Meeting Minutes
Killingworth Zoning Board of Appeals
Monday, July 21, 2025 at 7:00 PM
Killingworth Town Office Building
323 Route 81, Killingworth/Remote Access

Commission Members in Attendance: Brian Young (Chair), Ben Charney, Mark McCormick, Bill Joyce (Alternate)

Commission Members Not in Attendance: Cheryl Fine, Craig Judge, Bruce E. Dodson (Alternate)

Staff in Attendance: Linda Kieft-Robitaille (ZEO), Jamie Sciascia (Via Remote)

Visitors: Attorney Karen Perry, Stephanie Warren, Tommy Q Builders, LLC

Called to Order: The Meeting was Called to Order at 7:02 p.m. by Brian Young, Chair.

Public Hearing and Consideration of Two Applications:
Chairman Young reviewed the Public Hearing application process and steps with the public in attendance.

Application #01-25 (85 Chestnut Hill Road):
Attorney Karen Perry appeared on behalf of the applicants to request a variance from the setback requirement in order to construct a new structure on the property. Although the proposed construction would still be nonconforming under current regulations, it would be less nonconforming than the previous structure, which had predated existing zoning rules. Attorney Perry stated that alternative placement options were limited due to wetlands, ledge formations, and the presence of large trees, whose root systems would be compromised if the structure were shifted further. She described the prior building as dilapidated, non-historic, and considered an "attractive nuisance", indicating it posed potential safety risks. Attorney Perry also confirmed that this structure has since been demolished and removed from the property, along with a woodchip-covered area that has also been cleared. The Board discussed the history of the former camp structure and noted that if the Youngs had submitted a renovation request for the original building, a variance likely would have been considered based on pre-existing conditions. The Board also recognized that the proposed structure improves overall compliance by reducing the degree of nonconformity.

Chairman Young noted that the encroachment being considered was minor, approximately 8 inches, adding that while unfortunate, it was not substantial enough to outweigh the overall improvements being made. The Board discussed this as a potential hardship, particularly given the shape and natural constraints of the lot. In addition, Chairman Young also clarified that, although he and the applicants share the last name "Young," there is no relationship between them, and he has never met the couple to his knowledge. He raised this point to prevent any confusion or perception of a conflict of interest, particularly in light of his current role on the Town's Ethics Commission, which is in the process of developing a comprehensive ethics policy.

The Zoning Board of Appeals had no further questions. Chairman Young closed the public portion of the hearing at approximately 7:28 p.m.

Application #02-25 (2 Route 80, LLC):
Stephanie Warren, a neighboring property owner at 5 Tower Hill Road, addressed the Zoning Board of Appeals to express her support for the application. Ms. Warren stated that her property directly abuts the applicant's parcel and that she had already submitted two copies of her written comments to the Zoning Board of Appeals. She clarified that although her letter referenced the hearing date as in July 2015, the correct date should read July 2025, noting it was a typographical error.

Ms. Warren indicated that she had reviewed the submitted site map and plans for the proposed addition of a two-car garage and had no objection to the application. She emphasized that the garage would remain set back from Route 80 and that, to date, the applicant's changes to the property had not negatively impacted the natural features on her own land, specifically noting no disruption to plant growth or historic rock walls along the shared boundary. In addition to her support for the garage addition, Ms. Warren expressed appreciation to both the applicant and the property owner for the improvements already made to the structures on the site, noting that the overall appearance of the property has significantly improved.

Tommy Q Builders, LLC, who was the Applicant and also represented owner Alan Neri, Principal of 2 Route 80, LLC, appeared before the Zoning Board of Appeals to request a variance to allow construction of a two-car garage that would not conform with the current side setback requirements in the industrial zone. Tommy advised that notifications had been sent to all adjoining property owners and those directly across from the proposed site and were provided to Ms. Kieft-Robitaille. Tommy explained that the proposed garage would be attached to the main residence on the lot, however, due to the shape of the lot and existing site constraints, the location for the proposed garage is limited, specifically noting the following reasons: 1) The septic system occupies one side of the property, making it unusable for new construction; 2) Placing the garage farther forward would violate front setback regulations; 3) The rear and opposite side of the lot include mature trees that the applicant intends to preserve; 4) Utility access for the garage will be routed near an existing telephone pole, and the driveway will be extended accordingly.

It was emphasized that the garage is designed to mimic the height and style of the existing residence and will not create visual disruption or inconsistency. The existing garage on the property is also nonconforming, and the proposed design seeks to improve upon the current conditions without exacerbating noncompliance. The Zoning Board of Appeals members discussed the clarity and simplicity of the application. It was noted that the request is reasonable given the physical and zoning constraints of the site, and that the garage would be in keeping with the existing structure in both placement and appearance.

The Zoning Board of Appeals had no further questions. Chairman Young closed the public portion of the hearing at approximately 7:36 p.m.

Application #01-25 (85 Chestnut Hill Road):
The Zoning Board of Appeals deliberated on Application #01-25, which requests a variance to allow a structure that encroaches approximately 8 inches into the required side yard setback. Chairman Young acknowledged that although it is unfortunate the foundation was poured in such a manner, the structure is an improvement over what previously existed and reduces the overall nonconformity on the property and noted he had no objection to the 8-inch encroachment.

Mr. McCormick raised concerns about setting a precedent for future applications that may involve slightly larger encroachments. The Board discussed that while they occasionally grant variances for minor intrusions (under a foot), each case must still be justified by a legitimate hardship. Discussion then turned to whether the hardship standard was adequately met. Some Board members expressed doubt, noting that hardship must arise from physical or legal conditions unique to the property, such as irregular lot shape, proximity to wetlands or ledge, or other constraints, not simply from construction error or oversight.

However, it was also pointed out that the original structure predated current setback regulations, and the replacement structure is being placed further from the property line than the original, thus reducing the existing nonconformity. This factor weighed in favor of granting the variance for some members. Ultimately, while some Board members viewed the hardship rationale as "a stretch," the general consensus appeared to be that the 8-inch intrusion was minor, and the improvement to the property supported the variance request.

Ben Charney ***Moved*** to approve Application #01-25, Karen Perry, Esq, Applicant, Michael & Elizabeth Young (Property Owners), 85 Chestnut Hill Road, Killingworth, CT 06419 regarding a variance side setback, set forth in Section 500-44 D.5 based on the fact that it is replacing a nonconforming structure and attempting to pull the property further into conformity.

(Chairman Young noted that he did not believe a second was necessary, as any objection to the application would have resulted in its failure.)

Motion unanimously passed [4-0-0].

Application #02-25 (2 Route 80, LLC):
The Zoning Board of Appeals deliberated on Application #02-25, which involves a request for a variance to allow construction of a two-car garage that would encroach into the required side setback in a parcel zoned industrial. The property is being used for residential purposes. The Board acknowledged that under residential zoning, the requested setback would be permissible. However, because the parcel is zoned industrial, the setback requirement is significantly greater, creating a technical conflict with the proposed location of the garage.

Chairman Young noted that the 13-foot encroachment into the setback is more than what the Board typically permits, but emphasized that the nature of the property and improvements underway, including aesthetic upgrades, justify flexibility. The property is being improved significantly, and a neighboring resident expressed strong support for the changes and had no objections to the garage construction. Chairman Young also commented that while the Board typically approves variances due to physical constraints (granite, such as ledge, wetlands, or unusual lot shape), this application represents a unique situation. The structure itself fits naturally on the lot, and all logical placements either violate other setback rules or interfere with utilities or the septic system.

Mr. Charney pointed out that the property's industrial zoning designation, which predates the current owner's use of the land, effectively acts as a hardship in this case. The zoning classification does not align with the property's current or intended use, which is residential. The proposal does not increase the nonconformity compared to other structures already on the property. Chairman Young also clarified that if this were a request to build 13 feet into a residential setback, it likely would not be approved. However, the mismatch between zoning and use, combined with the modest and appropriate design of the garage, supports granting the variance. The Commission generally agreed that the zoning itself created the hardship and that the proposed garage placement was the least disruptive and most logical option.

Ben Charney ***Moved*** and Bill Joyce ***Seconded*** a motion to approve Application #02-25: Tommy Q Builders, LLC, Applicant, for 2 Route 80, LLC, Property Owner (Alan Neri, Principal), to build a two-car garage attached to the main house in an industrial zone with different setback requirements, due to the hardship posed by the adjacent industrial center.

Motion unanimously passed [4-0-0].

Adjournment:
Chairman Young adjourned the meeting at approximately 7:45 p.m.

Respectfully Submitted,

Jamie Sciascia
Clerk