



ZONING BOARD OF APPEALS

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

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**ZONING BOARD OF APPEALS MINUTES
AUGUST 21ST, 2007 – BETHEL MUNICIPAL CENTER
7:30 P.M. – DENIS J. RIORDAN ROOM D**

AUG 22 2007

**TOWN OF BETHEL
TOWN CLERK**

COMMISSION MEMBERS PRESENT: Chairman, P. Verderosa; J. Hawkins; J. Jackson; S. Santaniello, C. Tager and S. Palmer, Planning & Zoning Official.
Chairman Verderosa called the meeting to order at 7:30 p.m.
J. Jackson seated for L. Scott. Chairman Verderosa read the Legal Notice into the record.

PUBLIC HEARING:

07-05: LUIS NAULA, 8 GRASSY PLAIN TERRACE; SECTION 118-24 F (1) REAR YARD SETBACK FROM 32.3' +/- TO 20.3' +/- FOR PROPOSED DECK.

J. Jackson read the Staff Report by S. Palmer, Planning & Zoning Official, into the record. Present for the Application was Luis Naula who, at this time, handed in the certification of notification to abutting property owners.

The Applicant requested a Variance to permit the construction of a deck off the back of a house to be 20.3' from the rear property line where 30 feet is required. The property is located in the R-10 Zone and is nonconforming as to lot size with 8,144 s.f. where a minimum of 10,000 s.f. is required. It also has a nonconforming width at 77 feet where 80 feet is required in the R-10 Zone. Currently, the rear of the house already lies within the rear yard setback prohibiting any further construction in that area without a variance. The applicant expressed his hardship as being caused by the small, nonconforming size of the lot.

No one spoke.

Chairman Verderosa closed the Public Hearing.

07-09: CONNECTICUT LIGHT & POWER COMPANY, 33 WALNUT HILL ROAD; SECTION 118-24F REDUCTION OF LOT SIZE FROM 9,583 S.F. TO 8,769 S.F. IN AN R-40 ZONE TO FACILITATE STATE OF CT RECONSTRUCTION OF WALNUT HILL BRIDGE. APPLICANT: CT DEPARTMENT OF TRANSPORTATION.

S. Santaniello read the Staff Report by S. Palmer, Planning & Zoning Official, into the record. Present for the Applicant was Steve Degen of the CT. DOT who provided certification of notification of abutting property owners.

The applicant requests a variance to allow a reduction in lot size of a nonconforming parcel of land located in the residential R-40 Zone. The property in question is owned by CL&P and is basically vacant, though a tower and overhead transmission lines run through the property. The applicant, who is the Department of Transportation (DOT), is seeking to acquire a portion of the parcel to facilitate the upcoming roadway improvements in that area. In explaining the hardship, Mr. Degen pointed out that, without a variance, Ct. Gen Statute Sec. 48-24 DOT will be forced to begin proceedings to acquire the entire property through eminent domain.

No one spoke.

Chairman Verderosa closed the Public Hearing.

**07-10: WILLIAM R. McKNIGHT, 74 SUNSET HILL ROAD; SECTION 118-17B
ACCESSORY BUILDING CANNOT EXCEED 300 S.F. IN SIZE; SEC. 118-40C: NO
NON-CONFORMING USE SHALL BE EXPANDED OR EXTENDED; SEC. 118-40F:
NON-CONFORMING BUILDING CONTAINING A NON-CONFORMING USE SHALL
NOT BE EXPANDED.**

C. Tager read the Staff Report by S. Palmer, Planning & Zoning Official, into the record. Present for this application was William R. McKnight who, at this time, provided certification of notification of abutting property owners.

The applicant requested a variance to allow the construction of a detached dwelling unit to replace a non-conforming detached dwelling destroyed by fire. On November 27th, 2006, the applicant presented an application to replace the destroyed building. At that time the Board denied the application without prejudice noting that sufficient hardship was not proven. Although the previous record notes the date of the fire as in July, at this time Mr. McKnight indicated to the Board that the fire took place in August 2006 and, consequently still falls within the one-year period as allowed in Sec. 118-40 of the Zoning regulations. The Board moved to incorporate the variance record of Nov. 27th, 2006 into the record, including referencing a previous ZBA approval for variance resolution #88-28 dated Sept. 23, 1988.

The current application proposes a new building, which is smaller in footprint and floor area than the last proposal but is somewhat larger than the original burned building. The original building had two full stories with a footprint of 21' by 20.5' and was 862 s.f. in area. The proposed building is cape style with one full floor and a loft area, with a footprint of 27' by 30' and is approximately 1,100 s.f. in area including the loft.

Those who spoke in opposition:

Ken Reilly	2 Williams Road
Sally Finnell	101 Pocahantus Rd, Redding
Katherine Gaderowski	8 Williams Road

C. Tager referenced two letters in support of the applicant's proposal from the previous Variance request dated 11/06.

Chairman Verderosa closed the Public Hearing.

WORKSESSION:

07-05: LUIS NAULA, 8 GRASSY PLAIN TERRACE; SECTION 118-24 F (1) REAR YARD SETBACK FROM 32.3' +/- TO 20.3' +/- FOR PROPOSED DECK.

A motion by S. Santaniello, seconded by C. Tager to **GRANT** a variance of Sections 118-24F(1), rear yard setback from 32.3' to 20.3' for proposed deck. The Board stated that in granting the variance, the hardship is that the house is already in the rear setback with no other buildable space available.

Motion passed unanimously.

07-09: CONNECTICUT LIGHT & POWER COMPANY, 33 WALNUT HILL ROAD; SECTION 118-24F REDUCTION OF LOT SIZE FROM 9,583 S.F. TO 8,769 S.F. IN AN R-40 ZONE TO FACILITATE STATE OF CT RECONSTRUCTION OF WALNUT HILL BRIDGE. APPLICANT: CT DEPARTMENT OF TRANSPORTATION.

A motion by C. Tager, seconded by J. Jackson to Grant a variance of Sec. 118-24F for reduction of lot size from 9,583 s.f. to 8,769 s.f. in an R-40 Zone to facilitate Ct. of Ct DOT reconstruction of Walnut Hill Bridge. In granting the variance, the Board stated that the hardship pertains to Ct. Gen. Statute Sec. 48-24 which would force DOT to acquire the entire property under eminent domain.

Motion passed unanimously.

07-10: WILLIAM R. McKNIGHT, 74 SUNSET HILL ROAD; SECTION 118-17B ACCESSORY BUILDING CANNOT EXCEED 300 S.F. IN SIZE; SEC. 118-40C: NO NON-CONFORMING USE SHALL BE EXPANDED OR EXTENDED; SEC. 118-40F: NON-CONFORMING BUILDING CONTAINING A NON-CONFORMING USE SHALL NOT BE EXPANDED.

A motion by C. Tager to Approve. Motion withdrawn by C. Tager for further discussion. Motion by C. Tager, that Application 07-10 be **DENIED WITHOUT PREJUDICE** with the condition that should the Applicant come back at any time within the next one year, that the July 19th 2007 application date be controlling. Seconded by J. Hawkins. In making their decision the Board cited that sufficient hardship was not shown for increasing the size of a non-conforming accessory building.

Motion approved unanimously

MINUTES:

Motion by J. Jackson to approve the Meeting Minutes of July 17th, 2007, seconded by J. Hawkins.

Motion passed. C. Tager abstained

NEW BUSINESS

Motion by C. Tager, seconded by J. Jackson to accept new business and set a Public Hearing date of September 18th, 2007.

Motion to adjourn at 9:30 p.m. by C. Tager, seconded J. Jackson
Motion carried

Respectfully Submitted,


Nancy R. LoBalbo