

ZONING BOARD OF APPEALS OF THE CIVIC ASSOCIATION OF SHORT BEACH

APPEAL FOR A VARIANCE (FORM 30) APPLICATION

1. I (We) hereby appeal to the Zoning Board of Appeals for a Variance of the Zoning Regulations

2. Applicant Name: Stuart P. and Rebecca K. Rosenberg Address: 14 Rockland Park Branford, CT 06405 Telephone: 203-395-5000 Subject Property Address: 14 Rockland Park
Owner Name: Stuart P. and Rebecca K. Rosenberg Address: 14 Rockland Park Branford, CT 06405 Telephone: 203-395-5000

3. Present use of subject property: Residential Zone: A

4. Is this a preexisting non-conforming lot? YES NO X Floodplain YES NO X

5. Previous Appeals or Special Exceptions that have been made with respect to subject property: Application Numbers and Dates: Applicant previously appealed the Zoning Enforcement Officer's cease and desist on 9/12/2022, refiled the same appeal following dismissal without prejudice on 12/3/2022, and appealed the decision of the Executive Board on 2/7/2023.

6. This Appeal relates to: USE and / or AREA (setbacks, frontage, height, etc.) Describe Briefly: See attached

7. VARIANCES of the Zoning Regulations are requested for the following sections: See attached

8. Strict application of the regulations would produce UNDUE HARDSHIP because: See attached

9. The hardship is UNIQUE and not shared by all properties in the district because: See attached

10. The variance would not change the CHARACTER of the DISTRICT because: See attached

11. Schedule A Information (list square footage and percentage for all items):

Use Form 30A

12. All Owners (and addresses) whose property abuts on any portion of subject property: Martin and Claire Shubik-Richards - 18 Rockland Park; David and Nancy Lewis - 22 Rockland Park; Granite Bay LLC - 20 Rockland Park; Jennifer Ann Allen - 12 Rockland Park; David and Nancy Lewis, Shubik, Rosenberg - 30 Rockland Park

13. Applicant Signature Date: 3/8/23 Owner Signature Date: 3/8/23

ZBA Appeal# Date Received Zoning Board of Appeals Action: GRANTED DENIED Date: Reason for Action: Conditions: Signature of Zoning Board of Appeals Chairman

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Attachment

Item 6: The applicants seek to retain the previously constructed stone terrace which falls within the rear and side yard setbacks of their property and which is adjacent to a similar terrace with retaining walls on the abutting property. This application is submitted in the event that the applicants' appeal of the Executive Board's decision is denied.

Item 7: Section 7.4 (reduce rear yard setback from 20' to 0.65'; reduce side yard setback from 10' to 0'); section 8.5.5(2) (reduce distance from side or rear property line from 15' to 0'); and section 8.5.5(4) (reduce required distance between retaining walls from 10' to 0').

Item 8: Without the requested variances, the applicants cannot make a reasonable use of their entire property due to the excessive slope of the rear yard, which was greater than 50%. This condition was created when a prior owner brought in fill to build the current house on the property. The steep slope made it exceedingly difficult to make safe use of the backyard for any reasonable purpose. Application of the requirements in Sections 7.4, 8.5.5(2), and 8.5.5(4) would completely prohibit a terrace in the applicants' backyard and would force the applicant to leave that area in an overly steep and unsafe condition – thus denying them the ability to have full use of their entire property.

Item 9: The nature of the steep slope in the applicants' backyard is unique to their property as it was created by a prior owner's placement of fill to raise the elevation of the house, but also resulted in excessively steep slopes (more than 50%) leading away from the foundation. This is not a condition that is common in the district.

Item 10: A terrace, like the one at the applicants' property, is a common appurtenance to a residential structure. In this case, the terrace is at the same finished elevation as the terrace at the abutting property (18 Rockland Park). The design of the applicants' terrace is very similar to the neighbors' terrace, including that both extend into the rear and side yard setbacks up to the property lines. Granting the variance will not change the character of the district in any way.