



ZONING BOARD OF APPEALS

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

ZONING BOARD OF APPEALS MINUTES SEPTEMBER 18TH, 2007 – BETHEL MUNICIPAL CENTER 7:30 P.M. – DENIS J. RIORDAN ROOM D

COMMISSION MEMBERS PRESENT: Chairman, P. Verderosa; J. Hawkins; S. Santaniello; C. Tager; L. Scott and S. Palmer, Planning & Zoning Official.
Chairman Verderosa called the meeting to order at 7:34 p.m.
Chairman Verderosa read the Legal Notice into the record.

PUBLIC HEARING:

07-11: ANTHONY J. NAZZARO, 13 SHELTER ROCK ROAD; SEC. 118-24 F (1) TO ALLOW THE MINIMUM SQUARE FOR THE NORTHERLY BOUNDRY OF LOT 3 TO BE INCLUDED IN THE FRONT SETBACK FROM 40' TO 0'.

S. Santaniello read the Staff Report by S. Palmer, Planning & Zoning Official, into the record. Present for the Application was Attorney Paul Jaber, 148 Deer Hill Road, M. Mazzucco, P.E. project engineer and owner A. Nazzaro.

Attorney Jabor presented the application to the Board.

The Applicant requested a Variance of Sec. 118-24F(1) of the zoning regulations which requires a minimum square of 100 feet to be located within the boundaries of a new parcel of land and be located outside the required front yard. In this case, the required front yard is 40 feet for property in the Residential R-40 Zone and the applicant is requesting a variance to allow the square to be reduced to zero (0) feet as shown on the proposed site plan. The property in question has frontage on Shelter Rock Road, which is improved, and Old Turnpike Road, which is a "paper" road, meaning it is not improved. The proposed lot in question has frontage on both roads requiring 40 ft. setbacks for the minimum square for two sides. Attorney Jabor stated that the hardship is the steep slopes on the properties and, if approved, the proposal before the Board eliminates long and steep driveways and substantially reduces excavation activity at the site.

Those who spoke:

Robert Marcus 11 Shelter Rock Road

Chairman Verderosa closed the Public Hearing

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TOWN OF BETHEL
TOWN CLERK

**07-12: THE GLEN AT CHESTNUT HILL, LLC, UNIT 3 & UNIT 4 BAILEY BLVD. ;
SEC. 118-26D(4) TO REDUCE THE REQUIRED PERIMETER SETBACK FROM 50
FEET TO 49 FEET. APPLICANT; CHARLES BOGIE**

C. Tager read the Staff Report by S. Palmer, Planning & Zoning Official, into the record. Present for the Applicant was Attorney Neil Marcus, 158 Deer Hill Avenue. Attorney Marcus presented the application to the Board and provided certification of notification of neighboring property owners.

The Applicant is requesting a variance to allow legalization of a new foundation for a proposed 2 unit residential building. The property is located in the Planned Residential Zone (PRD), which requires that no building or structure be located within fifty (50) feet of a perimeter lot line. According to the foundation "as-built" survey, the foundation is 49 feet from the front perimeter lot line. Attorney Marcus stated that the hardship is due to a miscalculation caused by the somewhat irregular line of Nashville Road.

No one spoke.

Chairman Verderosa closed the Public Hearing.

**07-13: PEDRO & KRISTIN AMARAL, 11 PAYNE ROAD; SEC.118-17A: NO ACCESSORY
BUILDING SHALL BE OCCUPIED OR USED AS A DWELLING UNIT
118-17B: NO ACCESSORY BUILDING SHALL EXCEED 300 S.F. IN SIZE
118-17C: ACCESSORY BUILDINGS SHALL NOT EXCEED ONE STORY
118-17E: THE AREA ABOVE THE 1ST FLOOR MAY BE FINISHED SPACE BUT IN
NO CASE CAN CONTAIN ANY BATHROOM FIXTURES OR KITCHEN FACILITIES;
118-24B(30)(b): THE ACCESSORY APARTMENT SHALL CONTAIN NOT LESS
THAN 300 SQ. FT. OF LIVING AREA AND NOT MORE THAN 900 SQ. FT. OF
LIVING AREA OR 25% OF THE LIVING AREA OF THE EXISTING STRUCTURE,
WHICHEVER IS THE LESSER.
118-24B(30)(d): THE ACCESSORY APARTMENT SHALL HAVE ONE MEANS OF
EGRESS SEPARATE FROM THAT OF THE MAIN DWELLING AND ONE
CONNECTING THE DWELLING TO THE APARTMENT
118-24F(2): A 10 FT. SIDE YARD SETBACK IS REQUIRED FOR AN ACCESSORY
BUILDING.**

C. Tager read the Staff Report by S. Palmer, Planning & Zoning Official, into the record. Present for this application were Kristin and Pedro Amaral who, at this time, provided certification of notification of abutting property owners.

The applicants requested a variance to permit the construction of a 2nd story on an existing detached garage in the required 10 foot side yard setback that will contain finished living area to be used for an accessory apartment. The property is 20,139 s.f. in area and located in the residential R-20 Zone. In presenting the hardship, Ms. Amaral told the Board that because of the shape of the property and location of the building & septic system, there is no area to expand the main residence on the property to accommodate the construction of an attached accessory

apartment . Consequently , the applicant requested to incorporate the accessory apartment into the already existing accessory building on the property.

No one spoke

Chairman Verderosa closed the Public Hearing.

07-14: CHUONG,SOUTHEARD & SILVA, IVAN DO, 10 REDWOOD DRIVE, SECTION 118-24B(30)g; TO PERMIT THE CONSTRUCTION OF AN ACCESSORY APARTMENT IN A NEW SINGLE FAMILY HOME THAT HAS NOT YET BEEN ASSESSED FOR TWO YEARS. APPLICANT: JAMES DEBACHER

Chairman Verderosa read the Staff Report by S. Palmer, Planning & Zoning Official, into the record.

Presenting the Application to the Board was James Debacher . At this time Mr. Debacher gave receipt of certification of notification to neighboring property owners to the Board.

The Applicant requested a variance of Section 118-24B30(g) to permit the incorporation of an accessory apartment into a proposed single family dwelling, wlthough it will not be assessed for two or more years. The footprint and front elevations of this, originally, single family home will remain unchanged

In stating his hardship, Mr. Debacher told the Board that the foundation for this home is already poured , but he needs to adapt the floor plan to meet the changing needs of his family to include an accessory apartment within the existing structure.

Those who spoke:

Joseph Tenk	12 Redwood Drive
Betty Tenk	12 Redwood Drive

Chairman Verderosa closed the Public Hearing

WORKSESSION:

07-11: ANTHONY J. NAZZARO, 13 SHELTER ROCK ROAD; SEC. 118-24 F (1) TO ALLOW THE MINIMUM SQUARE FOR THE NORTHERLY BOUNDRY OF LOT 3 TO BE INCLUDED IN THE FRONT SETBACK FROM 40' TO 0'.

A motion by C. Tager, seconded by J. Hawkins to **GRANT** a variance of Sec. 118-24F(!) to allow the minimum square for the northerly boundary of Lot 3 to be included in the front setback from 40 feet to Zero (0) feet. In granting the variance the Board stated that a hardship was caused by an otherwise potentially dangerous accessway due to the slope of the driveway and also the steep slopes of the property.

Motion approved unanimously.

**07-12: THE GLEN AT CHESTNUT HILL, LLC, UNIT 3 & UNIT 4 BAILEY BLVD. ;
SEC. 118-26D(4) TO REDUCE THE REQUIRED PERIMETER SETBACK FROM 50
FEET TO 49 FEET. APPLICANT: CHARLES BOGIE**

Motion by C. Tager, seconded by S. Santaniello to **GRANT** a variance of Sec. 118-26D(4) to reduce the required perimeter setback from 50 feet to 49 feet in a PRD Zone. In making their decision to grant the variance the Board stated that the hardship that the foundation was poured correctly and to alter the architecture of the building to meet the setback would not be in keeping with the project as approved by the Planning & Zoning Commission.

Motion approved unanimously.

**07-13: PEDRO & KRISTIN AMARAL, 11 PAYNE ROAD; SEC.118-17A: NO ACCESSORY
BUILDING SHALL BE OCCUPIED OR USED AS A DWELLING UNIT
118-17B: NO ACCESSORY BUILDING SHALL EXCEED 300 S.F. IN SIZE
118-17C: ACCESSORY BUILDINGS SHALL NOT EXCEED ONE STORY
118-17E: THE AREA ABOVE THE 1ST FLOOR MAY BE FINISHED SPACE BUT IN
NO CASE CAN CONTAIN ANY BATHROOM FIXTURES OR KITCHEN FACILITIES;
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THAN 300 SQ. FT. OF LIVING AREA AND NOT MORE THAN 900 SQ. FT. OF
LIVING AREA OR 25% OF THE LIVING AREA OF THE EXISTING STRUCTURE,
WHICHEVER IS THE LESSER.
118-24B(30)(d): THE ACCESSORY APARTMENT SHALL HAVE ONE MEANS OF
EGRESS SEPARATE FROM THAT OF THE MAIN DWELLING AND ONE
CONNECTING THE DWELLING TO THE APARTMENT
118-24F(2): A 10 FT. SIDE YARD SETBACK IS REQUIRED FOR AN ACCESSORY
BUILDING.**

Motion by S. Santaniello, seconded by C. Tager to **GRANT** the variances of Sections 118-17 A,B & C, 118-24B(30)(b), 118-24B(30)(d) and 118-24(F)2. In making their decision the Board stated that the hardship has occurred due to configuration of the property and location of the septic system, there is no other location to add an accessory apartment onto the existing home. The accessory apartment must meet required zoning regulations for accessory apartment, subject to the approval of the Planning & Zoning Commission.

Motion amended by C. Tager, seconded by J. Hawkins to include the following: design as per plans by Blue Line Designs, Chris Jawoisz Wheway, 34 Underhill Rd., Sandy Hook, Ct., dated July 24th, 2007.

Motion approved unanimously.

**07-14: CHUONG,SOUTHEARD & SILVA, IVAN DO, 10 REDWOOD DRIVE,
SECTION 118-24B(30)g; TO PERMIT THE CONSTRUCTION OF AN ACCESSORY
APARTMENT IN A NEW SINGLE FAMILY HOME THAT HAS NOT YET BEEN
ASSESSED FOR TWO YEARS. APPLICANT: JAMES DEBACHER**

Motion by J. Hawkins, seconded by C. Tager to **GRANT** a variance of Section 118-24B(30)g

to permit the construction of an accessory apartment in a new single family home that has not yet been assessed for two years.

In making it's decision the Board cited the hardship as being that the accessory meets all the Zoning requirements for accessory apartments with the exception of the requirement that the home be assessed for two years and that to allow it now would not affect the safety or welfare of the Town of Bethel..

Motion passed unanimously.

INVOICES:

Motion by C. Tager , seconded by J. Hawkins to pay the Bethel Beacon in the amount of \$21.92 for invoices related to Legal noticing.

Motion passed

MINUTES:

Motion by C. Tager, seconded by P. Verderosa to approve the minutes of the Zoning Board of Appeals meeting dated August 21st, 2007.

Motion passed.

NEW BUSINESS:

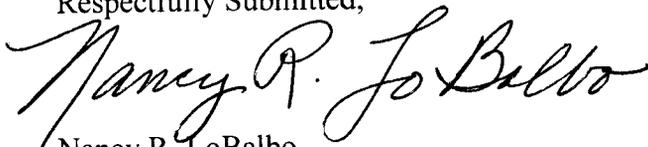
Motion by C. Tager, seconded by S. Santaniello to accept new business and set a Public Hearing date for October 16th, 2007.

Motion passed.

Motion by S. Santaniello, seconded by C. Tager to adjourn the meeting at 9:15 p.m.

Motion passed.

Respectfully Submitted,


Nancy R. LoBalbo