$3,700 for 4 Rosemarie Ct. (Paving & Monumentation)
- 3/6/23 Received: \$8,000 for 12,14,16 & 18 Rockledge CT (Paving)

# 4. MEETINGS:

- 2/13/23 Meeting with Dave Harned re: Cashman Development
- 2/13/23 Meeting w/ Peter Gardner re: pending projects
- 2/15/23 Meeting w/ Jim Ball re: housing development
- 2/15/23 Community Relations Committee Meeting
- 2/16/23 UCONN Clear Land Use Academy Training Session 3
- 3/01/23 Meeting w/ GU re: Avery Brook homes Subdivision
- 3/07/23 EDC Meeting
- 3/07/23 IWWC Meeting
- 3/09/23 PZC Meeting

# 5. <u>CERTIFICATE OF TRADE NAMES</u>

# 6. ACTIVE GRANT STATUS

- HOUSING REHAB: 2 New Applications in November but ineligible. Several on Waiting list were also deemed ineligible. 2 New projects went out to bid in December. Signed deeds 2/9/23 to file for new projects. 2 New applications received.
- 2020 LOTCIP: MULTI-USE PATH: Currently preparing to go out to bid.
- LEDYARD CENTER SEWER STUDY: In progress. Project at 100% Design. Currently preparing to go out to bid.
- 2021 DOH HOUSING PLAN GRANT: Draft of Plan complete. Commission reviewed in February- Revisions being made. Housing Plan map to be created. Public Hearing will be in April to Adopt.
- 2021 RTP GRANT TRI-TOWN TRAIL: Contract signed with Kent & Frost.

# 7. OTHER ACTIVITY:

- Acting Zoning Official to cover vacancy lots of customer assistance and site inspection/Plan Review and lots of enforcement issues
- Filling in for Building Dept. Admin Asst in her absence.
- Working with consultants on Housing Plan
- Continuing to fix GIS Map issues
- Reviewing past subdivisions and Boundary Line Adjustments and other plans for compliance with conditions of approval. Updating Logs. Checking to see if all deeds, easements, ROW's etc. were filed.
- Submitted DECD report re: New Residential Units built 2018-2022