



ZONING BOARD OF APPEALS

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

ZONING BOARD OF APPEALS MINUTES JUNE 17TH, 2008 – BETHEL MUNICIPAL CENTER 7:00 P.M. – DENIS J. RIORDAN ROOM D

COMMISSION MEMBERS PRESENT: Chairman P. Verderosa, S. Santaniello; J. Hawkins; J. Hurgin; C. Tager, and S. Palmer, Planning & Zoning Official.

P. Verderosa called the meeting to order at 7:01pm, and read the Legal Notice into the record.

PUBLIC HEARINGS:

08-06

William R. McKnight
74 Sunset Hill Road

To request a Variance of the following sections of the Regulations:

Sec. 118-40C, To allow expansion of a non-conforming use, Sec.118-17B, For the construction of an accessory building exceeding 300 sq. feet, Sec. 118-40F, To allow the expansion of a non-conforming building containing a non-conforming use.

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TOWN OF BETHEL
TOWN CLERK

C. Tager read the staff report of S. Palmer Planning & Zoning Official into the record.

Attorney Martin Lawlor, 99 Greenwood Avenue was present for the applicant. Also present was William R. McKnight, Applicant. Attorney Lawlor presented the application and certified notification of adjoining property owners to the Board.

Attorney Lawlor read into the record correspondence from L.S. Rice, 79 Sunset Hill Road, in favor of the application, presented the application to the Board and provided a brief history of the property and earlier variances which were granted.

The applicant requested a variance to allow the construction of an 864 s.f., 1 story detached dwelling unit to replace a 2 story, 860 s.f., legally nonconforming detached dwelling destroyed by fire in July of 2006. The building in question was granted a variance in 1977 to permit the raising of the roof to create a new second floor. In 1988, the ZBA granted another variance to permit the expansion of the building to enclose exposed plumbing pipes.

As noted the current application proposes a new 864 sf., 1 story building, in a footprint of 27 ft. by 32 ft. A deck is shown on the proposed floor plan that will add 10 more feet to the width and

3 In Favor:

P. Verderosa
C. Tager,
J. Hawkins

2 Opposed:

S. Santaniello
J. Hurgin

Motion Failed (3-2)

08-07

Richard G., Jr. & Luciana C. Rausch
234 Greenwood Avenue

To request a Variance of the following sections of the Regulations:

Sec. 118-35A(5), To eliminate landscape island adjacent to building & handicapped cross hatch, Sec. 118-42E, Off-street parking chart, To reduce Aisle width from 23' to 14' for 2-way travel & 23' to 17.5 for backing, Sec. 118-31A(b) To allow residential use on same floor as permitted use.

The Board discussed the merits of the application.

Sec.Motion by S. Santaniello, seconded by J. Hurgin to GRANT a variance of Sec. 118-35A(5), To eliminate landscape island adjacent to building & handicapped cross hatch, Sec. 118-42E, Off-street parking chart, To reduce Aisle width from 23' to 14' for 2-way travel & 23' to 17.5 for backing, Sec. 118-31A(b) To allow residential use on same floor as permitted use due to a hardship caused by the narrow lot configuration and the need to meet parking requirements.

Motion passed unanimously. (5-0)

INVOICES:

Motion by C. Tager, seconded by J. Hawkins to **APPROVE** payment of \$105.88 to Housatonic Publications for invoices related to Legal Noticing. Motion passed unanimously.

MINUTES:

Motion by C. Tager, seconded by J. Hurgin to **APPROVE** the minutes of the meeting of May 20th, 2008, with grammatical corrections as noted. Motion Passed unanimously.

NEW BUSINESS:

Motion by C. Tager, seconded by J. Hurgin to **ACCEPT** new business and set a Public Hearing date of July 15th, 2008.Motion passed unanimously.

S. Palmer, Planning & Zoning Official, commended outgoing Vice Chair, Scott Santaniello, thanking him for his years of service and dedication to the Zoning Board of Appeals and the

length of the new building but not increase the floor area. The 860 sf. existing building has a smaller footprint at 21 ft. by 20.5 ft. but it is contained on two full floors of living area. The proposed building is more of a cape style, with one full floor and a partial attic storage area with a pull down stair.

Attorney Lawlor stated that, in addition to the hardship caused by the septic system location, approximately six months before a fire destroyed the original building a change in Regulations was made decreasing the square footage of accessory buildings and now causes a hardship Those who spoke:

Catherine Gaderowski	8 Williams Road
Marie Miller	8 Williams Road
Sally Fennell	101 Pocahontas Road, Redding
Ken Riley	3 Williams Road
Ron McKnight	74 Sunset Hill Road

Sally Fennell, 101 Pocahontas Road, Redding, entered correspondence into the record from James D. Fennell, 101 Pocahontas Road, Redding.

Chairman Verderosa closed the Public Hearing.

08-07

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

Michael Mazzucco, P.E., Ta'Agan Point Rd., Danbury, was present for the Applicant and provided the certification of notification of abutting property owners to the Board.. Mr. Mazzucco presented the Application to the Board.

The applicant requests a variance that will, ultimately, permit the incorporation of a dental office use and parking improvements on property currently used as a single-family residential use. The property is 12,570 s.f. in area and is located in the Commercial "C" Zone.

To incorporate the dental office into the building, the applicant proposes to convert a portion of the first floor from residential use to commercial use. A portion will remain residential, thereby requiring a variance of Section 118-31A(31)(b) which doesn't allow a residential use on the same floor as a commercial use. Historically the building was owner occupied with a portion of the first floor used as a doctor's office.

Town of Bethel. Board Members conferred their thanks and wished Scott well in his future endeavors.

Motion to adjourn at 8:50 p.m. by C. Tager, seconded by J. Hurgin.

Respectfully Submitted,

A handwritten signature in black ink, reading "Nancy R. LoBalbo". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Nancy R. LoBalbo