



ZONING BOARD OF APPEALS

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

ZONING BOARD OF APPEALS MEETING MINUTES SEPTEMBER 16th, 2014 – BETHEL MUNICIPAL CENTER 7:00 P.M. – MEETING ROOM D

COMMISSION MEMBERS PRESENT : J. Hurgin; J. Streaman; N. Santaniello
R. Lawlor; W. Foster; S. Dolan; S. Catino; S. Palmer, Planning & Zoning Director.

J. Hurgin called the meeting to order at 7:00 and read the Legal Notice into the record.

PUBLIC HEARING (Cont'd) :

**14-09: Shastina Animal LLC, 25A Turkey Plain Road, A variance of Sec. 6.3.F.8.d
maximum sign size and Sec. 6.3.F.8.e maximum sign height for a sign**

Chairman Hurgin read the Staff Report dated 8/19/14 with attachments by S. Palmer, Planning & Zoning Director, into the record.

Dr. James McNamara, 3 Gallows Hill Road, Redding, CT, property owner of 25A Turkey Plain Rd., represented the application.

The applicant requested the variances to permit the construction of a free standing sign in excess of the size and height limitations. The property is located in the residential R-80 Zone, is situated on state Route 53 and is occupied by Bethel Veterinary Hospital. The sign regulations for home based businesses permit a maximum of 6 sf. in area and a height of up to 6 feet. The proposed sign is 22.64 sf. and 10 feet at its highest point.

Dr. McNamara stated that a hardship is caused due to the topography approaching the site which causes a safety issue. There is a grade change as one approaches the property so raising the height will increase the length of visibility. As the speed limit is 45 mph on Turkey Plain Rd., the size and height of the sign will allow for more time for a safe stopping distance.

No one spoke.

Chairman Hurgin closed the Public Hearing.

RECEIVED

2014 SEP 18 A 9 34

TOWN OF BETHEL
TOWN CLERK

PUBLIC HEARING(s)

14-10: Peter & Debbi Eckert, 16 Elgin Ave., A variance of Sec. 3.2.B.2, One two family building per lot; Sec. 3.3.A.2 No accessory unit shall be used as a dwelling unit. To convert detached studio to dwelling unit.

Chairman Hurgin read the Staff Report dated 9/16/14 by S. Palmer, Planning and Zoning Director, into the record.

Peter Eckert, property owner of 16 Elgin Avenue, represented the application and presented notification of neighboring property owners to the Board. The applicant seeks a variance to permit the conversion of the second floor of an existing detached building into a dwelling unit. The property is located in the residential RR-10 Zone and is connected to town sewer and water systems.

In 2002, the Board granted setback and height variances allowing the accessory building subject to its use as an art studio and indicated that the building could not be used for a business or dwelling unit without proper approvals.

The RR-10 zone allows for two family use, however, there is no provision allowing a unit in a detached building. Mr. Eckert stated that the detached building is well suited for conversion to a dwelling unit and would eliminate the possibility of adding a dwelling unit to the existing house. The house, a craftsman style home built in the 1920's, and the narrow shape of the lot does not lend itself to the addition of a second unit which would affect the integrity of the historic design of the home.

Mr. Eckert stated that a hardship is caused by the long narrow shape of the lot and the historic style and character of the home. The proposal to convert the existing detached building is the least impactful approach to the neighbors.

No one spoke

Correspondence in Favor :

Steven St. Germain 14 Elgin Avenue

Chairman Hurgin closed the Public Hearing.

14-11: Elizabeth Lio Chan & Ngit Yin Lee, 1 & 3 Taylor Road, A variance of Sec. 3.4.C.1, front setback for accessory building; Sec. 3.4.C.1.d, side setback for accessory building; Sec. 3.4.A.1.a, minimum gross lot area. For preservation of historic barn .

Chairman Hurgin read the Staff Report dated 9/16/14 by S. Palmer, Planning & Zoning Director, into the record.

Mike Devlin, 1 Taylor Road, represented the Applicant and presented notification of neighboring property owners to the Board.

The Applicant requested a variance to permit a reduction in lot area from 40,010 sf. to 38,760 sf. in the R-40 Zone for the purpose of transfer of ownership of an historic barn to the adjacent property at 1 Taylor Road.

In 2012 the Board granted a variance to allow the reduction in the lot frontage requirements and a setback variance to allow the barn to be preserved on the new lot. Subsequently, when 3 Taylor Rd was developed, from a visual perspective it appears that the barn is part of 3 Taylor Road's property. The current owners have developed a plan to convey the barn and property surrounding it to 1 Taylor Road.

Mr. Devlin stated that a hardship is caused due to the topography in relation to the preservation of the historic barn.

No one spoke.

Chairman Hurgin closed the Public Hearing.

14-12: Robert C. O'Neil, 15 Bethpage Dr., A variance of Sec. 3.4.C.1.d, side setback from 5 feet required to 3.5+/- proposed. To replace existing garage

Chairman Hurgin read the Staff Report by S. Palmer, Planning & Zoning Director, into the record.

Patricia & Robert O'Neil, property owners of 15 Bethpage Drive, presented the Application to the Board and provided certification of notification of property owners.

The Applicants have requested a variance to permit the replacement of a two car detached garage with a new 2 car attached garage with a second story area for storage. The property is located in the Residential R-10 Zone . It was noted that the garage is legally non conforming as to its location 3.5 feet from the side yard lot line where 5 feet is required and due to it's dilapidated condition they are seeking to replace it in the same location with a second story for storage room.

The Applicants stated that a hardship is caused by the pre-existing location of the garage and that the layout of the property precludes any other location for a garage.

No one spoke

Chairman Hurgin closed the Public Hearing.

WORKSESSION:

S. Catino was seated for M. Ryan

14-09: Shastina Animal LLC, 25A Turkey Plain Road, A variance of Sec. 6.3.F.8.d maximum sign size and Sec. 6.3.F.8.e maximum sign height for a sign

The Board discussed the merits of the application.

Motion by N. Santaniello, seconded by J. Streaman to **Grant** a variance of **Sec. 6.3.F.8.d** From a maximum of 6 square feet required to 22.64 square feet and **Sec 6.3.F.8.e** from a maximum height of 6 feet to 10 feet proposed.

The Board stated that a hardship is caused by the topography of the of the road approaching the property and safety concerns.

Motion passed unanimously.

14-10: Peter & Debbi Eckert, 16 Elgin Ave., A variance of Sec. 6.3.F.8.d, One two family building per lot; Sec. 3.3.A.2 No accessory unit shall be used as a dwelling unit. To convert detached studio to dwelling unit.

Motion by R. Lawlor, seconded by S. Catino to **Grant** a variance of **Sec. 3.2.B.2, One two family building per lot; Sec. 3.3.A.2 No accessory unit shall be used as a dwelling unit. To convert detached studio to dwelling unit.**

The Board stated that a hardship is caused due to the historic nature of the existing home and the size and shape of the lot.

Motion approved unanimously.

14-11: Elizabeth Lio Chan & Ngit Yin Lee, 1 & 3 Taylor Road, A variance of Sec. 3.4.C.1, front setback for accessory building; Sec. 3.4.C.1.d, side setback for accessory building; Sec. 3.4.A.1.a, minimum gross lot area. For preservation of historic barn .

The Board discussed the merits of the application.

Motion by N. Santaniello, seconded by J. Streaman to **Grant** a variance of **Sec. 3.4.C.1, front setback for accessory building; Sec. 3.4.C.1.d, side setback for accessory building; Sec. 3.4.A.1.a, minimum gross lot area. For preservation of historic barn .**

The Board stated that a hardship is caused by the location of the building on the lot and the wish to preserve the historic barn.

Motion passed unanimously.

14-12: Robert C. O'Neil, 15 Bethpage Dr., A variance of Sec. 3.4.C.1.d, side setback from 5 feet required to 3.5+/- proposed. To replace existing garage.

Motion by N. Santaniello, seconded by R. Lawlor to **Grant** a variance of **Sec. 3.4.C.1.d, side setback from 5 feet required to 3.5+/- proposed, to replace existing garage.**

The Board found a hardship to be caused by the pre-existing, non conforming nature of the building.

Motion approved unanimously.

INVOICES:

Motion by J. Streaman, seconded by N. Santaniello to approve payment to the Danbury News Times in the amount of \$750.61 for Legal Noticing.

Motion passed.

MINUTES:

Motion by J. Streaman, seconded by R. Lawlor to Accept the Regular meeting minutes for 8/18/14 and the Special meeting minutes for 8/18/14

Motion Approved Unanimously.

OTHER BUSINESS:

#86-34 Michael & Jennifer Dankowski, 126 Plumtree Rd., Variance Application of Sec. 118-24-A-1 granted 7/15/86 for an in-law apartment at 126 Plumtrees Road.

Motion by S. Catino, seconded by N. Santaniello to APPROVE a modification of a variance described as appeal 86-34 that permitted an accessory apartment in an accessory building, originally granted by the Zoning Board of Appeals on July 15th, 1986. The modification shall remove the following language from the resolution:

“with the stipulation that when the family member vacates the premises, the plumbing fixtures be removed and the property reverts back to a one family use”.

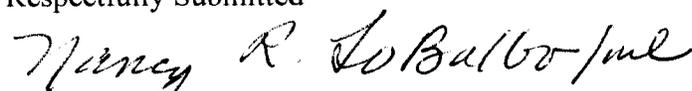
The Board has determined that the condition of the variance is in direct conflict with the Connecticut General Statute Section 8.6(b) and therefore should be eliminated. It states “*Any variance granted by the Zoning Board of Appeals shall run with the land and shall not be personal in nature to the person who applied for and received the variance. A variance shall not be extinguished solely because of the transfer for title to the property or the invalidity of any condition attached to the variance that would affect the transfer of the property from the person who initially applied for and received the variance.*”

Motion Passed Unanimously.

Motion to adjourn at 7:55 by N. Santaniello, seconded by J. Streaman

Motion passed

Respectfully Submitted



Nancy R. LoBalbo,
Recording Secretary