



ZONING BOARD OF APPEALS

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

ZONING BOARD OF APPEALS MEETING MINUTES November 19th, 2013 – BETHEL MUNICIPAL CENTER 7:00 P.M. – DENIS J. RIORDAN ROOM

COMMISSION MEMBERS PRESENT : J Streaman; M. Ryan; N. Santaniello; J. Hurgin;;
W. Foster, S. Dolan; S. Catino; S. Palmer, P&Z Official.

J. Streaman called the meeting to order at 7:05. J. Hurgin read the Legal Notice.

PUBLIC HEARING(s)

13-10: Estate of Eve Bigelow, 42 Payne Road: To amend a Variance in order to remove the particular conditions set forth in Subsection 1b of the ZBA Variance dated July 17, 2002.

J. Hurgin read the Staff Report dated 11/19/13 by S. Palmer, Planning & Zoning Official

Attorney Thomas Beecher, Collins Hannafin, P.C., 148 Deer Hill Ave., Danbury, CT was present for the Application and presented certification of notification of adjoining property owners to the Board.

The Applicant requested that a particular condition of a variance granted by the Zoning Board of Appeals on July 16th, 2002 be removed. Attorney Beecher explained the history of the property and the background concerning the 2002 variance. Condition 1.b of the variance prohibits the potential subdivision of a part of the property which totals 2.5 acres in an R-40 Zone. As there was no valid reason given for this restriction, the Applicant petitions for its removal. Bethel Town Counsel, Martin J. Lawlor, Attorney, in a letter dated May 28th, 2013, concurred with the Applicant and is of the opinion that the variance be amended.

Those who spoke:

Nicholas Evans

40 Payne Road

J. Streaman closed the Public Hearing

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TOWN OF BETHEL
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13-11: Chester & Nancy Ellen Janutolo, 22 Stony Hill Road, Variance of Sec. 4.4.B.1.a Front setback from street line, Sec. 4.4.B.1.b Front setback to road centerline, Sec. 6.1.E.1 Landscaping minimum depth, Sec. 6.1.F Planted buffer to side yard of Res. Zone, Sec. 6.2.H.7.c.ii Minimum landscape area to allow parking in front yard.

J. Hurgin read the Staff Report dated 11/19/13 by S. Palmer, Planning & Zoning Official. Representing the Applicant were Dainius Virbickas, Artel Engineering, 304 Federal Road, Brookfield, CT & Attorney Neil Marcus, Cohen & Wolf, P.C., 158 Deer Hill Ave., Danbury, CT. Mr. Virbickas provided certification of notification to adjoining property owners. Mr. Viurbickas discussed the location of the property , presenting a map of the proposed development.

The Applicant requested variances to permit the construction of a new gas station consisting of a retail convenience store, a Dunkin Donuts store with drive-thru service and an eight (8) pump gas service area with a canopy. The property is 1.04 acres in area and is located in the Route 6 Business District. Public sewer and water are available and there are no wetlands present. The property sits at the corner of Stony Hill Road and Vail Road and currently contains a long unoccupied single family dwelling.

The Applicant requested a variance of the two front yard setbacks that are required in the Rt. 6 Zone, both the 50 ft. setback from the front property line and the 75 ft. setback from the centerline of Stony Hill Road. The building has been purposefully placed in its proposed location so that it will be consistant with the placement of other buildings, maximize the distance from an adjacent residential zone and optimize traffic flow on the street . Mr Virbickas pointed out that the shape of the lot, the fact that it's a corner lot, and the placement of the building with other improvements will also need additional variances of the landscaping requirements. If approved, the applicant must obtain a Special Permit from the Planning & Zoning Commission where a landscape plan will be developed that will ensure an attractive streetscape, provide scale to the development and protect neighboring residents from the visual effects of commercial development. In stating the hardship, Mr. Virbickas told the Board that a hardship related to the odd shape of the parcel, the two frontage requirements and the adjoining residential zone

Attorney Marcus then spoke to the desire to bring the property into commercial use and discussed the reasons that various alternatives to this Variance request were considered but thought not to be the best solution to the development of this property, noting that commercial use is allowed on this property.

Those who spoke:

Morris Gross	VP Facilities & Construction, Danbury Hospital, 20 Stony Hill Rd.
Mary Brannigan	VP CT Health Network, Danbury Hospital, 20 Stony Hill Road
Ernie Guerrero	Pastor, His Vineyard Christian Fellowship, 2 Vail Rd.
Greg Steiner	Littlest Angel, 27 Stony Hill Road

Don Ramsey

Parishoner, His Vineyard Christian Fellowship, 2 Vail Road

Attorney Marcus responded to inquiries from the public, indicating that most of the issues raised were more pertinent to the Planning & Zoning Commission application for this project.

J. Streaman closed the Public Hearing.

13-12: Richard & Josephine Hansen, 27 Meckauer Circle, Variance of Sec. 3.4.C.1.e Rear setback from 35' required to 32' proposed for a deck.

J. Hurgin read the Memo by S. Palmer, Planning & Zoning Official, dated 11/19/13

Josephine Hansen, owner, presented the Application to the Board and provided the certification of notification of adjoining property owners.

The Applicant requested a variance of the 35 foot rear setback to build a deck. The property is .468 acres in area and sits within the residential R-20 Zone. While the property is conforming in lot area, the existing house is nonconforming as to proximity to the rear property line. The existing house is 30.8 feet from the rear property line and the proposed deck will be 32 feet. There is only a small platform and staircase in that location and it is in very poor condition. The Applicant stated their hardship as being the nonconformity of the house to the rear property line.

J. Streaman closed the Public Hearing.

S. Dolan was seated for P. Verderosa

WORKSESSION:

13-10: Estate of Eve Bigelow, 42 Payne Road: To amend a Variance in order to remove the particular conditions set forth in Subsection 1b of the ZBA Variance dated July 17, 2002.

Motion by J. Hurgin, seconded by N. Santaniello to Amend Variance #02-10, 42 Payne Rd dated 7/7/16/02 to remove Condition 1.b.

In making their decision the Board stated as the reason it is not a valid condition.

Approved Unanimously.

13-12: Richard & Josephine Hansen, 27 Meckauer Circle, Variance of Sec. 3.4.C.1.e Rear setback from 35' required to 32' proposed for a deck.

Motion by N. Santaniello, seconded by M. Ryan to Approve a Variance of Sec. 3.4.C.1.e, rear setback from 35' required to 32' proposed.

The Board stated that a hardship is created by the existing nonconformity of the house on this property.

Approved Unanimously

13-11: Chester & Nancy Ellen Janutolo, 22 Stony Hill Road, Variance of Sec. 4.4.B.1.a Front setback from street line, Sec. 4.4.B.1.b Front setback to road centerline, Sec. 6.1.E.1 Landscaping minimum depth, Sec. 6.1.F Planted buffer to side yard of Res. Zone, Sec. 6.2.H.7.c.ii Minimum landscape area to allow parking in front yard.

Motion by N. Santaniello, seconded by J. Hurgin to Approve Variance(s) of **Sec. 4.4.B.1.a Front setback from street line, Sec. 4.4.B.1.b Front setback to road centerline, Sec. 6.1.E.1 Landscaping minimum depth, Sec. 6.1.F Planted buffer to side yard of Res. Zone, Sec. 6.2.H.7.c.ii Minimum landscape area to allow parking in front yard.**

The Board stated that a hardship exists due to the lot configuration and the lot shape.
Approved Unanimously.

MINUTES:

Motion by N. Santaniello, seconded by J. Hurgin to Accept the Minutes of the meeting of October 15th, 2013.
Motion Passed.

REMARKS:

S. Palmer, Planning & Zoning Official, on behalf of the Board members thanked Peter Verderosa, Chairman for his many years of service to the Board as a member and Chairman. His impartiality, fairness and dedication made him a pleasure to work with and a valuable member of the Zoning Board of Appeals.

Motion to Adjourn at 8:30 p.m. by J. Hurgin, seconded by N. Santaniello
Motion Passed

Respectfully Submitted,



Nancy R. LoBalbo, Secretary, Planning & Zoning Department