

Board of Zoning Appeals – Hearing Room, Municipal Building 54 Hill Street, Shelton, CT.  
Tuesday, August 21, 2012 at 7:30pm

AGENDA:

- #812-1 Sarah & Russell Lund and Edna Beard at 85 Roberts Street
- #812-2 Stephen Kennedy at 86 West Street
- #812-3 Marlene Chaves at 220 Buddington Road

Mr. Glover: Welcome to the August meeting of the Shelton Zoning Board of Appeals. We meet monthly to satisfy appeals and grant waivers. If you are here tonight, you probably want one of those. Our regulations require that you have taken pictures and that you have notified your neighbors. I will be looking for the pictures and I will be looking for receipts that you did tell your neighbors about what you're doing. If you have them we can proceed, if you don't have them we'll have to put you off for another month. Go ahead.

**#812-1 85 Roberts Street, Sarah & Russell Lund & Edna Beard**, of 85 Roberts Street, Shelton, CT are seeking to waive Section 24, Schedule B, Standard 7 by varying the setback from the front property line from 30 ft. to 3.7 ft. for a 46'x8' deck extension.

Mr. Glover: Is the applicant here? Would you come forward please? You can have a seat. Good evening, would you please give your names and addresses for the record?

Ms. Beard: Edna Beard, 81 Shelton Avenue, Shelton

Ms. Lund: Sarah Lund, 85 Roberts Street, Shelton

Mr. Lund: Russell Lund, 85 Roberts Street, Shelton

Mr. Glover: Now can I have your pictures and receipts? And you have one neighbor?

Ms. Beard: Me, both sides

Mr. Glover: I guess you've been notified.

Ms. Beard: I have.

Mr. Glover: Can you tell us what you want to do and why you can't conform to the zoning regulations?

Ms. Lund: See the one odd thing about our house is that the street side, the front yard side is really, is the street side

Mr. Glover: is it on Roberts or is it on

Ms. Lund: which is on Roberts, so that is the front of our home, but that's not facing the street. So the picture that has the front yard is the issue, right?

Ms. Beard: Yes, in order to conform to the form, the zoning form, the front is considered road side, right? Your zone, or the zoning form

Mr. Glover: (unclear) they tell us what you

Ms. Beard: Well, the form is like, the front is considered like roadside, but the front of the house is not road side, it's facing my property. For all intents and purposes, we had to say the road side was the front, but we're not extending the porch out to the road

Ms. Adanti: Is that this picture?

Ms. Beard: that's the back. Yeah, this is the front. That's the front, but that's not the road side

Mr. Glover: That's the front, but it's not facing Roberts Street

Ms. Beard: No

Mr. Glover: and it's not facing Route 108, Shelton Avenue

Ms. Beard: No, it's facing the brook

Mr. Lund: the front is the backyard

**\*\*Several talking at once\*\***

Ms. Beard: it's a barn and it was a duplex, it was a barn and then a duplex and now it's going to be a one family

Ms. Adanti: So you have the front over here

Ms. Beard: that porch and that one right, they just want to extend it out four more feet.

Ms. Adanti: this?

Ms. Beard: Yep

Ms. Adanti: Okay

Mr. Glover: First of all, there is a porch there. (unclear)

Ms. Lund: Yep

Mr. Matto: So how far is the front of the house from the road?

Ms. Beard: well, whatever they call it, it's not facing the road

Mr. Matto: It's not facing it at all

Ms. Beard: Nope, in fact there's going to be a reduction because the stairs are facing the road. They come down the side. Those stairs are going to be eliminated

Mr. Matto: alright, well let's, let's forget the stairs altogether. The house itself, how close is the house itself on the road?

Ms. Lund: The house is about 15 ½ feet, it's actually 15 feet, but according to the map, I'll say 3.7 because my engineer said that that should be a 50 foot right of way and that's what all the surveying is. It's actually 15 feet if you go where the bituminous is, the asphalt is

Mr. Matto: If you go where the asphalt is, yeah, but usually the City owns like 10 feet beyond the asphalt

Ms. Lund: Right, right, yeah, we're supposed to be a 50 foot right of way according to my engineer so that's why he put down 3.7 feet, but that's not actuality what we see now

Mr. Glover: Well, it's 3.7 feet to the property line, not to the curb

Ms. Lund: right

Mr. Glover: that's the

Ms. Lund: yeah right

Mr. Glover: So his question was how far is it to the road, it's about 15 feet to the road,

Ms. Lund: about 15 feet now, yeah

Mr. Glover: but you're 3.7 feet from the property line

Ms. Lund: right

Mr. Glover: Now, this porch exists, but you're making it 4 feet longer? Or wider?

Ms. Lund: yeah

Ms. Beard: No

Mr. Glover: You're not going out from the house, you're going toward the street?

Ms. Lund: No, no, no, it's not going near the street, no, we're not changing that at all

Mr. Glover: Okay, so the width of the porch is staying the same

Ms. Beard: The length of the porch

Mr. Glover: The length of the porch, yeah, the width of the house, or the length of the porch

Ms. Beard: Okay, yeah

Ms. Lund: so it's not affecting the street at all

Mr. Glover: The porch that we see there, the new porch is going to be the same length

Ms. Lund: Yep, except

Mr. Glover: Except it's going out a little from the house

Ms. Lund: 4 more feet, right, right

Mr. Matto: So nothing's getting closer to the street

Ms. Lund: Nothing's getting closer to the road, no

Mr. Matto: So that's the way it exists now and that house has been here for many years

Ms. Beard: it was a house built in the early 1900's or late 1800's.

Mr. Glover: In fact your testimony is that

Mr. Matto: yeah I remember that, I was a kid then

Ms. Beard: so was I

Mr. Glover: There are, there are stairs going down toward Roberts Street now and those are being eliminated.

Ms. Lund: they are being eliminated, correct

Mr. Glover: So you're making the situation better, not worse

Ms. Lund: Exactly, yeah

Mr. Matto: Yeah, right

Mr. Glover: Alright, any other questions from the Board? (no) Is there anyone in this room who is in favor of this application? (no response) Is there anyone who is opposed? Any opposition? (no response) Any final questions from the Board? (no) Then I'll declare the hearing closed. Thank you.

Later that evening during the work session the Board, upon motion by Commission Conklin and seconded by Commissioner Cavallaro, unanimously voted that:

**#812-1** “In the application of Sarah and Russell Lund and Edna Beard of 85 Roberts Street, Shelton, CT for a certificate of approval for a 46'x8' deck extension to be located on the property of the applicants at 85 Roberts Street, R-3 zone, and which requires a variance in the minimum setback from the front property line,

The application for a variance is approved.

Inasmuch as the house is a pre-existing non-conforming structure, and

Inasmuch as the proposed changes to the deck(s) will make less of an encroachment on the property line facing the road, and

Inasmuch as it is the only place the deck can be built,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance to the minimum required setback from the front property line from 30 ft. to 3.7 ft. at the above is granted (Section 24, Schedule B, Standard 7) in this instance.

This certificate of approval shall take effect on the date following the publication of the statutory notice in a newspaper having circulation in the City of Shelton, provided that a copy thereof has been recorded by the petitioner in the land records of the City of Shelton.”

**#812-2 86 West Street**, Stephen Kennedy of 86 West Street, Shelton, CT is seeking to waive Section 24, Schedule B, Standard 8 by varying the setback from the rear property line from 25 ft. to 15 ft. for a 15'D x 52"H pool.

Mr. Glover: Could you give us your name and address for the record please sir?

Mr. Kennedy: Stephen Kennedy, 86 West Street in Shelton

Mr. Glover: and Mr. Kennedy, do you have some pictures?

Mr. Kennedy: pictures and receipts

Mr. Glover: And you want to build a pool, or have a pool, it's above ground, it's 15 feet in diameter

Mr. Kennedy: yeah, it's a relatively small pool

Mr. Glover: And it's going to be 15 feet from the property line?

Mr. Kennedy: Yes

Mr. Glover: How did you establish the 15 feet?

Mr. Kennedy: Um, went to the back property line, came in a couple feet actually and then measured from there.

Mr. Glover: Okay

Mr. Kennedy: Our neighbors have some shrubs, some bushes there and so (unclear)

Mr. Glover: So you're going from, you're

Mr. Kennedy: 15 feet

Mr. Glover: you're okay on the side, it's just the

Mr. Kennedy: Yeah, it's just the back

Mr. Glover: Is there any other place to put the pool?

Mr. Kennedy: Not really, it doesn't show, but there's a driveway there too

Mr. Glover: Yeah, I went up there last night, there's a driveway and a garage and there's not much room in the back yard

Mr. Kennedy: We're trying to keep it as central as possible

Mr. Glover: Are there other pools in the neighborhood?

Mr. Kennedy: Uh, there used to be one actually directly behind us about 15 feet from the fence but they took it down a couple years ago

Mr. Glover: but it's not unusual to have a pool there

Mr. Kennedy: No

Mr. Matto: How close is the structure from the back of your house, in other words, the back line of your house and then what's in back of that?

Mr. Kennedy: The back line of my house and then there's about 11, there will be about 11 feet from, 10 ½, 11 feet from the house.

Mr. Matto: I mean, there's another house?

Mr. Kennedy: Yeah, there's, behind our property there's another house

Mr. Matto: Yeah, but how far is it?

Mr. Kennedy: Um, I would say if we were 15 feet from the property line and then probably a good 30 or 40 feet, so probably about 45 feet.

Mr. Matto: So the other house would be 45 feet from the property line?

Mr. Kennedy: That other house had a pool, had a pool in their backyard

Mr. Glover: Did you give me the receipts from your neighbors?

Mr. Kennedy: There's a, yeah, actually I talked to three of them and (unclear) other three but they all had no problem with it. There was one neighbor that did ask us if we were going to have some sort of safety gate or fence or anything and I said you know, (unclear) fence but we actually, one of the reasons we're going to this type of pool rather than one of those easy ones to put up, is just because you can get one of those lockable gates that's 52 inches high and we thought that that was probably safer than something else.

Mr. Glover: The building inspector, you're going to take a building permit,

Mr. Kennedy: Yeah

Mr. Glover: and he has a whole list of requirements, his list is almost as big as the building code

Mr. Kennedy: I already saw it

Mr. Glover: alright, so it's the only place you can put the pool and it's a very small lot and the neighborhood has had pools in it before

Mr. Kennedy: As a matter of fact, there's a pool on this property once before, but it had, when I researched it I don't think they ever got a variance or anything for it

Mr. Glover: And you will agree to take a building permit and

Mr. Kennedy: yes

Mr. Glover: and go through the whole system. Any other questions from the Board?

Mr. Conklin: the filter and all that will be on your side of the pool?

Mr. Kennedy: Yes, everything will be on our side of the pool in our backyard

Mr. Cavallaro: not close to the property line where your neighbors

Mr. Kennedy: No

Mr. Glover: Alright, any other questions? (no) Anyone in this room in favor of this application? (no response) Is there anyone opposed? (no response) Any final questions? (no) I declare the hearing closed. Thank you. Have a nice night

Mr. Kennedy: Thank you.

Later that evening during the work session the Board, upon motion by Commissioner Conklin and seconded by Commissioner Matto, unanimously voted that:

**#812-2** "In the application of Stephen Kennedy of 86 West Street, Shelton, CT for a certificate of approval for a 15'D x 52"H pool to be located on the property of the applicant at 86 West Street, R-5 zone, and which requires a variance in the minimum setback from the rear property line,

The application for a variance is approved.

Inasmuch as it is a pre-existing small lot and it is the only place on the property the pool can be place, and Inasmuch as it is in harmony with the neighborhood,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance to the minimum required setback from the rear property line from 25 ft. to 15 ft. at the above is granted (Section 24, Schedule B, Standard 8) in this instance.

This certificate of approval is contingent on: 1. The applicant taking a building permit prior to erecting the pool and providing any necessary safety features including a fence that may be required by the building department. 2. The pool pump and any other mechanicals shall be installed on the side of the pool farthest away from the adjoining neighbor's property line.

This certificate of approval shall take effect on the date following the publication of the statutory notice in a newspaper having circulation in the City of Shelton, provided that a copy thereof has been recorded by the petitioner in the land records of the City of Shelton."

**#812-3 220 Buddington Road**, Marlene Chaves of 220 Buddington Road, Shelton, CT is seeking to waive Section 24, Schedule B, Standard 9 by varying the setback from the left side property line from 30 ft. to 22 ft. for a 20'x28'6" single story addition.

Mr. Glover: Good evening, how are you?

Ms. Chaves: Good, how are you?

Mr. Glover: Good, would you give your name and address please?

Ms. Chaves: Marlene Chaves, 220 Buddington Road, Shelton, CT

Mr. Glover: And could you give me those receipts? Are these all your neighbors?

Ms. Chaves: Yes

Mr. Glover: And do you have some pictures?

Ms. Chaves: That's where their addition would be

Mr. Glover: On the side there?

Ms. Chaves: Uh huh. That's the front. That's my side of the garage and the other side of the neighbor

Mr. Glover: Okay, um, your addition is going to be a bedroom

Ms. Chaves: uh huh

Mr. Glover: With a laundry room and a full bath and a half bath

Ms. Chaves: Yes, the half bath is already in existence, we're just going to have to move it forward down because the way the layout would be there has to become a hallway. So it's being moved. And I do have a laundry room closet, so I do want a laundry room. So if I'm going to do an addition I wanted a laundry room.

Mr. Glover: this is a one story addition?

Ms. Chaves: Yes. I have my parents moving in with me, so

Mr. Glover: And they're going to be on the first floor?

Ms. Chaves: Well, yeah, they're getting older so, the stairs are not as great for them

Mr. Glover: alright, so there is no other place to put this, correct?

Ms. Chaves: Well, in my front yard I have my well, I mean my septic. In the backyard I have my well. To the side I would need, to the side of the garage I would need a variance also which is even closer to the property line. So that's pretty much the only spot I have left.

Mr. Glover: So it comes down to this place

Ms. Chaves: Yes

Mr. Glover: And you are served by a well and a septic system?

Ms. Chaves: Yes, and I do have enough septic because I went to the Valley Health

Mr. Glover: And the addition is only 14 ½ feet wide? Or is it 20 feet?

Ms. Chaves: No, it's 20. It's going to be 20. My property line is an angle, so my variance is bigger toward the back than it is toward the front

Mr. Glover: I mean the room itself, the room itself is 14 ½ feet wide?

Ms. Chaves: No, it's, I don't have, it all depends on if I get approved or not, but I asked for 20, it's going to be 20 inches, 20 feet to the side. So the room is probably going to be about 18

Mr. Glover: Okay, your plan here says 14 ½

Ms. Chaves: Right, well that was the original one that he drew. He told me with these I don't need a variance, but he, when the engineer drew this, he didn't know the property line was on an angle, so regardless with those measurements I still need a variance. So, I said let me go with, to Shelton and see if they will approve it and then I will get a little wider since I have to go for the variance regardless. My mom wants a bigger room, she likes big stuff, and she's giving up her house, I figured at least let her have a decent room.

Mr. Glover: so you're looking for a variance from the required 30 to 20 feet?

Ms. Chaves: Yes

Mr. Glover: alright, does the Board have any other questions? (no) Is there anyone in this room in favor of this application? (no response) Is anyone opposed? (no response) Any final questions from the Board? (no) Then I'll declare the hearing closed. Thank you

Ms. Chaves: Thank you.

Later that evening during the work session the Board, upon motion by Commissioner Adanti and seconded by Commissioner Matto, unanimously voted that:

**#812-3** "In the application of Marlene Chaves of 220 Buddington Road, Shelton, CT for a certificate of approval for a 20'x28'6" single story addition to be located on the property of the applicant at 220 Buddington Road, R-1 zone, and which requires a variance in the minimum setback from the left side property line,

The application for a variance is approved.

Inasmuch as it is the only place on the property the addition can be built do to the existence and location of the well and septic tank, and

Inasmuch as there was no opposition,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance to the minimum required setback from the left side property line from 30 ft. to 22 ft. at the above is granted (Section 24, Schedule B, Standard 9) in this instance.

This certificate of approval shall take effect on the date following the publication of the statutory notice in a newspaper having circulation in the City of Shelton, provided that a copy thereof has been recorded by the petitioner in the land records of the City of Shelton."

### **Approval of Minutes**

During the work session the Board, upon motion by Commissioner Conklin and seconded by Commissioner Cavallaro, unanimously voted to approve the minutes of the May 15, 2012 meeting as submitted by the clerk.

Respectfully submitted,  
Loreen Michalak, Clerk