

**CITY OF NORWICH**  
**ZONING BOARD OF APPEALS**  
**January 12, 2016**  
**Meeting Minutes**

The regular meeting of the City of Norwich Zoning Board of Appeals was called to order at 7:00 p.m. Roll call was taken and it was determined that a quorum was present.

PRESENT:                Marc Benjamin, Chairman  
                             Henry Olender, Vice Chairman  
                             Mark Kulos  
                             Dorothy Travers  
                             David Martin – Alternate  
                             Robert Phoenix - Alternate

ABSENT:                Raymond Dussault  
                             Peter Cuprak – Alternate

ALSO PRESENT:        Tianne Phoenix Curtis, Zoning Enforcement Officer  
                             Linda Lee Smith, Recording Secretary

**E. COMMUNICATIONS: None**

**F. ACCEPTANCE OF MINUTES**

Upon motion by Mark Kulos, seconded by David Martin it was voted unanimously to APPROVE the minutes of the December 8, 2015 regular meeting.

**G. OLD BUSINESS: None**

**H. NEW BUSINESS:**

1. **V#16-01 – Application of Ronald and Marjory Walters for property located at 100 Whipple Avenue in a Multi-Family (MF) zoning district. In accordance with Sec. 1.1 25’ front yard setback required request reduction to 16’ for the construction of a 16’ x 37’ addition to existing home.**

Seated were Marc Benjamin, Henry Olender, Mark Kulos, Dorothy Travers, and Robert Phoenix

Tianne Curtis entered into the record Exhibits “A-F”. Ms. Curtis also entered Exhibit “G” pages 1&3 which were brought in this evening. Ms. Curtis submitted “H” photos of existing conditions, Exhibit “I” medical statement from Norwich Orthopedic Group PC.

Marjory Walters, property owner, 100 Whipple Avenue, Stanley Chieka, 59 Woodside Avenue, and Harold Chieka, 45 Scott Street were in attendance.

Stan Chieka stated Mr. & Mrs. Walters had their house put on the market without any success selling it and because of health issues they need to add 2 bedrooms downstairs.

Harold Chieka stated the addition would follow the roof line; Marjory Walters stated the addition would go through the kitchen.

Mark Kulos asked for plot plan clarification on Exhibit "F" with relation of the house to the street/property line. Harold Chieka stated the wall is the property line. Mark Kulos also stated the front yard setback is 25' and the property line is the retaining wall. Mr. Chieka stated yes that was correct. Mr. Kulos stated the addition would be setback 12'.7" from the property line, and 6' in from the edge of the existing house totaling 18'7". Mr. Chieka stated 18'7" was the actual measurement and Mr. Chieka was requesting the front yard setback to 16'. Mr. Chieka stated yes that was correct because he wanted to be conservative. Mr. Chieka explained he didn't agree with the City's GIS map which stated his house was 10'7" from the property line. Mr. Kulos stated the 12'7" shown on Exhibit "F" should actually have read 10'7". Tianne Curtis, Zoning Enforcement Officer confirmed.

Marc Benjamin stated the addition would allow the property owners to walk in on grade, have 2 additional bedrooms and a kitchen and bath already there, creating a living space on grade.

Mark Kulos stated Exhibit "G" showed the elevation where the access stairway would go up to the main house and which would include an outside door. Mr. Kulos questioned if the deck would expand further toward the side door. Mr. Chieka stated the stairway would not encroach on the front yard setback, it would be on the side yard, and there would be a small deck outside. Mr. Kulos asked if the bath was existing. Mr. Chieka stated yes.

Marc Benjamin asked Mr. Chieka what their hardships were. Harold Chieka stated the hardships were because of the configuration of the existing home, and medical conditions that they can no longer access their second floor; and their brother had 2 strokes and having a difficult time moving around.

Robert Phoenix asked Mr. Chieka if the addition could be moved back further along the side of the building. Mr. Chieka stated they couldn't move it back because of the location of the kitchen. Ms. Walters stated they would have to move the plumbing and water lines and reconfigure the entire kitchen.

Ms. Curtis asked if there would be any change in the grade of the land which would require extensive excavation. Mr. Chieka stated no.

There being no other speakers the public hearing was closed.

Marc Benjamin stated because of last month's variance and the past year relative to disabilities and legal hardships he had put a request in to Corporation Counsel requesting legal opinion. Mr. Benjamin stated that he had received an email communication from Kim McGee, Corporation Counsel that she wasn't able to draft a letter in time for the board and asked if the board would continue the hearing for one more month. Ms. McGee would like to get a legal opinion to the board.

Marc Benjamin stated for the record he would like to amend to keep the public hearing open for additional testimony from Corporation Counsel.

Motion was made by Robert Phoenix, second by Mark Kulos motion was made to continue the public hearing to next month to receive legal opinion from Corporation Counsel relative to hardship and disability. Motion passed 4/1 (Travers opposed) to continue until next month.

Henry Olender stated the property owner isn't asking for infill in front of the house, the addition would be 6' back from the existing house, and they are not looking for side or rear yard setbacks. The addition is going in the best possible location. Dorothy Travers agreed with Henry Olender.

Mark Kulos stated the addition could be the best possible location but there isn't a particular hardship with the land.

Robert Phoenix stated the building is nonconforming, and the addition would increase the nonconformity.

Marc Benjamin stated he supports continuing the hearing to take additional testimony from Corporation Counsel.

**I. DISCUSSION/DECISION ON APPLICATIONS**

- 1. V#16-01 – Application of Ronald and Marjory Walters for property located at 100 Whipple Avenue in a Multi-Family (MF) zoning district. In accordance with Sec. 1.1 25’ front yard setback required request reduction to 16’ for the construction of a 16’ x 37’ addition to existing home.**

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Motion was made to be tabled until February 9, 2016 pending response from Corporation Counsel.

**J. OTHER MATTERS:**

1. Workshop for the review of current Zoning Ordinance Sec.8.8.2 in order to propose application criteria to be included within the ordinance. (Carried over from 12/8/15 agenda)

**K. ADJOURNMENT**

Upon motion by, Henry Olender and second by Dorothy Travers it was unanimously voted to adjourn at 7:28 p.m.

Respectfully submitted,  
Linda Lee Smith  
Recording Secretary