



# ZONING BOARD OF APPEALS

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

## ZONING BOARD OF APPEALS MINUTES OCTOBER 19<sup>TH</sup>, 2010 – BETHEL MUNICIPAL CENTER 7:00 P.M. – DENIS J. RIORDAN ROOM

**COMMISSION MEMBERS PRESENT** : P. Verderosa, Chairman,  
N. Santaniello; J. Hawkins; W. Foster; J. Hurgin; J. Streaman; K. Watson;  
S. Dolan. Staff: S. Palmer, Planning & Zoning Official  
Chairman Verderosa called the meeting to order at 7:05 p.m.

Chairman Verderosa read the Legal Notice into the record and opened the Public Hearing

### **PUBLIC HEARING CONTINUED:**

**10-08: Maria Bravo, 12 Hickok Street; Variance of Art. 7.1.A.2 –no expansion/extension of non-conforming use & Art. 3.F.1- maximum building size; to legalize expansion of non-conforming dwelling unit & deck on detached building.**

N. LoBalbo, ZBA Recording Secretary, read the Staff Report by S. Palmer, dated 9/21/10, into the record.

Noted for the record was Planning & Zoning Department Notice of Violation, 12 Hickok Ave, dated 5/6/10 and ZBA Variance approval for 12 Hickok Ave dated 9/20/06.

Correspondance from Kurt & Linda deHoff, 8 Hickok Ave was read into the record.

Th Applicant was represented by Maria Bravo, 12 Hickok Ave.

The Applicant requested a variance to permit the expansion of a non-conforming detached building in the RR-10 Zone. The property consists of three buildings including a principle building with one (1) dwelling unit, a detached accessory building with one (1) dwelling unit, and a newly constructed shed. The RR-10 zone allows for a two-family dwelling in one building.

A ZBA variance granted on 9/19/06 permitted the expansion of the accessory building for use as a dwelling along with a rear covered porch. The Board's approval was subject to removal of a second kitchen in the main house and no further expansion of the accessory building. The Applicant stated that they have removed the 2<sup>nd</sup> kitchen, which has been confirmed by inspection by the Planning & Zoning Department.

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TOWN CLERK

Subsequent to the 2006 Variance, the owner performed additional work to expand the accessory building beyond the ZBA approved plans. The P&Z Department was notified that additional work had taken place on the accessory building without the benefit of permits.

In her statement to the Board, Ms. Bravo stated that there had been a “miscommunication” and that the applicant was not aware of the need for permits. Also, at this time, the owner has stopped all work on the property and has come to the Board in an attempt to rectify this situation by legalizing the conversion of a porch to a bedroom, a 1 story bathroom addition and a deck addition.

Those from the Public who spoke:

M. Gonzales, 12 Hickok Ave, in favor of the application

Kurt deHoff, 8 Hickok Ave., in opposition to the application

**10-09- Frank Kara, 262 Greenwood Ave.: Variance of Art. 6.2.B.3 – For all permitted uses there shall be provided the number of off-street parking spaces set forth.**

N. LoBalbo, ZBA Recording Secretary, read the Staff Report by S. Palmer dated 10/19/10, and Report by Fire Marshall, Thomas E. Galliford dated 10/18/10, into the record.

Frank Kara, 32 Dittmar Rd., owner of the property at 262 Greenwood Avenue, was present for this application.

The Applicant requested a variance of the parking regulations to permit the incorporation of one apartment on the second floor of a commercial building on the subject property. The property is .51 acres in size and is located in the “C”, commercial, zone. It is connected to public utilities, has steep sloped areas and contains a wetland area.

A previous Variance in 2006 prohibited use of the second floor for anything but storage until the Applicant could meet the parking requirements. A prior Variance in 2003 granted a variance of parking regulations for a sign & graphics shop on the first floor and single occupant artist studios on the second floor. The proposed, new apartment will take up about a third of the available space and consists of two bedrooms and the Applicant proposes a modification to the existing parking layout to add 2 additional parking spaces that would account for the newly proposed apartment. In doing so, the Applicant has stated that his intent in adding the additional spaces is to *not* increase the non-conforming nature of the parking.

As the Fire Marshall has stated in his review that there may be concern for fire accessibility to the rear of the building, the Applicant stated that he will thoroughly review the proposed plan with the Fire Marshall for his approval.

No one from the Public spoke.

Chairman Verderosa closed the Public Hearing.

**WORKSESSION:**

**10-08: Maria Bravo, 12 Hickok Street; Variance of Art. 7.1.A.2 –no expansion/extension of non-conforming use & Art. 3.F.1- maximum building size; to legalize expansion of non-conforming dwelling unit & deck on detached building.**

Motion by J. Hawkins, seconded by J. Streaman to **DENY** a Variance of Art. 3.F.1 . The Board stated that the reason for denial is that no hardship was proven.

Motion Unanimous

**10-09- Frank Kara, 262 Greenwood Ave.: Variance of Art. 6.2.B.3 – For all permitted uses there shall be provided the number of off-street parking spaces set forth.**

Motion by J. Hawkins, seconded by N. Santaniello to **APPROVE** a Variance of Art. 6.2.B.3 in accordance with “Property Survey Prepared for 262 Greenwood Ave, LLC, Bethel, CT by New England Land Surveying, P.C. , Danbury, CT dated Sept. 21,2010, REV. Sept. 30, 2010” **with the following Stipulations:**

- 1) Screening of dumpsters according to Health Department Regulations.
- 2) Provide additional landscaping along street where parking spaces are located
- 3) The Applicant must obtain Fire Marshall approval for tandem parking plan at rear of building.

Motion approved unanimously.

**INVOICES:**

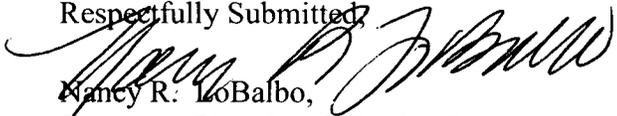
Motion by N. Santaniello, seconded by J. Hurgin to **APPROVE** payment in the amount of \$383.98 to Danbury News-Times for invoices related to Legal Noticing by J. Streaman to **APPROVE** the Minutes of the Meeting of September 21<sup>st</sup>, 2010.  
Motion Passed.

**MINUTES:**

Motion by J. Hurgin, seconded by J. Streaman to **APPROVE** the minutes of the Meeting of September 21<sup>st</sup>, 2010.  
**MOTION PASSED**

Motion by J. Hurgin, seconded by J. Streaman to Adjorn at 8:15 p.m.  
Motion Passed.

Respectfully Submitted,

  
Nancy R. LoBalbo,  
Secretary, Planning & Zoning Department