



ZONING BOARD OF APPEALS

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

ZONING BOARD OF APPEALS MINUTES July 15th, 2008 – BETHEL MUNICIPAL CENTER 7:00 P.M. – DENIS J. RIORDAN ROOM D

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

P. Verderosa called the meeting to order at 7:00pm, and read the Legal Notice into the record.

PUBLIC HEARINGS:

08-08

Andrew Huber, 42 Turkey Plain Road; To request a Variance of the following sections of the Regulations: Sec. 118-2 To allow the placement of the "minimum Square" behind the front yard setback line. Agent: D. DiVesta, P.E.

C. Tager read the staff report of S. Palmer, Planning & Zoning Official into the record, incorporating the Variance file #04-18 dated 11/19/04 into the record.

Doug DiVesta, P.E., 51 Painter Ridge Rd., Roxbury, CT, was present for the Applicant and supplied the Certification of notification to abutting property owners to the Board.

The Applicant has requested a variance of the minimum square definition specified in Section 118-2 of the zoning regulations to permit the placement of the minimum square to be 180 feet from the front property line where the definition requires that it touch the 50 ft. front setback. The variance would ultimately permit the future subdivision of a 5.74-acre parcel into two parcels of land. The property is located in the residential R-80 Zone

On November 16th, 2004 the Board granted a variance request to allow steep slopes and wetlands area to be excluded from the lot area calculations on proposed Parcel A, which permitted the division of the parcel into 2 separate lots, subject to a formal subdivision approval by the P&Z Commission. The current owner of the property subsequently applied to the Commission for subdivision approval and in a review of the application material it was found that the minimum square on Parcel B did not touch the front 50ft. setback line as required. Mr. DiVesta noted that the plans have not changed from the original variance request; the error was just not picked up

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on during the first variance process. The Applicant states their hardship as, again, the uniqueness of the topography and the location of the existing house.

No one spoke. Chairman Verderosa closed the Public Hearing.

08-09

847, LLC, 268 Greenwood Avenue; To request a Variance of the following sections of the Regulations: Sec. 118-35A(3), To reduce width of continuous landscaped strip from 10 ft. to 5 ft., Sec. 118-35A(4), To reduce side yard buffer from 10 ft. to 2 ft. and replace landscaping with stockade fence. Sec.118-35A(5)To eliminate one landscaped island at the end of row & one intermediate island. Sec.118-42E(3)(a)To reduce number of parking spaces from 61 to 26. Agent: Attorney Christopher Donohue

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

Attorney Christopher Donohue of the law firm Riefberg, Smart, Donohue & NeJame, P.C., Sugar Hollow Road, Danbury, CT, was present for the Applicant. Attorney Donohue submitted photos of the subject property and supplied notification of certification to abutting property owners to the Board. At this time C. Tager noted for the record that approximately 5-8 years ago he had represented Mr. David Curtis, a partner of 847, LLC, in an entirely unrelated business matter. The Board unanimously stated that they had no issue with this previous relationship.

The Applicant requested several variances for parking and landscaping requirements that will ultimately permit a vacant, 2-story building to be renovated and occupied as commercial space. The property is .48-acres in size and is located in the Commercial "C" Zone.

The applicant's plan proposes a plan for four (4) 1st floor retail spaces, and two (2) 2nd floor office spaces. Based on the size of the building at 9,600 s.f., the uses, and the number of tenants, there are 61 parking spaces required for the site. The site plans indicates that 26 spaces will be provided for a deficit of 35 spaces maximizing the space available and maintaining a safe traffic pattern. Also the front landscape buffer will be reduced to provide adequate parking stalls and back up areas. A landscaped island was eliminated to maximize parking area but there remains adequate area for streetscape enhancements.

The Applicant stated a hardship exists due to the fact that the existing building is too large for the lot. Because of the building size, location and site topography, there is no reasonable way to provide the required parking spaces and landscape areas for any permitted use.

Those who spoke in favor:

Jeanette Curtis, Partner 847,LLC

Redding ,CT

Chairman Verderosa closed the Public Hearing.

At this time J. Streaman was seated.

WORKSESSION:

08-08

Andrew Huber, 42 Turkey Plain Road; To request a Variance of the following sections of the Regulations: Sec. 118-2 To allow the placement of the "minimum Square" behind the front yard setback line. Agent: D. DiVesta, P.E.

The Board discussed the application.

Motion by C. Tager, seconded by J. Hurgin to GRANT a variance of Sec. 118-2 to allow the placement of the "minimum Square" behind the front yard setback line.

The Board determined a hardship is due to the uniqueness of the topography and the location of the existing house.

Motion passed unanimously.

08-09

847, LLC, 268 Greenwood Avenue; To request a Variance of the following sections of the Regulations: Sec. 118-35A(3), To reduce width of continuous landscaped strip from 10 ft. to 5 ft., Sec. 118-35A(4), To reduce side yard buffer from 10 ft. to 2 ft. and replace landscaping with stockade fence. Sec.118-35A(5)To eliminate one landscaped island at the end of row & one intermediate island. Sec.118-42E(3)(a)To reduce number of parking spaces from 61 to 26. Agent: Attorney Christopher Donohue.

The Board discussed the merits of the application.

Sec.Motion by C. Tager, seconded by J. Streaman to GRANT a variance of Sec. 118-35A(3), To reduce width of continuous landscaped strip from 10 ft. to 5 ft., Sec. 118-35A(4), To reduce side yard buffer from 10 ft. to 2 ft. and replace landscaping with stockade fence. Sec.118-35A(5)To eliminate one landscaped island at the end of row & one intermediate island. Sec.118-42E(3)(a)To reduce number of parking spaces from 61 to 26 with the following stipulation:

The building shall be in conformance with the plans as submitted dated June 16th, 2008 "Alteration to Existing Building, 847,LLC, 268 Greenwood Avenue, Bethel, CT" by Jarrett M. Crooks Architects, 51 Aspen La., Trumbull, CT

~~The~~ Board determined that a hardship exists due to the fact that the existing building is too large for the lot and additionally because of the building size, location and site topography, there is no reasonable way to provide the required parking spaces and landscape areas for any permitted use.

Motion passed Unanimously.

INVOICES:

Motion by C. Tager, seconded by J. Hurgin to **APPROVE** payment of \$90.00 to Connecticut Federation of Planning and Zoning Agencies for annual membership dues.

Motion passed .

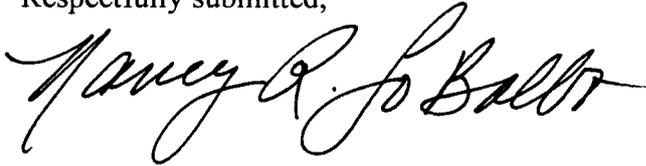
MINUTES:

Motion by C. Tager, seconded by J. Hurgin to **APPROVE** the minutes of the meeting of June 17th, 2008.

Motion to adjourn at 7:45 p.m. by C. Tager, seconded by J. Hurgin.

Motion passed.

Respectfully submitted,

A handwritten signature in black ink, reading "Nancy R. LoBalbo". The signature is written in a cursive style with a large, stylized initial "N".

Nancy R. LoBalbo