



ZONING BOARD OF APPEALS

Clifford J. Hurgin Municipal Center
1 School Street, Bethel, Connecticut 06801 *(203) 794-8578

ZONING BOARD OF APPEALS MINUTES APRIL 17th, 2012 – BETHEL MUNICIPAL CENTER 7:00 P.M. – DENIS J. RIORDAN ROOM

COMMISSION MEMBERS PRESENT : P. Verderosa, Chairman; N. Santaniello; J. Hurgin; S. Catino; W. Foster; M. Ryan; S. Dolan; S. Palmer, Planning & Zoning Official.

P. Verderosa called the meeting to order at 7:05 p.m

Chairman Verderosa opened the Public Hearing and read the Legal Notice into the record.

PUBLIC HEARING(S):

12-01: Peter & Renee Ioveno, 12 Willow St.; Variance of Art. 3.4.C.1.A and Art 3.4.C.1.B to legalize deck & pool additions .9' +/- from side yard & a shed to be 1' +/- from front yard and 1.5' +/- from side yard lot lines.

Chairman Verderosa read the Staff Report dated 4/17/12 by S. Palmer, Planning & Zoning Official, into the record.

Peter Ioveno, owner, introduced the Application. Mr. Ioveno requested a variance to legalize the location of existing decks, an in ground swimming pool, and a detached shed. The property is a corner lot situated in the Residential RR-10 zone and is non-conforming in size at 8,225 sf. The property is bounded on two sides by the industrial I Zone with industrial uses within that area.

The Applicant stated his hardship as being the non-conforming lot size, the proximity to the Industrial Zone and the fact that it is a corner lot.

Mr. Ioveno entered photographs of the existing structures in to the record along with verification of certified notification of neighbors. Also entered into the record were letters of support for the variance by:

Patrick & Gillian Glazer 12 Willow Street
Joseph and Barbara Murray 6 Willow Street
Joseph & Barbara Laporta 9 Willow Street
Arthur & Noelle Ingram 13 Willow Street

The Employees @ GAULT 1 Paul St
Triple A Mfg. 4 Paul St.
M. Jaykus- Peck 10 Willow St.

No one spoke
Chairman Verderosa closed the Public Hearing.

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TOWN OF BETHEL
TOWN CLERK

12-02: John & Wendi Bivona, 1 Evergreen Dr.: Variance of Art 3.6.C.6.A to allow a permitted accessory apartment to exceed 900 s.f. maximum size to 1200 s.f. proposed.

Chairman Verderosa read the Staff Report dated 4/17/12 by S. Palmer, Planning & Zoning Official, into the record.

John and Wendy Bivona, owners, introduced the Application.

The Applicant requested a variance to permit the construction of an accessory apartment which exceeds the floor area limitations. The property is .86 acres in size and is situated in the Residential R-20 Zone.

Zoning regulations permit the incorporation of an accessory apartment in all residential zones. The size of the apartment is limited to 900 sf. of living area or 25% of the total living area of the structure whichever is less. The propped apartment will be 1200 sf in living area and will be 35% of the total floor area of the house (3424 sf.).

The applicant's mother is intending to occupy the apartment. According to her medical provider, she is experiencing medical difficulties that will worsen over time requiring the use of a wheel chair for mobility. The Applicant is seeking to provide fully handicap accessible space which has caused the size of the apartment to well exceed the limits.

S. Palmer apprised the Board of the fact that the zoning regulations give the Commission discretion to allow a greater amount of floor area for accessory apartments where, in their opinion, is it warranted by the specific circumstances of the particular building; reasoning that all houses are unique and individual circumstances will vary.

Mr. Bivona presented certification of notification of neighbors to the Board.

Those who spoke in Favor of this Application:

Charlene Eggers Bailey 3 Evergreen Drive

Chairman Verderosa closed the Public Hearing.

WORKSESSION:

W. Foster was seated for J. Streaman.

12-01: Peter & Renee Iovenio, 12 Willow St.;Variance of Art. 3.4.C.1.A and Art 3.4.C.1.B to legalize deck & pool additions .9' +/- from side yard & a shed to be 1' +/- from front yard and 1.5' +/- from side yard lot lines.

Motion by J. Hurgin, Seconded by N. Santaniello to **GRANT** a **Variance of Sec. 3.4.C.1.A** for deck/pool additions 9' +/- and 6' +/- , and **Sec. 3.4.C.1.B** for a shed 1' +/- from front yard lot lines and 1.5' from side yard lot lines.

The Board stated that a **Hardship** was caused by the non-conforming lot size, the proximity to the Industrial I Zone and the location of this corner lot.

As a **Condition of Approval** the Board requires an As-Built survey prior to issuance of a Certificate of Zoning Compliance.

Motion Passed unanimously.

12-02: John & Wendi Bivona, 1 Evergreen Dr.: Variance of Art 3.6.C.6.A to allow a permitted accessory apartment to exceed 900 s.f. maximum size to 1200 s.f. proposed.

Motion by N. Santaniello, seconded by W. Foster to **GRANT** a Variance of **Sec. 3.6.C.6.A** to permit an accessory apartment to exceed 900 sf maximum to 1,200 sf proposed .

The Board found a **Hardship** to exist due to the configuration of the existing house and the need for handicapped accessible facilities.

As a **Condition of Approval** the Board states that the Accessory apartment shall only be used in accordance with the provisions of Sec. 3.6C of the zoning regulations.

Motion Approved Unanimously.

MINUTES:

Motion by J. Hurgin, seconded by N. Santaniello to Approve the meeting Minutes of March 20th, 2012.

Motion Approved.

NEW BUSINESS:

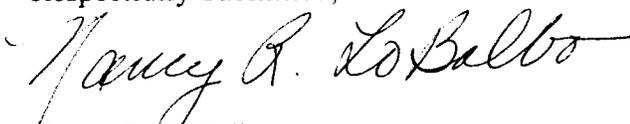
Motion by W. Foster, seconded by M. Ryan to **ACCEPT** Application #12-03, 41 Maple Ave., and set a hearing date for May 15th, 2012.

OTHER BUSINESS:

S. Palmer discussed with the Board "Memorandum In Opposition To Motion To Award Attorneys' Fee dated March 29, 2012 by Charles Andres, Esq.

Motion to Adjourn by J. Hurgin, seconded by N. Santaniello at 8:05 p.m.

Respectfully Submitted,



Nancy R. LoBalbo
Secretary, Planning & Zoning Department