

Board of Zoning Appeals – Hearing Room, Municipal Building 54 Hill Street, Shelton, CT.
Tuesday, March 15, 2011 at 7:30pm

AGENDA:

- #1210-1 Kevin Murphy at 90 Blueberry Lane
- #211-1 Jean Fabozzi at 137 Howe Avenue, #8
- #211-2 Patricia Ostrom at 26 Park Avenue
- #311-1 Stephen Notchick at 70 Sunset Drive

Mr. Glover: Good evening and welcome to the March meeting of the Shelton Zoning Board of Appeals. When you appear in front of the Shelton, in front of the Zoning Board of Appeals, we have hearings, you're giving testimony. We record it on these two tape recorders and then later in the month Lori will transcribe it. And that becomes the official record of this meeting. It's important that that record be clear so I would appreciate it if you have a cell phone that you would either turn it off or turn it to vibrate and that you refrain from having conversations in the hall because we will pick it up on the tape recorder and it will garble the record. With us tonight, all the way on the end is Commissioner Ralph Matto, next to Ralph is Commissioner Bob Harbinson, and Linda Adanti. Our clerk, Lori Michalak. I'm Gerry Glover, to my right is Jamie Jones and to his right is Ed Conklin. Our regulations say that you should have pictures of your property and you should have receipts showing that you notified your abutting neighbors of what you're, what you're doing. When your hearing is called I'll be looking for the pictures and for the receipts. If you have them we'll go on, if you don't have them we'll continue the hearing until next month so that you can bring the pictures in. Alright, Jamie

#1210-1 90 Blueberry Lane, Kevin Murphy of 21 Ozick Drive, Durham, CT is seeking to waive Section 24, Schedule B, Standard 8 by varying the minimum setback from the rear property line from 30 ft. to 15 ft. for an 18x36 in-ground pool.

Mr. Glover: Good evening

Mr. Murphy: Good evening

Mr. Glover: Would you like to give your name and address

Mr. Murphy: Kevin Murphy, 21 Ozick Drive, Durham, CT

Mr. Glover: Would you like to sit on this side next month?

Mr. Murphy: Yeah

Mr. Glover: We have your pictures Mr. Murphy

Mr. Murphy: Okay, and you needed receipts

Mr. Glover: and we needed the receipts. I think we're good to go then.

Mr. Murphy: This is the Aquarion, that was the one in question last month. I don't know why, she sent another one to you just as a copy of, you know

Mr. Glover: Did Aquarion respond to you at all?

Mr. Murphy: Not at all

Mr. Glover: Okay, we didn't get anything either

Mr. Murphy: that's good

Mr. Glover: Alright, your pictures all have snow on the ground so, you couldn't have done a pool then anyway

Mr. Murphy: right

Mr. Glover: Tell us what you're doing

Mr. Murphy: Um, we're trying to do an in-ground gahnite swimming pool in the rear yard and it's, the house is pushed kind of far toward the rear property line and to try and achieve a 30 foot setback, there's no way I can do this pool because of an existing wood deck, a quite considerably large wood deck. The wood deck is set at the 30 foot mark. That's why I'm asking to split that in half. We would be a minimal to the water's edge of the pool, a 15 foot away from the existing property line.

Mr. Glover: Behind this property is a reservoir right?

Mr. Murphy: way, way back, yes

Mr. Glover: water shed and then the reservoir, it's water company land

Mr. Murphy: Yes

Mr. Glover: Okay, so there's nobody

Mr. Matto: is it up against the deck?

Mr. Murphy: Excuse me?

Mr. Matto: It would be up against the deck?

Mr. Murphy: As close as I would comfortably put it, yes

Mr. Matto: yeah

Mr. Glover: Is, I know, is there a reason why the house was set back so much, is there ledge in the front yard?

Mr. Murphy: I believe so, but not positive

Mr. Glover: Okay, but the fact is it is set back abnormally from the front

Mr. Murphy: yes

Mr. Glover: And it leaves you a very small backyard

Mr. Murphy: Yes

Mr. Glover: This is the only place to put a pool?

Mr. Murphy: Yes

Mr. Glover: and Blueberry is served by city water?

Mr. Murphy: Yes

Mr. Glover: city sewers or septic system?

Mr. Murphy: Uh, city sewer and city water

Mr. Glover: Both, okay. Alright, how big is the pool?

Mr. Murphy: 18 by 36 in a kidney shape, so it's a little smaller than a rectangle

Mr. Glover: Alright, and it's the only place that you can put it

Mr. Murphy: Yeah

Mr. Glover: Okay. Let the record show that we have a receipt that the hydraulic company was notified and that we have no response from them. Any other questions from the Board?

Mr. Matto: Yeah, I got a question. On the Aquarion water company land there's zero houses correct?

Mr. Murphy: right

Mr. Matto: Okay, so you're not interfering with anybody's

Mr. Murphy: Not at all

Mr. Matto: yard

Mr. Murphy: not at all. You can barely even see the reservoir from the house. It's got to be 2 or 300 yards out

Mr. Matto: Yeah

Mr. Murphy: And with no houses or dwellings or anything

Mr. Matto: it doesn't bother anybody, yeah

Mr. Glover: 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 in this room who is opposed to this application? (no response) Jamie would you read this into the record? Actually there's two of them.

Mr. Jones: Two?

Mr. Glover: maybe three

Mr. Jones read letter: "Twan and Karen Bentlage, 94 Blueberry Lane, Huntington, CT 06484. November 9, 2010. To Whom it May Concern: As the owners of the home located at 94 Blueberry Lane, I have been informed and have no objection to an in-ground pool placement immediately behind the deck at 90 Blueberry Lane and support a variance request for placement of the pool on the back property line. This is the preferred placement in respect to privacy for both properties. Please feel free to contact us with any questions to help expedite the process at 203-944-0069. Neighbor, Antonius T. Bentlage.

Mr. Jones: Another letter February 11, 2011, "Russel Choate, 86 Blueberry Lane, Shelton, CT 06484. Planning & Zoning Dept., City Hall, 54 Hill Street, Shelton, CT 06484. February 11, 2011. RE: to Zoning waiver application for 90 Blueberry Lane, Shelton, CT. I have no objection to the request for a zoning waiver on the setback for the new swimming pool installation at 90 Blueberry Lane. Respectfully, Russel Choate."

Mr. Jones: And this one is, another one from Russel Choate saying he highly supports the decision and there's no objection to the pool.

Mr. Glover: there might be two Russel Choates, it might be a father and son, I don't know

Mr. Jones: It's the same address

Mr. Glover: same address, maybe he just got, just wanted to reinforce it. Any final questions from the Board? (no) Then I'll declare the hearing closed. Thank you.

Mr. Murphy: It's passed?

Mr. Glover: Sit down we'll tell you after

Mr. Murphy: Oh, you'll tell us after

Mr. Glover: Yes

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

#1210-1 In the application of Kevin Murphy of 21 Ozick Drive, Durham, CT for a certificate of approval for an 18x36 in-ground pool to be located on the property of Jeff & Jackie Carruth at 90 Blueberry Lane, R-1 zone, and which requires a variance in setback from the rear property line,

The application for a variance is approved.

Inasmuch as the position of the house pushed back on the property creates a hardship and makes this the only place the pool can be placed, and

Inasmuch as the neighbor being encroached upon is water company property which will not be built on and creates an open space buffer,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance in the minimum setback from the rear property line from 30 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 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.

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.”

#211-1 137 Howe Avenue, #8, Jean Fabozzi of 137 Howe Avenue, #8, Shelton, CT is seeking to waive Section 24, Schedule B, Standard 2 by varying the minimum lot area per dwelling unit from 7500 sq. ft. to 3687 sq. ft.; and Section 33.2 Permitted Uses, waive special exception and site plan for an 11th unit, detached from a 10 unit apartment complex, converting an existing garage building to living space.

Mr. Glover: Good evening

Mrs. Fabozzi: Good evening

Mr. Glover: Will you give your name and address for the record please?

Mrs. Fabozzi: Jean Fabozzi, 137 Howe Avenue, #8, Shelton, CT

Mr. Glover: This is a continued hearing from last month where we had plenty of testimony and we referred you to the Planning and Zoning Commission because your original zoning, certificate of zoning compliance required them to give you permission. And they sent us this letter.

Mr. Jones read: “Memo to Gerry Glover, ZBA. From Rick Schultz. Dated February 15, 2011. Regarding ZBA Application #211-1. The Shelton Planning and Zoning Commission, at their February 8, 2011 meeting received and discussed ZBA application whatever, 211-1, and offers the following comments: 1. The Commission approved the subject detached, the Commission approved the subject detached garage with the stipulation that there will be no dwelling units permitted within it. 2. The Commission believes....”

Mr. Glover: Hold on, I'm sorry, that's the wrong letter. Where's the right one?

Clerk: I don't know, I have it to you.

Mr. Glover: Hold on.

Clerk: That's the old one that came for the prior hearing

Mr. Glover: That must have scared you huh?

Mrs. Fabozzi: Yeah, it did. That's not what they said when I was there

Mr. Glover: Yeah, we have a letter here someplace.

Mr. Jones: Okay, we'll start all over again. "To: Gerald Glover, Chairman, Board of Zoning Appeals. From: Richard D. Schultz, Planning and Zoning Administrator. Date: March 15, 2011. RE: ZBA Application #211-1: 137 Howe Avenue. The Shelton Planning and Zoning Commission at their March 8, 2011 meeting revisited and discussed ZBA Application #211-1 and offers the following new comments: 1. The Commission finds after further review that the proposal to convert the detached three car garage into a dwelling unit with two bays is reasonable and consistent with the land use and densities of the surrounding area. 2. The Commission recommends that the existing roof line of the garage not be altered in any way. 3. The Commission recommends that this new dwelling unit be occupied and owned by the same owner of the ten unit apartment complex. cc: Planning and Zoning Commission."

Mr. Glover: Alright, does the Board have any other comments or questions on this? We've received a long, a lot of testimony last month from you which was very good, a good hearing.

Mrs. Fabozzi: Thank you

Mr. Glover: And the only thing that stood in our way was that we needed the approval of the Planning and Zoning Commission. And you obviously have gone up and given them a very good hearing, or testimony, so I think we're all set.

Mrs. Fabozzi: Okay

Mr. Glover: Any other questions from the Board?

Mr. Conklin: There wouldn't be any objections to a stipulation that the building itself could never be subdivided into multiple apartments, and must be kept a one family residential

Mrs. Fabozzi: It must be because it would be such a restriction against the law of square footage per dwelling unit, so it has to stay the

Mr. Conklin: Well you could, someone in the future could end up coming back here and asking for a revised

Mrs. Fabozzi: Well, it would be after I'm dead and gone

Mr. Conklin: Right, exactly, but I would like to make it permanent.

Mr. Glover: Even while you're alive and here, your variance tonight is for the square footage per dwelling unit. So there would be nothing, if you were to cut that in half, somebody could come back and go for the same variance.

Mrs. Fabozzi: But they told us, one of the Board members asked why don't we just let them split it, and Rick Schultz said that it would be against the law even more opposed to the square footage

Mr. Glover: Right.

Mrs. Fabozzi: Here's the, I extended the list. I mailed the letters to as

Mr. Glover: Oh, you didn't have to do that

Mrs. Fabozzi: well, as I mentioned I want to be on the up and up.

Mr. Glover: Okay. So it'll make it a fatter file. It will give more weight to the file. Any final questions from the Board? (no) Is there anyone in this room who is in favor of this application? (no response) Anyone opposed? (no response) I'll declare the hearing closed. Thank you very much.

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

#211-1 “In the application of Jean Fabozzi of 137 Howe Avenue, #8 for a certificate of approval for an 11th unit apartment converted from an existing garage building and detached from a 10 unit apartment complex to be located on the property of the applicant at 137 Howe Avenue, #8, R-4 zone, and which requires variances in minimum lot area per dwelling unit and use,

The application for variances is approved.

Inasmuch as the garage building currently exists and testimony given indicated the existing footprint will not be altered, and

Inasmuch as the proposal was approved by the Planning and Zoning Commission, which was required due to a prior approval for construction of the garage,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of variances in the minimum lot area per dwelling unit from 7500 sq. ft. to 3687 sq. ft. and Permitted Use at the above is granted (Section 24, Schedule B, Standard 2 and Section 33.2) in this instance.

This certificate of approval is contingent on: 1. The existing roof line of the garage shall not be altered in any way. 2. The new dwelling unit shall be occupied and owned by the same owner of the 10 unit apartment complex. 3. The new dwelling unit shall remain a single family unit and shall not be divided further.

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.”

#211-2 26 Park Avenue, Patricia Ostrom of 26 Park Avenue, Shelton, CT is seeking to waive Section 24, Schedule B, Standard 9 by varying the setback from the right side yard from 30 ft. to 28 ft. for a 4'x10'x10'x6' bathroom addition.

Mr. Glover: Good evening

Mrs. Ostrom: Good evening

Mr. Glover: Would you please give your names and address for the record?

Mrs. Ostrom: Pat Ostrom, 26 Park Avenue, Shelton, CT

Mr. Bosik: Steve Bosik, contractor

Mr. Glover: And your address sir?

Mr. Bosik: 231 Oxford Road, Oxford

Mr. Glover: Okay

Clerk: How do you spell your name sir?

Mr. Bosik: B-O-S-I-K

Mr. Glover: And do you have some pictures for me please?

Mrs. Ostrom: Yes, here's the one with the sign. I brought extra pictures I don't know if anyone else would like them.

Mr. Glover: And do you have some receipts from your neighbors?

Mrs. Ostrom: Here's receipts and letters from

Mr. Glover: Are these all your neighbors?

Mrs. Ostrom: Yes, to my brother and my sister and my son

Mr. Glover: They agreed?

Mrs. Ostrom: Yes

Mr. Glover: Well, first of all tell us what you want to do?

Mrs. Ostrom: What I need to do, what I really need to do is make my bathroom more handicap accessible. I'm going to be needing two knee replacements and right now my washer and dryer is downstairs so I'd like to bring it upstairs because (unclear) to go up and down the stairs. And I'd like to install a shower that is equal to the floor so that I'm not stepping over anything to get into the shower.

Mr. Glover: And obviously you've hired a very competent remodeler to do this

Mrs. Ostrom: Yes

Mr. Glover: I assume your problem here is the location of the house on the lot

Mrs. Ostrom: Yes

Mr. Glover: that you are on a corner lot and the house is pushed way way back

Mrs. Ostrom: way back

Mr. Glover: against the house that's on the side of you on Park Avenue. This is, is this the only place you can put this?

Mrs. Ostrom: The only place it can be put, yes, because if you look, there was a variance years back where the bedrooms were.

Mr. Glover: When the house was originally built?

Mrs. Ostrom: The house was always there. What had happened was my parents owned land and they kept five acres. And when the contractor subdivided it, this is how he subdivided it, unfortunately for me.

Mr. Glover: Okay. Your, is this city water or a well?

Mrs. Ostrom: It's city, I have city

Mr. Glover: City water and a septic system

Mrs. Ostrom: yes

Mr. Glover: and the septic system is probably in the front yard?

Mrs. Ostrom: septic is in the back

Mr. Bosik: Actually, it's right on the same side as the addition

Mr. Glover: Over here

Mr. Bosik: yeah

Mr. Glover: Okay, but not near

Mrs. Ostrom: No, no, no

Mr. Bosik: No

Mr. Glover: So you're okay with Valley Health

Mrs. Ostrom: Yes, and I was already cleared, yes.

Mr. Glover: Alright, doe anybody on the Board have a question?

Mr. Matto: Yeah, how close is the house, looking at the map here, how close is the house on the other side of the bathroom addition? That isn't even 28 feet, is it?

Mr. Glover: No, that's, they have a variance for that Ralph.

Mr. Matto: They have a variance for that?

Mr. Glover: Yep

Mr. Matto: Okay

Mr. Glover: I don't think that this addition is any closer to the property line than the original house is

Mr. Matto: Yeah, it appears to be the same

several talking at once

Mr. Glover: No, they can't do that. What I'm saying is, and Ralph makes a good point, this addition when it is constructed will be no closer to the property line than the existing house, the other corner of the house is, over here

Mrs. Ostrom: right

Mr. Bosik: right

Mr. Glover: You're not going any closer

Mrs. Ostrom: no

Mr. Glover: just because the way the house is oriented on the lot.

Mrs. Ostrom: yep

Mr. Glover: Was that your point Ralph?

Mr. Matto: My point is yes, I think the, I think the corner of the house is less than 28 feet

Mr. Glover: right

Mr. Matto: and the

Mr. Glover: the opposite corner

Mr. Matto: and assuming that was approved, so this is less encumbering

Mr. Glover: Right

Mrs. Ostrom: that's my understanding, I think the other side is like 27 feet

Mr. Glover: Yeah

Mr. Matto: that's what it looks like

Mr. Glover: Okay, any other questions? (no) Anyone in favor of this addition or application? (no response) Anyone opposed? (no response) Final questions? (no) I declare the hearing closed. Thank you.

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

#211-2 "In the application of Patricia Ostrom of 26 Park Avenue, Shelton, CT for a certificate of approval for a 4x10x10x6 bathroom addition to be located on the property of the applicant at 26 Park Avenue, R-1 zone, and which requires a variance in setback from the right side yard,

The application for a variance is approved.

Inasmuch as the location of the existing house being pushed back on the property creates the need for the variance, and

Inasmuch as the rear corner of the existing house structure is closer to the property line than the proposed addition will be, and

Inasmuch as it is the only place the addition can be placed,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance in the minimum setback from the right side yard from 30 ft. to 28 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."

#311-1 70 Sunset Drive, Stephen Notchick of 70 Sunset Drive, Shelton, CT is seeking to waive Section 45.6.1 by varying the requirement of a common wall, floor, or ceiling to principal single family dwelling for a 755 sq. ft. accessory dwelling unit over a garage connected by a deck.

Mr. Glover: Good evening

Mr. Notchick: Good evening, how are you

Mr. Glover: I'm fine. Would you please give your name and address for the record?

Mr. Notchick: Yes, it's Stephen A. Notchick, Sr., 70 Sunset Drive, Shelton, CT

Mr. Glover: And do you have some pictures and some receipts?

Mr. Notchick: I have a bunch of everything for you. So we've got all the four

Mr. Glover: These are four neighbors?

Mr. Notchick: yes

Mr. Glover: Okay

Mr. Notchick: Well, actually we have two neighbors. The land behind us isn't occupied. And the pictures are here. Would you like me to lay it out so you can see left and right? Or do you want to pass it?

Mr. Glover: We can pass it around.

Mr. Notchick: Okay. The hardship with why the garage isn't attached and can't be attached is when we built the garage, it's the size and the shape of the property. If you look at the property it's kind of narrow there and in order to pull into the garage it had to be set back from where the house was. And to connect it today it's really not an option. If you look at the pictures it would be really aesthetically horrible. The reason why we're doing it is basically for her mother-in-law who's 85, coming up in age and we just, we need to get something prepared for when that day comes. We got the C.O. We've gone through here and I remember at least you two for sure on the board for the garage, just putting that in years ago. And it does have some variances right now against it, setback on the property and things of that nature.

Mr. Glover: alright, we have a notice here of a variance that was given in 1992. And the variance was a rear yard variance from the required 40 feet to 10 feet for the garage. And the stipulations were that there would be no egress onto Constitution Boulevard and the stairs shall be on the exterior of the proposed garage, and there shall be no commercial use of the proposed garage, and there shall be no living quarters over the proposed garage, and there shall be a buffer zone of evergreen trees between the proposed garage and Constitution Boulevard. So you already have a variance and part of that variance is you can't have living space over the top of it.

Mr. Notchick: correct

Mr. Glover: Okay, and what you want to do now is put living space above it?

Mr. Notchick: Well, it's, it was built that way from day 1, I have a C.O. for it, but we never had it zoned, or never had it as an access dwelling

Mr. Glover: What was built for it?

Mr. Notchick: When I built it originally the garage

Mr. Glover: Was built for what?

Mr. Notchick: It was finished up there for like a playroom.

Mr. Glover: It couldn't have. You didn't have zoning for it.

Mr. Notchick: Back, really, back then?

Mr. Glover: I just read it to you

Mr. Notchick: Oh, okay, sorry

Mr. Glover: "No living space shall be above the garage."

Mr. Notchick: There wasn't living space

Mrs. Notchick: nobody was living there

Mr. Notchick: Just, no one lives there, just finished, sorry, I'm saying the wrong thing

Mr. Glover: Then, okay, then it wasn't there when you built it because it couldn't have been there when you built it

Mr. Notchick: you're right

Mr. Glover: because we didn't let you build it

Mr. Notchick: you wouldn't let me, okay, I got it

Mr. Glover: Alright, so now you want to put another, put an accessory dwelling unit above it, better known as an in-law apartment

Mr. Notchick: Correct

Mr. Glover: Alright, let me read this from, Jamie could you read this in, we have another letter from the Planning and Zoning Commission

Mr. Jones read letter: "To: Gerald Glover, Chairman, Board of Zoning Appeals. From: Richard D. Schultz, Planning and Zoning Administrator. Date: March 15, 2011. RE: ZBA Application 311-1. The Shelton Planning and Zoning Commission at their March 8, 2011 meeting received and discussed ZBA Application #311-1 and offers the following comments: 1. The Commission finds the proposal to establish an accessory dwelling unit without a common wall to be totally inconsistent with the intent of the Shelton Zoning Regulations pertaining to accessory dwelling units. 2. The commission believes that the proposal as submitted will have a negative affect in protecting the public safety, welfare and property values of the neighborhood. 3. The Commission believes that there is no hardship shown. cc: Planning and Zoning Commission."

Mr. Glover: Alright, so tell us, I know what you want to do, but you really can't conform with the regulations which is why you're here

Mr. Notchick: correct

Mr. Glover: And the Planning and Zoning finds it inconsistent with the intent of the zoning regulations and I believe that probably this Board does too because when we give variances for garages we always put the stipulation in that there's going to be no living space above them. In addition to that, I think that our last variance said there be no living space above it. But unless you can, you have an opportunity to convince the Board to change their mind. Well, I don't know what their mind is, I know what mine is, I don't know what theirs is.

Mr. Notchick: Well, if you look at the pictures, I mean obviously there's a way to make this one unit to some extent and it would be part of the house. Am I correct?

Mr. Glover: I don't know, does it have a common wall?

Mr. Notchick: I mean you could put a building between it. You can put something between it to connect it. No? I mean that's a,

Mr. Glover: I haven't seen the pictures

Mr. Notchick: Oh, when they come back. But, I mean the distance and aesthetically because the house, the garage, if you look at the garage it sits back, the front of it from the back of the house five, approximately 6 feet. And it's off to the side of the house in the neighborhood of about 24 feet. And if you just think of the way the design of the house is and the garage that it, I mean even to connect it would look hideous.

Mr. Glover: Yeah, it would, but when they're apart like this, it's easy for this to become an apartment which becomes a two family house later on.

Mr. Notchick: But we're not zoned for that, we can only have single family back there. This is just for

Mr. Glover: I understand that, but the reason that there, that the regulation has a common wall is to prevent it from being rented out later on and becoming an apartment that's not an in-law apartment. You have an accessory apartment for a family member, but what happens on these types of buildings is that after the family member doesn't need it anymore, it becomes a rental and it becomes a two family house.

Mr. Notchick: But I thought you can't do that, I thought it has to be family for any kind of access dwelling

Mr. Glover: Right

Mrs. Notchick: And we have, we have lived there 30 years. We don't want anybody there, believe me.

Mr. Notchick: It's not like we have a history that we've ever rented it

Mr. Glover: No, I didn't say that

Mr. Conklin: the problem is the next person who owns it

Mr. Glover: Yeah

Mr. Notchick: pardon me?

Mr. Conklin: The next person who owns it

Mr. Notchick: But they can't do it legally and the neighbors would certainly complain

Mrs. Notchick: The neighbors would complain

Mr. Notchick: and they're not, they're not stupid, none of them are stupid. Nobody wants that living, they don't want a two family there. This is not sneaking in a two family. We've been there 20 years with that garage

Mrs. Notchick: 30 yeah, well 20 with the garage

Mr. Notchick: 20 with the garage

Mrs. Notchick: And you have to go down a driveway to get to this house, so

Mr. Notchick: we're back far

Mrs. Notchick: the house up there would never allow it.

Mr. Notchick: or the houses to the side

Mrs. Notchick: yeah

Mr. Notchick: certainly. This is for the mother-in-law. This is, this is a dire need.

Mr. Glover: Alright does the Board have, is it served by city sewers?

Mr. Notchick: Yes it is, both of them

Mr. Glover: and city water?

Mr. Notchick: both of them

Mrs. Notchick: yes

Mr. Notchick: separate furnaces everything

Mr. Glover: And you're not planning to make any modification to the outside of the unit

Mr. Notchick: Absolutely not, this is just as I stated, and I think I've proven I've lived by every regulation we have here. There's no access to the back of the roads. I have no stairwells inside. I never planned on putting any commercial business there. This is purely personal. This has nothing to do with

Mr. Glover: Is there a bathroom in there now?

Mr. Notchick: Yes, there is.

Mr. Glover: Is it downstairs or upstairs?

Mr. Notchick: It's upstairs.

Mr. Glover: Is it heated?

Mr. Notchick: Yes it is. It's a, we use it as an office, a section of it. That's why it's partly sectioned. If you look at the, what we did and on purpose is we cut, we have, this is a wall in between the upstairs and there's a doorway here and it's all locked. And this area here would be the access dwelling. I'm just a handyman. I built these things and if we wanted someone or the like, or, they would've been in a long time ago.

Mrs. Notchick: Yeah, we don't want anybody on our yard.

Mr. Glover: Alright so this is the garage as it is now

Mr. Notchick: correct

Mr. Glover: the upstairs of the garage as it is now. And you have 566 sq. ft. now that you're using as an office

Mr. Notchick: Yes

Mr. Glover: this area back here

Mr. Notchick: Yes

Mr. Glover: Okay, and then there is about 755 sq. ft. that you plan on using as an accessory unit

Mr. Notchick: correct

Mr. Glover: how is that being used now?

Mr. Notchick: It's just open space.

Mrs. Notchick: There's no wall

Mr. Notchick: Well, there's this wall

Mrs. Notchick: Yeah, that wall, but I mean the bedroom wall.

Mr. Glover: Yeah, is the front over here?

Mr. Notchick: the front is here. So it'd be in the front of the garage

Mr. Glover: So the bathroom is, the bathroom and kitchen is the front?

Mrs. Notchick: show him the picture, show him the picture

Mr. Glover: I have the picture, but the kitchen and the bathroom and the living room would be in the front of the

Mr. Notchick: Right, the kitchen would be here, the bathroom would be here, and actually that's where it is. And then this would be, and this is open for like a bedroom and living room

Mr. Glover: And it's connected by a deck

Mr. Notchick: yes, it is

Mr. Glover: to the existing house?

Mr. Notchick: right here

Mr. Glover: and the only stairway that's on it now is on the outside on the far end of it

Mr. Notchick: right

Mr. Glover: Except for the (unclear) off of the deck.

Mr. Notchick: right, it could be either or

Mr. Glover: Alright, does the Board have any other questions?

Mr. Matto: I think I might have one, Gerr. This thing got a variance to build the garage and the space above it. Right?

Mr. Glover: Yep

Mr. Matto: Alright, so now you're saying you want it to stay the same on record with the exception of your mother-in-law going into that. In other words, if she should move away elsewhere, no one else would be there

Mr. Notchick: No one else would, not as long as I live

Mr. Matto: So it's strictly, it's strictly for

Mr. Notchick: Just for her

Mr. Matto: her

Mr. Notchick: Her, or right, or family if needed, obviously you never know what could happen in the future.

Mr. Matto: But what I'm saying is if it's strictly for her, even if there's someone else in the family you would have to come for another variance for them, is that, okay

Mr. Glover: Actually, Ralph, as long as it's a blood relative they wouldn't have to.

Mr. Matto: You mean if you get one you don't say for

Mr. Glover: No, it's not

Mr. Matto: a mother-in-law, you say for a blood relative

Mr. Glover: Right

Mr. Matto: Yeah

Mr. Notchick: But it would be, if anything it would be blood relative and of course, you never know if your child is going to get hit by a car and become an invalid

Mr. Matto: Yeah, right, okay

Mr. Glover: Any other questions? (no) Anyone in this room in favor of this application? (no response) Is anyone opposed? Then I'll declare the hearing closed. Thank you.

#311-1 Later that evening during the work session the Board, upon motion by Commissioner Matto to approve the variance, seconded by Commissioner Jones for the sake of discussion, voted one in favor of the motion to four against the motion, and therefore, denied the application for a variance to allow an accessory dwelling unit over a detached garage in an R-2 zone, since no hardship within the purpose and intent of the zoning regulations was demonstrated.

Approval of Minutes

During the work session the Board, upon motion by Commissioner Jones and seconded by Commissioner Conklin, unanimously voted to approved the minutes of the February 15, 2011 hearings as submitted by the clerk.

Respectfully submitted,
Loreen Michalak, Clerk