



ZONING BOARD OF APPEALS

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

ZONING BOARD OF APPEALS MINUTES June 19th, 2012 – BETHEL MUNICIPAL CENTER 7:00 P.M. – DENIS J. RIORDAN ROOM

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

P. Verderosa called the meeting to order at 7:04 p.m

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

PUBLIC HEARING(S):

12:05- RFA Realty, LLC, 158 Greenwood Ave.: Variance of Art 4.4(a)(1)(b) Lot width and Sec. 4.4(a)(1)(c) Lot frontage to create a lot.

Read into the Record: Staff Report dated 5/19/12 by S. Palmer, Planning & Zoning Official

Attorney Peter Olsen, 94 Chestnut St., Bethel represented RFA Realty and owner Robert Allison and presented the Application and Certification of Notifications to the Board.

The applicant requested a variance to permit the reduction in the lot width and frontage requirements to permit the division of a 29,060 sf. parcel of land into two lots. The existing lot is entirely located within the Village Center Zone (VC) which permits both residential and commercial uses. It has frontage on Greenwood Avenue and South Street. The property currently contains a two-story commercial building occupied by an ice cream shop and a dentist's office that fronts on and has access from Greenwood Avenue.

The Applicant wishes to divide the property into two lots where the building and existing parking area will be contained on proposed Lot A, which is 19,055 sf. in area. The second lot, Lot B, would be 10,005 sf. in area and have its frontage on South Street. The zoning regulations require 100 feet of lot width where only 94 feet exists. Furthermore, the regulations require 100 feet of lot frontage where only 95 feet exists. The property has been in existence since prior to the adoption of zoning regulations and therefore is legally non-conforming with respect to lot width and frontage.

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Attorney Olsen presented the hardship as the pre existing non-conforming lot, the lot shape and the topography of the property.

Those who spoke:

Attorney Don Chieffalo, 36 Mill Plain Road, representing property owner Robert Craybas, 156 Greenwood Avenue, spoke in opposition to the Application.

Attorney Olsen responded to objections to the Application raised by Attorney Chieffalo.

Chairman Verderosa closed the Public Hearing.

12:06- Mark Cheney, 62 Putnam Park Road: Variance of Art 3.4.c.1(b) to expand an existing accessory building in front yard setback and Art. 3.4.f.1 for expansion of an accessory building in excess of size requirements.

Read into the Record: Staff Report dated 6/19/12 by S. Palmer, Planning & Zoning Official.

Mark Cheney, property owner, presented the Application and Certification of Notifications to the Board.

The Applicant requested a Variance that would allow for the expansion of a detached barn on a 2.04 acre parcel of land located in the residential R-80 Zone. There are 2 barns on the property. The barn in question is the larger of the two located to the front property line on Putnam Park Road. It was damaged in a fire several years ago and the Mr. Cheney would like to expand it while restoring it. The Applicant expressed his intent to "improve the historic appearance and increase usable floor area."

The barn is two stories and has a footprint of 1025 sf.. With the proposed addition, it would have a footprint of 1365 sf. which exceeds the 1200 sf. limit for a barn footprint , necessitating a variance .Furthermore, the location of the proposed addition will be 13 feet from the front property line where 50 ft. is required, necessitating another variance. The existing barn location is set in a legally nonconforming location as it has been there since 1930.

In 1981, the Zoning Board of Appeals granted a variance to allow a business to be operated in the barn. The current owner is an artist who paints backdrops for theater show and the additional floor area is necessary to more productively conduct his work. Mr. Cheney stated that a hardship is cause due to the location of the front property line in relationship to it's actual distance from Putnam Park Road.

No one spoke.

Chairman Verderosa closed the Public Hearing.

WORKSESSION:

12:05- RFA Realty, LLC, 158 Greenwood Ave.: Variance of Art 4.4(a)(1)(b) Lot width and Sec. 4.4(a)(1)(c) Lot frontage to create a lot.

Motion by N. Santaniello, seconded by J. Streaman to **DENY** a Variance of Art 4.4(a)(1)(b) Lot width and Sec. 4.4(a)(1)(c) Lot frontage to create a lot as the Board stated that a hardship was not proven.

Motion Passed unanimously.

12:06- Mark Cheney, 62 Putnam Park Road: Variance of

Motion by J. Hurgin, seconded by J. Streaman to **GRANT** a Variance of Art 3.4.c.1(b) to expand an existing accessory building in front yard setback and Art. 3.4.f.1 for expansion of an accessory building in excess of size requirements. The Board found the Hardship to be due to the fact that the actual distance from Putnam Park Road far exceeds what would be required by current setbacks.

Motion Passed unanimously.

MINUTES:

Motion by J. Hurgin, seconded by M Ryan to **APPROVE** the meeting Minutes of May 15th, 2012.

Motion passed.

INVOICES:

Motion by N. Santaniello, seconded by J. Streaman to **APPROVE** payment of \$525.93 to the Danbury News-Times for invoices related to Public Noticing.

Motion Passed.

NEW BUSINESS:

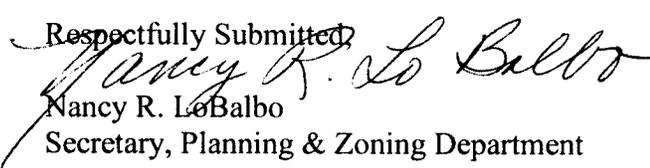
Motion by J. Streaman, seconded by N. Santaniello to accept variance applications **12-07: 85 Plumtrees Road** and **12-08: 16 Elgin Avenue** set a Public Hearing date for July 17th, 2012.

Motion Passed.

Chairman Verderosa thanked the Board for their continuing good wishes and support on his recent receipt of the Dennis J. Riordan Award.

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

Respectfully Submitted,


Nancy R. LeBalbo

Secretary, Planning & Zoning Department