



# ZONING BOARD OF APPEALS

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

## ZONING BOARD OF APPEALS MINUTES August 16<sup>th</sup> 2011 – BETHEL MUNICIPAL CENTER 7:00 P.M. – DENIS J. RIORDAN ROOM

**COMMISSION MEMBERS PRESENT** : P. Verderosa, Chairman; J. Streaman, N. Santaniello; J. Hawkins; W. Foster; K. Watson; S. Dolan. Steve Palmer, Planning & Zoning Official

P. Verderosa called the meeting to order at 7:00 p.m.

### PUBLIC HEARINGS:

**11-04: New Maple Avenue, LLC., 68 Maple Avenue; Variance of Sec. 3.4(a)(1)(b) Lot frontage from 80' to 44'+/- and Sec. 3.4(a)(1)(c) Lot width from 80' required to 69.99' +/- to legalize reduction of lot width & lot frontage.**

P Verderosa called the hearing to order. A Staff report dated 8/16/2011 from S. Palmer Planning & Zoning Official was submitted.

Attorney Peter Olson, Land Use Conservation Counsel, Chestnut St., Bethel, represented the Applicant and explained to the Board the history of the property necessitating a request for the current variance of Sec(s). 3.4(a)(1)(b) and 3.4(a)(1)(c).

The Applicant is requesting a variance to legalize reduced lot frontage in the residential R-10 Zone from 80 feet required to 41 feet proposed and to legalize reduced lot width from 80 feet required to 69 feet proposed. The subject property is 23,683 square feet in area and contains a legally nonconforming two-family dwelling.

Attorney Olson stated that in 1979, the Zoning Board of Appeals granted a variance to the property which reduced the frontage requirements applicable to the property, permitting the creation of 2 lots; a rear lot with 50 feet frontage and a lot containing the remainder with 70 feet frontage. In 1989 a small portion of the remainder lot was conveyed to the adjacent property. The basis for the current variance request arose in 2001, when the rear lot was conveyed relying on a map which shows the revision of the property lines between the property and the rear lot, in such a manner as to increase the frontage of the rear lot and reduce the frontage of the property, consequently increasing the nonconformity. The original variance relied on unreliable and

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inaccurate information (no survey) and the subsequent conveyance of property which exacerbated the nonconformity, was executed without zoning review or approval. Despite the conveyances, the conditions on the ground have remained the same since 1953. No new homes have been created on the property, and the property has been continuously occupied as a two family home for that entire time period.

Attorney Olson stated that the unusual shape of the property has resulted in a hardship as, in its current condition, the lot would be rendered unusable under the zoning regulations.

No one spoke.

P. Verderosa closed the hearing.

At this time K. Watson was seated for J. Hurgin.

### **WORKSESSION:**

**11-04: New Maple Avenue, LLC., 68 Maple Avenue; Variance of Sec. 3.4(a)(1)(b) Lot frontage from 80' to 44'+/- and Sec. 3.4(a)(1)(c) Lot width from 80' required to 69.99' +/- to legalize reduction of lot width & lot frontage.**

The Board discussed the merits of the application.

Motion By K. Watson seconded by J. Streaman to **grant** a variance of Sec. 3.4(a)(1)(b) Lot frontage from 80' to 44'+/- and Sec. 3.4(a)(1)(c) Lot width from 80' required to 69.99' +/- to legalize reduction of lot width & lot frontage.

The Board found that the unusual shape of the property has resulted in a hardship as, in it's current condition, the lot would be rendered unusable under the zoning regulations.

Motion passed unanimously

### **MINUTES:**

Motion by N. Santaniello, seconded by K. Watson to approve minutes of the 7/19/11 meeting.  
Motion passed unanimously.

### **INVOICES:**

Motion by J. Streaman, seconded by K. Watson to pay the Danbury New-Times in the amount of \$941.00 for invoices related to legal noticing.

Motion passed unanimously.

Motion to to adjourn at 7::30 p.m. by K. Watson, seconded by N. Santaniello  
Motion Passed unanimously.

Respectfully Submitted,

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

Nancy R. LoBalbo  
Secretary, Planning & Zoning Department