



# ZONING BOARD OF APPEALS

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

## ZONING BOARD OF APPEALS MINUTES NOVEMBER 20<sup>TH</sup>, 2007 – BETHEL MUNICIPAL CENTER 7:30 P.M. – DENIS J. RIORDAN ROOM D

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

### PUBLIC HEARING:

**07-16: Pradeep & Silpi Das, 19 Redwood Drive: To request a Variance of the following section of the Regulations: 118-24F(1) For the reduction of front setback from 30 ' to 24' for the replacement of existing front steps and covered porch.**

Chairman Verderosa opened the Public Hearing.

S. Santaniello read the Staff Report by S. Palmer, Planning & Zoning Official.  
Mr. Das presented the application to the Board and supplied receipt of notification of adjoining property owners.

The applicant requested a variance of Sec. 118-24F(1) of the zoning regulations to allow replacement and enlargement of a front covered entry porch. It will be 24 feet from the property line where 30 feet is required. The property is 31,377 s.f. in area and is located in the R-20 Zone.

Mr. Das stated that while the property is conforming in size, the building is in a nonconforming location. It sits only 28 feet from the front property line where 30 feet is required. Any modification or addition to the front of the house would require a variance. The new porch is a replacement of an existing, smaller porch that is serious disrepair. The work will coincide with a larger renovation project on the home. Other work proposed by the renovation will meet the setback requirements. The applicant noted the hardship as being the nonconforming location of the house on the property.

No one spoke.  
Chairman Verderosa closed the Public Hearing.

**RECEIVED**

NOV 21 2007

TOWN OF BETHEL  
TOWN CLERK

**07-17: Alison Vitolo, 21 Shelley Road: To request a Variance of the following section of the Regulations: 118-24F(1) For the reduction of side yard setback from 20' to 4.9' to replace existing shed.**

Motion made by J. Jackson, seconded by S. Santaniello to move the hearing down on the agenda.  
Motion Passed.

**07-18: Dennis & Debra Case, 8C Stone Dam Road: To request a Variance of the following section(s) of the Regulations:**

**118-24(1) One family dwelling per lot allowed.**

**118-40C No nonconforming use shall be expanded or extended, 118-40F A Nonconforming building containing a nonconforming use shall not be expanded; To Legalize 1) An existing 2<sup>nd</sup> dwelling unit on the 2<sup>nd</sup> floor of the principle building; 2) Building additions and the expansion of a legally nonconforming dwelling unit in a 2<sup>nd</sup> accessory building; 3) Expansion of a legally nonconforming dwelling unit in a 3<sup>rd</sup> accessory building; 4) Building additions and expansion in a 3<sup>rd</sup> accessory building. The resulting variances would reduce the number of dwelling units on the property from seven to five.**

Chairman Verderosa opened the Public Hearing

S. Santaniello read the staff report by S. Palmer, Planning & Zoning Official, into the record and incorporated into the record a separate memo listing overall historical reference for each of the subject buildings. Dennis Case presented the application to the Board.

Mr. Case stated that he and Mrs. Case are the new owners of the subject parcel having recently purchased it. They are attempting to untangle a series of violations that have occurred on this property over the last several decades. The violations include building additions without permits, expanding already nonconforming buildings, and creating additional dwelling units beyond what the regulations allow.

As the property exists today, there are seven dwelling units contained in four separate buildings on 11.40 acres. Three of the buildings have 2 dwelling units and one is a single-family dwelling. In the R-80 Zone, the regulations allow (1) single family dwelling per lot. The goal of the variance is to reduce the number of dwelling units to five while legalizing the size of the nonconforming buildings, thereby legalizing the nonconformities. Three of the five units were constructed prior to the adoption of the zoning regulations and are legally nonconforming. The hardship is the legally nonconforming status of these buildings and pre-existing violations.



**expanded; To Legalize 1) An existing 2<sup>nd</sup> dwelling unit on the 2<sup>nd</sup> floor of the principle building; 2) Building additions and the expansion of a legally nonconforming dwelling unit in a 2<sup>nd</sup> accessory building; 3) Expansion of a legally nonconforming dwelling unit in a 3<sup>rd</sup> accessory building; 4) Building additions and expansion in a 3<sup>rd</sup> accessory building. The resulting variances would reduce the number of dwelling units on the property from seven to five.**

A Motion by S. Santaniello, seconded by J. Jackson to GRANT a variance of Sec. 118-24(1) One Family lot per dwelling allowed, Sec. 118-40C, No nonconforming use shall be expanded or extended and Sec. 118-40F, A nonconforming building containing a nonconforming use shall be expanded with the following conditions:

- 1) That all additions built without permits shall be retroactively permitted by the Zoning, Health and Building Departments and shall meet applicable codes.
- 2) That no further expansion of the accessory buildings in terms of footprint, height or bulk is allowed.

The Board stated that the hardship is that the property is unique in that the buildings in some form have existed on the property since prior to the adoption of zoning regulations, three of them with dwelling units. Additionally, the illegal building additions and additional dwelling units have existed on the property for more than 2 decades without incident. Furthermore, a property of this size can support the buildings and dwelling units.

Motion passed unanimously.

#### **INVOICES:**

Motion by J. Hawkins, seconded by J. Jackson to pay Bethel Beacon in the amount of \$103.14 for invoices related to Legal Noticing.

Motion Passed.

#### **MINUTES:**

Motion by S. Santaniello, seconded by J. Streaman to accept Minutes of the meeting of October 16<sup>th</sup>, 2007.

Motion passed

#### **NEW BUSINESS:**

Motion by J. Streaman, seconded by S. Santaniello to accept New Business and set a hearing sate of December 18<sup>th</sup>, 2007

Motion passed.

Motion by J. Jackson, seconded by J. Streaman to adjourn at 8:15 p.m.

Motion passed.

Respectfully Submitted,

Nancy R. LoBalbo