



ZONING BOARD OF APPEALS

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

ZONING BOARD OF APPEALS MINUTES December 20th, 2011 – BETHEL MUNICIPAL CENTER 7:00 P.M. – DENIS J. RIORDAN ROOM

COMMISSION MEMBERS PRESENT : P. Verderosa, Chairman; J. Streaman, N. Santaniello; M. Ryan; W. Foster; J. Hurgin; S. Dolan. Steve Palmer, Planning & Zoning Official

P. Verderosa called the meeting to order at 7:00 p.m. and opened the Public hearing. Chairman Verderosa read the Legal Notice into the record.

PUBLIC HEARINGS:

11-06: Toll CT II Ltd. Partnership, 77 Reservoir Street; Variance of Art. 3.4.C.1.A Front setback from 50' required to 35' +/- for enclosure to house sewer pump electric controls.

A Staff report dated 12/20/11 from S. Palmer Planning & Zoning Official was read.

Keith D'Iorio of Toll Brothers, represented the Applicant and provided the Board with certification of neighbors notification and photographs. Mr. D'Iorio explained to the Board the need for the current variance of Art. 3.4.C.1.A

The Applicant requested a variance to legalize the construction of a utility shed that sits 35 ft. from the front property line where 50 ft. is required in the Design Conservation District or DCD Zone. The underlying zone of the property is Residential R-10 which sets the density permitted for DCD development.

This 62 unit project is nearing completion and during the process for obtaining final approvals from various departments it was found that the utility shed, which is technically a building, did not receive the required permits before it was built. The shed currently houses electrical controls for sewer pump equipment which is located in below ground chambers adjacent to the shed. There is also a generator that is required as a back up power system to ensure continued operation of the pump station.

The pump station equipment, utility shed & generator are all required as part of the approval for the project. The general location was approved by the Public Utilities Commission in 2007 to provide convenient access from Reservoir Street and not through the private development because the Town Public Works Department will soon own and operate the equipment, including

RECEIVED
2011 DEC 21 A 11:17

TOWN OF BETHEL
TOWN CLERK

the utility shed. The subject utility is relatively small and only contains electrical controls. The Public Works Department has indicated that the electrical controls must be located close to the equipment it serves for the proper operation of the pump station and for the convenience of the Town employees servicing it. There is a solid fence and plantings surrounding the entire facility (as shown in the photos submitted) so the shed is fairly well screened from view.

Mr. D'Ioria stated that the Hardship was the topography of the property and the operational necessity for the pump station operation.

No one spoke

Chairman Verderosa closed the Public Hearing.

11-07: Karen & Christopher Schneider, 13 Pell Mell Drive; Variance of Art 3.4.c.1.C Side yard setback from 20' required to 15.9' +/- for an addition.

A Staff Report dated 12/20/11 by S. Palmer, Planning & Zoning Official, was read into the record.

Karen & Christopher Schneider, owners, were present for the Application, provided the Board with certification of neighbors notification and explained to the Board the need for a variance of Art. 3.4.c.1.C.

The Applicant requested a variance to permit the construction of a one story addition to an existing single family dwelling 15+ feet from the side yard property line where 20 ft. minimum is required on one side. The property is located in the residential R-40 Zone and served by private septic and well water.

The house is configured as a raised ranch so the proposed addition will be built on piers and open to the elements underneath. It is intended for use as a master bedroom. The existing house location on the north side of the house is currently 18.1 ft. from the side lot line, which is legally nonconforming to the 20 ft. setback. Furthermore, while the lot is conforming in size, the side lot lines are at an angle from the street line which further restricts locating an addition in this area.

The Applicant stated that the Hardship exists due to the existing, non-conforming the location of the house on the lot.

No one spoke

Chariman Verderosa closed the Public Hearing..

WORKSESSION:

11-06: Toll CT II Ltd. Partnership, 77 Reservoir Street; Variance of Art. 3.4.C.1.A Front setback from 50' required to 35' +/- for enclosure to house sewer pump electric controls.

Motion by N. Santaniello seconded by J. Streaman to **grant** a variance of Art. 3.4.C.1.A for a Front setback from 50 feet required to 35' feet +/- for an enclosure to house sewer pump electrical controls.

The Board found that topography constituted a Hardship for the operational necessity of the pump station operation.

Motion passed unanimously.

11-07: Karen & Christopher Schneider, 13 Pell Mell Drive; Variance of Art 3.4.c.1.C Side yard setback from 20' required to 15.9' +/- for an addition.

Motion by J. Hurgin, seconded by J. Streaman to **grant** a Variance of Art. 3.4.c.1.C side yard setback from 20' required to 15.9'+/- for an addition.

The Board found a Hardship to be caused by the topography & the non-conforming nature of the location of the house on the property.

Motion passed unanimously.

MINUTES:

Motion by N. Santaniello, seconded by J. Streaman to approve minutes of the November 16th, 2011 meeting. Motion passed unanimously.

INVOICES:

Motion by J. Hurgin, seconded by J. Streaman to pay the Danbury New-Times in the amount of \$342.20 for invoices related to legal noticing.

Motion passed unanimously.

MEETING SCHEDULE 2012

Motion by J. Streaman, seconded by M. Ryan to approve the ZBA Meeting Schedule for 2012.

Motion Passed unanimously.

ELECTION OF OFFICERS

Motion by J. Streaman, seconded by N. Santaniello to elect Peter Verderosa as Chairman.

Motion Passed unanimously.

Motion by Peter Verserosa, seconded by J. Hurgin to elect J. Streaman as Vice Chairman.

Motion Passed unanimously.

Motion by J. Streaman, seconded by P. Verserosa to elect M. Ryan as Secretary

Motion Passed unanimously.

Motion by N. Santaniello, seconded by J. Hurgin to adjourn at 7:45 p.m.
Motion Passed.

Respectfully Submitted,

A handwritten signature in black ink, reading "Nancy R. LoBalbo". The signature is written in a cursive style with a long horizontal flourish at the end.

Nancy R. LoBalbo
Secretary, Planning & Zoning Department



ZONING BOARD OF APPEALS
C.J. HURGIN MUNICIPAL CENTER,
1 School Street
Bethel, Connecticut 06801 (203) 794-8519

ZONING BOARD OF APPEALS
MEETING DATES 2012

ALL MEETINGS START @ 7:00PM IN DENIS J. RIORDAN
MEETING ROOM (CONFERENCE ROOM D)*

***unless otherwise noted**

JANUARY 17, 2012

SEPTEMBER 18, 2012

FEBRUARY 21, 2012

OCTOBER 16, 2012

MARCH 20, 2012

NOVEMBER 20, 2012

APRIL 17, 2012

DECEMBER 18, 2012

MAY 15, 2012

JUNE 19, 2012

JULY 17, 2012

AUGUST 21, 2012

RECEIVED

2011 DEC 21 A 11: 25

TOWN OF BETHEL
TOWN CLERK