

Board of Zoning Appeals – Hearing Room, Municipal Building 54 Hill Street, Shelton, CT.
Tuesday, January 21, 2014 at 7:30pm

AGENDA:

- #1213-2 Tim Koletsos at 75 Maple Avenue
- #1213-3 Kaptodd, LLC at 48 Todd Road
- #114-1 Ygor & Adriana Oliveira at 3 Princess Terrace
- #114-2 David & Janice Gombas at 66 Sunnyside Drive
- #114-3 Ben Perry at 80 Perry Hill Road

Mr. Glover: Alright, lady and gentlemen, welcome to the Zoning Board of Appeals first meeting of January, of 2014, which has been continued from last Tuesday because of the snow storm to tonight. We, present tonight are Commissioner Phil Cavallaro, Commissioner Linda Adanti, our clerk, Lori Michalak. I'm Gerry Glover and to my right is Jamie Jones and to his right is Ed Conklin. We have five members tonight which is a full board and we have five hearings tonight. We meet monthly to satisfy appeals and grant variances where appropriate. Our regulations require that you show us four pictures of your property and that you show us receipts that you sent letters to your neighbors telling them what you are doing. That's a condition of ours so if you have it we'll continue with your hearing. If you don't have it we'll continue your hearing until you can come back next month and do it. The meeting will run by the applicant being announced and he'll come and tell us what he wants to do. We'll question the applicant and we will ask for people who are in favor of that application and then we'll ask for people who are opposed. Anybody that wants to talk will have the ability to talk at the appropriate time, but at all times you are talking to the Board and you should not have a discussion. It's one person talking at a time.

#1213-2 57 Maple Avenue, Tim Koletsos of 57 Maple Avenue, is seeking to waive Section 24, Schedule B, Standard 8 by varying the setback from the rear property line from 30 ft. to 20 ft. for a 20'x36' inground pool.

Mr. Glover: Is the applicant here?

Mr. Koetsos: Yes

Mr. Glover: Why don't you come sit in that chair there and relax

Clerk: and talk loud

Mr. Glover: and talk loud. Would you give your name and address for the record please sir?

Mr. Koetsos: Tim Koetsos, 57 Maple Avenue in Shelton

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

Mr. Koetsos: Yes, we're putting in a swimming pool in the rear of the yard and I'm asking for a variance because the house is set pretty far back because we have septic in the house which leaves me a smaller backyard. And with the pool that we want to put it, I'm asking for a 10 foot variance. I currently have a deck in the back of the house so, there's a deck there now, it would be about 10 feet of patio and then it would be the swimming pool. That's why I'm asking for the variance because the pool would be very close to the deck, and I have three kids and I don't want somebody jumping off the deck, etc. into the pool.

Mr. Conklin: Does he have pictures?

Mr. Glover: Yeah, I'm sorry, do you have pictures? And your receipts?

Mr. Koetsos: Here's the receipts and also from two of the neighbors, signatures that they're not objecting.

Mr. Glover: Alright, so you say that you have a septic system?

Mr. Koetsos: Yes

Mr. Glover: Where is it in relation to the,

Mr. Koetsos: it's in the front yard

Mr. Glover: Alright, you've given me a map and your septic system is in an area that says "lot 6 area 40,300 sq. ft." on this map, just for the record, because the record can't see the map.

Mr. Koetsos: okay

Mr. Glover: city water or well?

Mr. Koetsos: city water

Mr. Glover: and where does it come in?

Mr. Koetsos: it goes partly underneath the driveway and then cuts right in the middle of the yard to the front, right around where the front door is

Mr. Glover: Alright, so it's the only place you can feasibly put the pool

Mr. Koetsos: yes

Mr. Glover: the house is located in such a manner on the lot that there's no place you can put it without needing a variance or being in the septic system

Mr. Koetsos: yes

Mr. Glover: from the looks of the map. The pump, the filter, where will that be located?

Mr. Koetsos: right now I have a, there's a shed on the far left hand corner and it will be in front of the shed

Mr. Glover: Alright, why don't you mark on here where that would be

Mr. Koletsos: That's the shed there, the pump will be right over there

Mr. Glover: Okay

Mr. Conklin: shed looks like it needs a variance

Mr. Glover: yeah, the shed needs a variance too

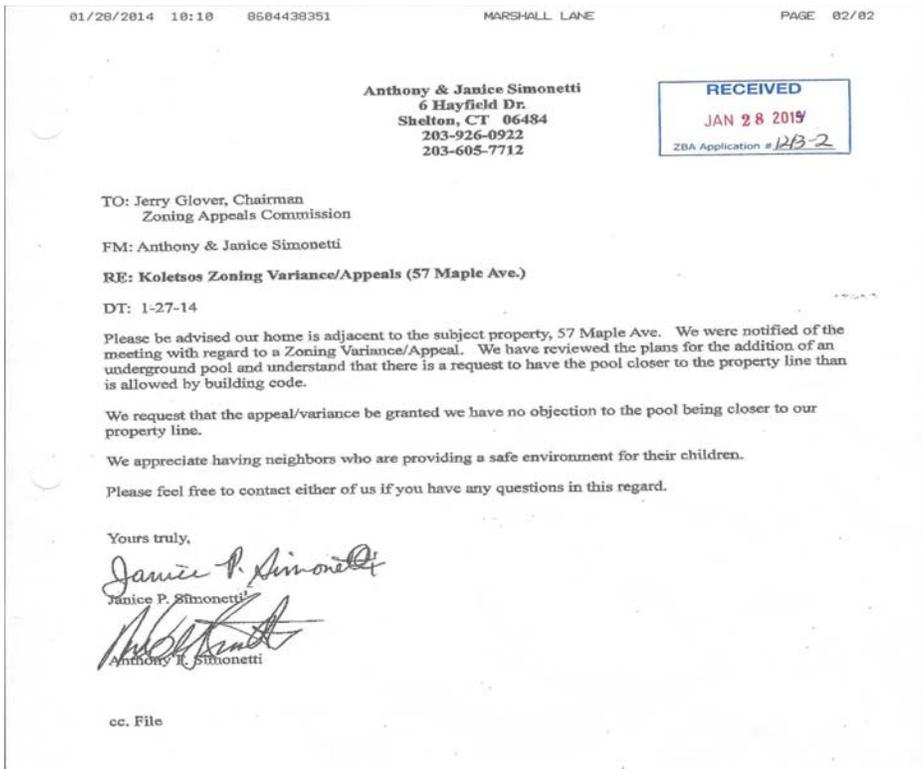
Mr. Conklin: I won't go down that road

Mr. Glover: Alright, any other questions from the Board? (No) Any questions from the Board? (no) Is, we have a couple of letters here, let's read these into the record.

Mr. Jones read first letter:

"Setback Approval Notice" Requested by: Tom & Linda Koletsos, 57 Maple Avenue, Shelton, CT. I hereby have NO Objection to the variance requested by Tim & Linda Koletsos for 57 Maple Ave in Shelton. The variance is for a setback from the rear property line of yard from 30 ft. to 20 ft. for a swimming pool." Signed by Herman & Myria Acevado and Pat & Monica Lorent. Both on the 18th of January.

Mr. Jones: And then another letter dated January 27th:



Mr. Glover: Are there any

Mr. Conklin: Do you have any objection to making that filter as close as possible to the corner of that shed because if it's running at night it's going to encroach upon the people behind, making noise.

Mr. Koletsos: it's pretty, it's pretty far to the corner. Anthony knows where my shed is and the filter would be pretty far

away from all the properties. From his house it's one of the furthest points away, as well as from the other house. If I put it on the other side of the fence, then it's directly visible

Mr. Conklin: I mean keep it more toward the front of your shed

Mr. Koletsos: Exactly, it'll be right in the front. Right where the front door is, as you see it there

Mr. Glover: Alright, is there anyone in this room to speak in favor of this application? (yes) Would you come forward sir and give your name and address for the record?

Mr. Simonetti: My name is Anthony Simonetti, I reside at 6 Hayfield Drive. I just heard the discussion concerning the pump, and it's very nice that you bring that up, from my property to that area would be over probably 120 feet. So I don't think we have a problem at all. I do ask my letter, my wife and I wrote a letter, and we do also agree that we do not have a problem with the variance and we would like you to grant it if you can. And we're in favor of the pool being away from the house, it will be safer for the children, we'd hate to have a tragedy in Shelton of any kind. And I appreciate a neighbor like him. Thank you very much.

Mr. Glover: Mr. Simonetti, this gentleman would be encroaching on your property, is that correct?

Mr. Simonetti: Absolutely

Mr. Glover: Okay, thank you very much. Anyone else in favor? (no response) Is there anyone opposed to this application? (no response) Any opposition? (no response) Final questions or comments from the Board? (no) Then I'll declare the hearing closed. Thank you sir.

Mr. Koletsos: Thank you.

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

#1213-2 "In the application of Tim Koletsos of 57 Maple Avenue, Shelton, CT for a certificate of approval for a 20'x36' inground pool to be located on the property of the applicant at 57 Maple Avenue, R-1 zone, and which requires a reduction in the setback from the rear property line,

The application for a variance is approved.

Inasmuch as it is the only place on the property the pool can be located safely, and

Inasmuch as the neighbor the pool is encroaching on endorses the location of the proposed pool,

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 20 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."

#1213-3 48 Todd Road, Kaptodd, LLC of 10 Everet Road, Easton, CT is seeking to waive Section 24, Schedule B, Standards 8 and 9 by varying the setbacks from the rear property line from 25 ft. to 10 ft., and the right and left yard setbacks from 25 ft. to 10 ft. for a 78'x53' commercial structure of 4200 square feet and associated parking lot.

Mr. Glover: Good evening

Mr. Swift: Good evening

Mr. Glover: Please give your name and address for the record.

Mr. Swift: My name is Jim Swift, professional engineer at 102 Village Drive in Shelton, CT, the applicant. I have photographs and certificates of mailing.

Mr. Glover: These are all the abutting neighbors?

Mr. Swift: Yes (unclear)

Mr. Glover: Is this is the old veterinarian?

Mr. Swift: No, this is adjacent to that, hence the request for the variances. This property is in the IA-3 zone but it's an old lot and it had an old house on there, it was an old residential development and it's a very very small piece of land which is .38 acres and far too small to have any sort of development on it intended for the IA-3 zone, and because of its small size we're requesting the variances so that we can make a reasonable project or development on the property. So our hardship is that the parcel is grossly undersized for the zone that it's in.

Mr. Glover: How many stories is the building?

Mr. Swift: The building will be one story. We're envisioning something along the nature of a light industrial type of a building. The grades raise in the back of the building and what we'll do is use the back wall of the building as a retaining wall.

Mr. Glover: You obviously have city water and city sewers here?

Mr. Swift: Yes we do

Mr. Cavallaro: Will it be a metal structure building?

Mr. Swift: No, it will be a masonry type of a structure. We did have a meeting with other departments, Planning and Zoning for instance, on the development of the property. They are aware of this project and are sympathetic to our plight but, they'll have authority over our site plans so

Mr. Glover: They'll, they will have input on the aesthetics of the building

Mr. Swift: Correct

Mr. Conklin: The parking does fit the size of the building?

Mr. Swift: Yes it does, it does, it fits for a light industrial, that sort of use. I think we have, 6 spaces were required for many of the uses, and we're able to get 14 spaces.

Mr. Glover: Alright, so your hardship is that it's an industrial zone and a piece of property that's too small

Mr. Swift: correct

Mr. Glover: for an industrial use building and it's the incorrect zone for a residential use

Mr. Swift: That's correct

Mr. Glover: So you have no other use if you don't put an industrial building in there

Mr. Swift: That is correct

Mr. Cavallaro: What is the property behind it?

Mr. Swift: The property behind it is primarily vacant. To this side and to the rear is vacant land. It's got some topography; I think you can see from the picture. You know, we did consider, made some efforts to contact them, but

the gentleman is, is hard to, hard to get ahold of. If you look at the vicinity map, you can see that the parcel that is behind us and adjoins us is at the end of Oliver Terrace and it's a fairly large piece of property. The recycling I think is a little bit farther back. That driveway extends to there, because we were, we were originally interested in buying some of the land adjacent to this, to see if we could get a little bit more room

Mr. Conklin: due to the topography, this really isn't much of a connection

Mr. Swift: It really isn't, which is why we thought we might have some success in obtaining that parcel, but we weren't able to contact the gentleman so (unclear)

Mr. Glover: Do you know how the building will be used?

Mr. Swift: It's, it's a speculative right at the moment, but again, some sort of a light industrial use. Contractor yards per se, are not allowed in this zone so we wouldn't be going in that direction, but some sort of a light manufacturing or other, something like that.

Mr. Jones: If you're going to be manufacturing, things have to be delivered in and delivered out, is there

Mr. Swift: just more assembly

Mr. Jones: But how would you access the building

Mr. Swift: Correct, yeah, if we did go to something like that, some kind of manufacturing, because we have so many extra parking spaces from what the regulations require, we would take out some parking spaces and put in a service area (unclear). What we were really concentrating here is the only issue that we need the variances for is to basically, the building setbacks are our biggest problem. So in order to have some, some ability to do anything with the site, you know, that's pretty much where we have to start.

Mr. Conklin: and it would be the responsibility with Planning and Zoning for them to back an 18 wheeler into that right?

Mr. Swift: Correct, yeah, we cannot use the road or anything like that

Mr. Conklin: yeah, that goes with site plan

Mr. Swift: and frankly, that kind of manufacturing is probably not, not in the cards, maybe something a little lighter where there's you know, maybe smaller trucks or something, but you know, anything of that magnitude this is too small.

Mr. Glover: What is the dimension of the building, Jim? The footprint?

Mr. Swift: Let's see,

Mr. Jones: looks like 78 x 53

Mr. Swift: Here it is

Mr. Glover: Oh sorry, 78 x 53, thank you. Commissioner Jones was thinking about, asking about fire equipment, how would you get around it if there was a fire?

Mr. Swift: It would be up to the building code that, it would have to meet a certain building code that you didn't have access around certain portions of the building. Frankly, I'm not an expert in that, but it's one of the things that occurred to me it might have to be sprinklered if you don't have access, but the building code does address it.

Mr. Glover: So between the fire marshal and the building official, they will take care of that

Mr. Swift: they will take care of that and it is, there is provisions for that in the building code.

Mr. Glover: Any other questions from the Board?

Mr. Cavallaro: you're saying the back is going to act as a retaining wall, is that all the way across?

Mr. Swift: yeah, yeah, it would be probably a third of the rear on the sides and then all the way across the back. And it would be a high bay type of a building so that the grade would not go all the way to the roof, you know, just for safety and other things, that essentially, that from the roof to the grade in the back.

Mr. Cavallaro: (unclear) on a high bay building

Mr. Swift: well no, 6 to 8 feet from the roof line down to the grade

unclear – talking at once

Mr. Swift: so if we had an 18 or 18 foot high bay building, you know, this retaining wall in the back would be 10 feet

Mr. Glover: because you're going up 10 feet into the back

Mr. Conklin: that's 14 feet from here to here, (unclear)

Mr. Swift: It is, it's a challenging little site, no question. But again, the Planning and Zoning Commission I think in discussions have an interest, you know, but they'll be pretty rigorous to make sure that we don't impact our neighbors negatively and this is the veterinary by the way.

Mr. Glover: Okay

Mr. Conklin: So what you're saying is the back retaining wall has got to be at least 14 feet on that building

Mr. Swift: I think, I did a preliminary grade plan, it was more like 8 to 10 feet of retaining wall

Mr. Conklin: because this is 14 right now

Mr. Swift: Uh huh

Mr. Cavallaro: This is 48 Todd Road? The next building is an office building, the veterinarian's on the other side isn't it?

Mr. Swift: I'm sorry, you're right, I stand corrected. I do stand corrected. (unclear)

Mr. Glover: Any other questions? (No) Anyone in this room in favor of this application? (no response) Is there anyone opposed? (yes) Would you come forward sir? Give your name and address for the record.

Mr. James: My name is Joshua James, I reside at 150 Elliott Street in Stratford, CT. I'm here representing PIM, Inc. at 60 Todd Road, the neighbor. They're concerned that, they would like to, they don't want the setbacks to go through, they want them to remain at 25 feet. They're concerned about trash overflow, construction overflow. They just don't think that the parcel of land with the topography as it is would warrant, we don't think there's a valid hardship to be claimed here. They believe that you should pretty much find another parcel or build a smaller building.

Mr. Cavallaro: So you're saying 60 Todd Road?

Mr. James: 60 Todd Road

Mr. Cavallaro: So that's the other side, because this is 48 and that's 50 and 60's down there?

Mr. James: 60's right, 60's right here

Mr. Glover: Is that that blue building, or blue/gray building?

Mr. James: yeah

Mr. Cavallaro: I thought that was 50 Todd Road

Clerk: Could you spell your last name for me?

Mr. James: J-A-M-E-S

Clerk: Sorry, I just didn't hear it.

Mr. Conklin: are you the owner?

Mr. James: I'm representing them

Mr. Conklin: do you have a letter saying that you're representing them?

Mr. James: No, I do not.

** inaudible while board reviews and discusses **

Mr. Glover: So you'd have to go up like 35 ft. narrower at this point.

Mr. Jones: the other one would have to come in there too.

Mr. Conklin: The building would have to be a trapezoid and be narrow

Mr. Swift: Yeah, it would, it would

Ms. Adanti: Do you have a tenant, I mean do you have someone in mind that you're building this building for?

Mr. Swift: Not at the moment

Mr. Glover: What size building do you think you could get on this and still stay within the setbacks? To the right of the building

Mr. Swift: If we were, if we were talking about all of the setbacks,

Mr. Glover: You probably have 20 feet in the front right corner, and your back corner you probably have another 15?

Mr. Swift: I'm just, I'm just estimating just by eye what the building shape would be, you know, when you're down with this kind of a scale, you know, you don't want to go too crazy making strange shapes in the building, you know, it loses all efficiency inside with columns and such, but it would probably be 2/3 the size, something along that magnitude

Mr. Cavallaro: (unclear) where does the 25 come in

Mr. Swift: That would be the solid dashed line that you see there

Mr. Glover: So in width it would be like probably 35 or 38 feet less in width, so it'd be about 40 feet wide and in depth it would 4 1/2, yeah like 40 x 40? Maybe 40 x 45?

Mr. Swift: Yeah, 40 x 45, maybe a bit more

Mr. Glover: Yeah, so a building 40 x 45 wouldn't be big enough to do anything would it?

Mr. Swift: no, that's a garage

Mr. Glover: Anything else?

Mr. James: all set

Mr. Glover: Okay, anyone else in opposition? (no response) Any final comments or questions for Mr. Swift?

Mr. Swift: Can I speak?

Mr. Glover: Yeah

Mr. Swift: Okay, yeah, I have a couple of concerns about, about the nature of the objection, certainly do take it seriously, but the issues that were stated as the basis for the objection don't really have anything to do with the proximity of the building to the adjacent properties, as far as trash or anything like that. You know, they kind of go with the territory whether the building is 10 feet away or 25 feet away. And secondly, through the Chair, you know I just question what the authority of the gentleman is to make representation if he's not the owner or doesn't have any documentation

Mr. Glover: Yeah, it's a valid point. Okay, anything else?

Mr. James: Can I speak to that?

Mr. Glover: Sure, go ahead.

Mr. James: I'm a member of one of the a, I'm the agent of one of the, real estate agent, I'm a real estate agent that's representing 60 Todd Road, for PIM, Inc.

Mr. Glover: Alright, any final comments from the Board? (no) Then I'll declare the hearing closed. Thank you.

Mr. Swift: Thank you.

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

#1213-3 "In the application of Kaptodd, LLC of 10 Everett Road, Easton, CT, for a certificate of approval for a 78'x53' commercial structure of 4200 square feet and associated parking lot to be located on the property of the applicant at 48 Todd Road, IA-3 zone, and which requires reductions in the setbacks from the rear property line, right side yard and left side yard,

The application for variances is approved.

Inasmuch as the lot is located in an industrial zone; however, the unique small size and shape of the lot prohibit the development of the lot for industrial purposes without any variances; and

Inasmuch as any residential use is not allowed; and

Inasmuch as the building seems to be a modest size for a commercial structure, and

Inasmuch as a site plan will be required by the Planning and Zoning Commission

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of variances in the minimum setbacks from the rear property line from 25 ft. to 10 ft., and from the right and left side yards from 25 ft. to 10 ft. at the above is granted (Section 24, Schedule B, Standards 8 & 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."

#114-1 3 Princess Terrace, Ygor and Adriana Oliveira of 3 Princess Terrace, Shelton, CT are seeking to waive Section 24, Schedule B, Standard 9 by varying the setback from the right side yard from 30 ft. to 20 ft. for a 15x30 above ground pool.

Mr. Glover: We have a brief recess. These people have applied 3 or 4 months ago and had a continued hearing and missed the continued hearing. So because we have to act on it within 60 days, we were required to deny the variance. So

now they've reapplied, and Lori's going downstairs to make sure they're not sitting in the auditorium where we usually meet. She's going down to make sure they're not there. In any event it would be my intent because we continued this meeting, postponed the meeting, to continue this for another month so we can get in touch with these people. This is their second time around.

Clerk: No one there

Mr. Glover: Thank you Lori. For the record, these people aren't here. We're going to continue the hearing because there may be some misunderstanding about it being postponed.

#114-2 66 Sunnyside Drive, David & Janice Gombas of 66 Sunnyside Drive, Shelton, CT are seeking to waive Section 24, Schedule B, Standards 8, 9 and 11A by varying the setbacks from the rear property line from 30 ft. to 15 ft. and from the left side yard from 15 ft. to 8 ft., and an increase in the maximum lot coverage of accessory structure as a percent of lot area from 5% to 9.6% for a 24x30 detached two car garage.

Mr. Glover: Give your name and address for the record please?

Mr. Gombas: Hi, David Gomas of 66 Sunnyside Drive

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

Mr. Gombas: I do and I have two letters from the neighbors.

** inaudible discussion of whether we need the large map instead of the small map **

Mr. Glover: Does the big one have a seal on it?

Mr. Gombas: Yes

Mr. Glover: Yeah, let me have the big one then. I'm assuming this is an A-2 survey?

Mr. Gombas: Yes

Mr. Glover: You don't have to open it up, just, I just need a copy of it for the record. Thank you, Phil. Alright, tell us what you want to do and why you can't comply with zoning regulations please?

Mr. Gombas: I want to build a two car garage to park my vehicles in. I can't comply because I'm in an R-3 zone and my lot is undersized for the size of the lot area. I have a septic system and I have city water. And I have an oak tree in the back of the house that I'm trying to preserve, that I don't want to take down.

Mr. Glover: Where's the septic system sir?

Mr. Gombas: the septic system would be, from in the house it's on the right hand side in the driveway

Mr. Glover: Alright, under where it says temporary garage?

Mr. Gombas: No, that's the, that's the side I want to put the garage on. The temporary garage will be removed

Mr. Glover: so it's near the shed. It's on the side where the shed is?

Mr. Gombas: Correct, it's actually up further on the side of the house

Mr. Glover: Yeah, I see it. I'm sorry, I just didn't see it, it's on the map. Alright, so your septic system is on that side of the house

Mr. Gombas: yes

Mr. Glover: And you have a tree in the back

Mr. Gombas: Yes

Mr. Glover: and you have a big shed with ramps and steps and everything in that corner, what's that?

Mr. Gombas: Uh, it's a couple of sheds that were patched together at one time, just to make them look better and I use them to put my motorcycle in and out and a lawn tractor

Mr. Glover: How long have they been there?

Mr. Gombas: Oh for quite some time, they were built before I came to the property and I've owned the property for 23 years

Mr. Glover: Okay. So you're going to get rid of the temporary tent

Mr. Gombas: correct

Mr. Glover: um, which looks like it's probably about 3 feet from the property line

Mr. Gombas: yes

Mr. Glover: And you're going to put up a garage in the back which is going to end up being 8 feet from the property line

Mr. Gombas: correct

Mr. Glover: So we're going to get rid of a ugly tent

Mr. Gombas: yes

Mr. Glover: which is going to make the neighborhood look better and we're going to get a garage that is further, setback further from the property line

Mr. Gombas: correct

Mr. Glover: Is it a one story garage?

Mr. Gombas: I'm hoping to do a little, not a complete full above it, but partial up on the top for storage.

Mr. Glover: Okay, is there going to be any water to the garage?

Mr. Gombas: no

Mr. Glover: electricity to the garage?

Mr. Gombas: no

Mr. Glover: Okay, so you can't, there'll be no living space above the garage?

Mr. Gombas: no, just all storage

Mr. Glover: Okay. And there is no other place to put this that can conform

Mr. Gombas: No

Mr. Glover: because if you moved it more toward the center of the lot, you wouldn't be able to get a car in the garage

Mr. Gombas: correct and I would have to take the tree down and I'd be uprooting the tree system if I take the tree down. And I might as well move out because my wife would get rid of me.

Mr. Glover: Is that a good thing?

Mr. Gombas: no, it's not

** inaudible – everyone laughing **

Mr. Glover: Alright, any other questions from the Board? (no) Is there anyone in the room in favor of this application? (no) We have a couple of letters here someplace.

James read the following letter:

1/16/2014

TO WHOM IT MAY CONCERN;

I, JASON CURTIS, OWNER OF
70 SUNNYSIDE DRIVE, Shelton, CT 06484
APPROVE AND HAVE NO OBJECTION
TO PROPOSAL OF WORK TO BE
DONE BY OWNERS OF
66 SUNNYSIDE DRIVE, "GOMBAS"
Shelton, CT.

Thank you.
Jason Curtis

RECEIVED
JAN 28 2014
ZBA Application

Mr. Jones read 2nd letter:

To Whom it may concern

- MR. & MRS Paul & Diane Reilly of 62 Sunnyside Drive Shelton Ct 06484

Have no objections to the proposed Garage that Mr & Mrs David & Janice Gombas of 66 Sunnyside Drive Shelton Ct 06484 want to build,

Paul Reilly 1-16-14
Diane L. Reilly 1-16-14

Mr. Glover: In case I didn't make note of it for the record, we do have the receipts and we do have pictures. Anyone in favor of this application, other than the two people who wrote in it? (no response) Anyone in, that is opposed to this application? (no response) Any opposition? (no response) Final questions or comments? (no) Then I declare the hearing closed. Thank you.

Mr. Gombas: Thank you.

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

#114-2 “In the application of David & Janice Gombas of 66 Sunnyside Drive, Shelton, CT, for a certificate of approval for a 24x30 detached two car garage to be located on the property of the applicants at 66 Sunnyside Drive, R-3 zone, and which requires reductions in the setbacks from the left and rear property lines, and an increase in maximum lot coverage of accessories structures as a percent of lot area,

The application for variances is approved.

Inasmuch as it is the only place on the property the garage can be located due to the location of the septic system; and

Inasmuch as the structure will be located farther away from the property line than an existing temporary tent structure which will be removed; and

Inasmuch as a two car garage is in harmony with the area,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of variances in the minimum setbacks from the left side yard from 15 ft. to 8 ft., and from the rear property line from 30 ft. to 15 ft., and an increase in maximum lot coverage of accessory structures as a percent of lot area from 5% to 9.6%, at the above is granted (Section 24, Schedule B, Standards 8 , 9 and 11A) in this instance.

This certificate of approval is contingent on: 1. The applicant removing the existing temporary tent garage structure currently on the property. 2. The garage shall contain no living space. 3. No commercial business shall be conducted out of this garage.

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.”

#114-3 80 Perry Hill Road, Ben Perry of 689 Long Hill Avenue, Shelton, CT is seeking to waive Schedule A, Lines 1 and 2 to allow two dwelling units on a lot by allowing the conversion of an existing barn into two dwelling units.

Mr. Glover: Okay this is a, first of all give your name and address for the record please?

Mr. Perry: Good evening ladies and gentlemen, Benjamin Perry of Shelton, CT, 689 Long Hill Avenue, Shelton, CT.

Mr. Glover: Okay, this is a use variance, for a permitted use. So let the record show that on January 2nd we sent a copy of this application to the Planning and Zoning Commission as required of their regulations. So they're aware of this use variance and they responded with a letter that Jamie will please read into the record.

Mr. Jones read letter:

 **City of Shelton**
Office of Planning and Zoning
54 Hill Street
Shelton, Connecticut 06484-3207

Richard D. Schultz, ACP
Planning & Zoning Administrator

Patrick J. Tsi, MPA
Asst. Planning & Zoning Administrator / ZEO

Thomas Dingle
Zoning Enforcement Officer

203-924-1555 Ext 18
Fax: 203-924-6990
Email: r.schultz@cityofshelton.org

MEMORANDUM

RECEIVED
JAN 28 2014
ZBA Application # 114-3

To: Gerald Glover, Chairman
Board of Zoning Appeals

From: Richard D. Schultz, Planning and Zoning Administrator *R.D.S.*

Date: January 17, 2014

Re: ZBA Application #114-3: 80 Perry Hill Road

The Shelton Planning and Zoning Commission at their January 14, 2014 meeting received and discussed pending ZBA Application #114-3 for a use variance to allow the conversion of the existing barn into two (2) dwelling units while maintaining a separate detached single family dwelling on the same parcel located at 80 Perry Hill Road. This review was made pursuant to Section 4.4.5 of the Zoning Regulations.

After discussion and review of the application, the Commission noted the following:

1. The proposal should not negatively impact the residential quality of the neighborhood and should not conflict with the general purpose and intent of the Zoning Regulations. It was noted that the previous agricultural use within the barn will cease and desist permanently upon approval of this variance.

Mr. Glover: Okay, Mr. Perry, tell us what you're doing

Mr. Perry: I have a parcel of property at 80 Perry Hill, which is an existing, I mean, back in the day it was the Benjamin Block slaughter house as they called it. It consists of two pieces. It's a single family dwelling where the house is 1,000, approximately 1100 square feet. The barn, the footprint of the stone barn in back, it's near the golf course up on Perry Hill Road, it's roughly 42 feet wide by 60 feet deep with a, off the back structure was a corral. It has three floors in it, it had three floors in it when I purchased the property, so it's about 2400 sq. ft. per floor. My original intent was to divide the property and to do the front home and store some cars in the uh,

Mr. Glover: back?

Mr. Perry: back, um, that's pretty much what I'm going for

Mr. Glover: How did you decide to make apartments in it?

Mr. Perry: Well, when I approached some of the neighbors and told them my intent, which I have a bunch of letters here from the surrounding neighbors, there was a big problem with misconception. They thought the property would be used for a commercial business, which I have no intent of doing that. There was a lot of talk of people in the construction company as it was listed in the, with the realtor it was listed as a commercial piece of property. There was a little confusion as far as the zoning was concerned because the City of Shelton has it as an R-2 zone, and in fact it's an R-1 zone, so there was a little misrepresentation on the field card which has no bearing on either or, but, in speaking with the surrounding neighbors, I asked them the general consent about possibly putting apartments rather than doing commercial out of there. I mean, obviously commercial wouldn't fly there, and none of them had an issue. When I purchased the property it was pretty much blighted, it was run down, I don't know if any of you have seen the property up on Perry Hill it was, you know it was a mess. There was a lot of trash around it. There was a lot of cleanup that had gone into as well. So I'm simply before the Board to see what I can do. The hardship is, you know, it's a single family dwelling with, you know roughly 7500 sq. ft. barn with pretty much no use in the area that it's in.

Mr. Glover: Do you have city water there?

Mr. Perry: There's not city water, there is well water there. There are two wells on the property. I had the well tested, it didn't, it came back a little low. I had the well actually pounded in the front of the house or drilled out. They had gone down 360 feet and it's producing 18 minutes, 18 gallons per minute

Mr. Glover: Okay

Mr. Perry: There is city sewer there for the front and back parcel which was actually there when I purchased the property.

Mr. Glover: Are there two connections for it?

Mr. Perry: One, there's one connection

Mr. Glover: there's one lateral to it

Mr. Perry: Yes

Mr. Glover: So the barn would be, the apartments would be going through the same lateral

Mr. Perry: Yes, it's, to my understanding with the little bit of yard, looking at it to the left hand side, it comes in off the left hand side, it ties in off the left hand side of the house and continues to the back.

Mr. Glover: How big is the parcel?

Mr. Perry: It's 1.6, or 1.57, or 1.6 I believe

Mr. Glover: yeah, 1.51? Are there any other apartments in the area?

Mr. Perry: I believe the, the parcel next door is R-1 and that is owned by Kathleen & Eric DeMarco and they also live next door to that as well.

Mr. Glover: But there's two lots there

Mr. Perry: There is two lots, yes

Mr. Glover: and so it's two, two single family houses, one may or may not be rented

Mr. Perry: But you know, I'm not sure, I want to say the one to the right of me is, I believe a two family, I'm not sure

Ms. Adanti: Aren't there two families coming up Perry Hill?

Mr. Perry: Yeah, within, within literally, I think right passed the Intermediate School, I'm sorry, the old Intermediate School, I believe that's an R-3 zone

Mr. Glover: I don't know, I'd have to look on the map

Mr. Perry: Yeah, I'm not, I believe that's an R-3 zone going up and as you go up the hill actually it turns into an R-1 zone for maybe three or four houses up on Perry Hill, 78, 80 and 88 and DeMarco's property which is 88 is R-1 and then after that, up through the golf course, the next parcel, which is 5.47 acres is half R-1 and half R-2 and then that starts again, as you said,

Mr. Glover: R-2?

Mr. Perry: yes

** Inaudible **

Mr. Glover: Okay, the other one is an R-2 zone right?

Mr. Perry: yeah

Mr. Glover: So the adjacent properties to you are they R-1 or R-2?

Mr. Perry: R-1

Mr. Glover: And in back of you it's R-1?

Mr. Perry: yes

Mr. Glover: So you're surrounded by R-1

Mr. Perry: I'm surrounded by R-1 but, the houses directly after that to the left which are the golf course, the Intermediate School, then and I believe the city owned parcel the next house is a multi-use and up on the corner is a multi-use, so it's kind of a weird configuration of property they got up there, you know. I have letters

Clerk: we have to get his pictures and receipts

Mr. Glover: Oh yeah, I need your pictures and your receipts, I'm sorry.

Mr. Perry: These are the immediate neighbors, these are to the left of me. They have two different last names, Ian and Ruth have different names; Mr. Zoppi is directly behind me and Mr. DeMarco is to the right and he owns both parcels. These are other neighbors on Perry Hill and in local, in the vicinity that (unclear)

Mr. Conklin: You are actually putting an addition on that barn?

Mr. Perry: Excuse me?

Mr. Conklin: Are you putting an addition on that barn?

Mr. Perry: The footprint of the barn, is that's as you see the footprint of the barn, all I did was enclose one side

Mr. Conklin: Well, this is newly poured concrete?

Mr. Perry: Yeah that was all existing, that's all existing around the barn

Mr. Cavallaro: existing, in terms of years?

Mr. Perry: yeah it was a (unclear) the structure of the property

Mr. Conklin: I mean this was an enclosed area of that barn?

Mr. Perry: Excuse me?

Mr. Conklin: this was an enclosed area on that barn previously?

Mr. Perry: This here?

Mr. Conklin: yeah

Mr. Perry: No, no but this was the, this here all the, there was a lot of overgrowth around here. This was taken down and this was the old corral, this is the existing roof on, I think you can see it better in a different picture. The existing roof, this was all the corral underneath here

Mr. Conklin: But there were no walls

Mr. Perry: No. There was an existing steel roof on there with partial walls that went up like 3 ½ feet.

Mr. Glover: It's a big building isn't it?

Mr. Conklin: Yeah, it's a big structure

Mr. Perry: Very well built too

Mr. Jones: So what was your plan for this if you've already started to put a lot of work into here and

Mr. Perry: I have a lot of antique cars and I was going to use the back part, the corral part, just for storage of vehicles. I have like 14

Mr. Glover: Did you have any trouble getting dumpsters?

Mr. Perry: No

Mr. Glover: Alright, so the area in the back is still going to be used for cars, but the stone structure is the apartments?

Mr. Perry: Actually, it's the second, there's three floors, there's actually three original floors in that barn. I heard so many stories going around how they used to bring the animals in, where they brought them and how they butchered them. There were three floors. The top floor was used to store hay. The second floor was actually where they brought the animals in and the first floor was like a big cooler section, that's still in existence in the barn. So it's basically, it's the second and third floor. Partial second, I'm sorry, partial second and the whole top.

Mr. Cavallaro: So the bottom's still going to be used to store cars

Mr. Perry: Yeah

Clerk: Hold on

Tape had to be changed

Clerk: Go ahead

Mr. Cavallaro: So the bottom floor is still going to be used for cars, but I thought you said earlier that your neighbors had concerns about the fact that the cars were going to constitute a commercial use

Mr. Perry: No, no, no, I'm sorry, commercial use; they were intended like, when the property was listed, it was listed as a commercial use for a landscaper or a builder, but they had no, they had no issue with, actually the gentleman, two of the gentlemen that live there, the gentleman behind me actually collects cars as well. And down the side road where Spinelli had built the side road back to the left, he was actually a, he builds vehicles himself. They had no issue, I'm sorry, they had no issue with that, they just thought it was going to be used for a commercial, meaning heavy equipment, excavators, loaders, dozers, things of that nature, I'm sorry if you misunderstood.

Mr. Glover: It's a beautiful building. It's a big building.

Mr. Cavallaro: What's going on top of that? More building?

Mr. Perry: No, that's actually the, that was the corral that you had asked earlier. That was the original footprint of the corral and they had, there was like 3 foot walls that went around and the topography of the property actually, the topography of the property actually went up and around. That was the natural grade of the property, all I did, I just did some clearing in there and um,

Mr. Conklin: that looks like a platform, are you going to build on top of that?

Mr. Perry: No, no, no, I'm not building on top of that

Mr. Cavallaro: What kind of roof are you going to do, just a flat roof?

Mr. Perry: Yeah, it's a flat roof, there's a flat roof on there now. Actually, it was the original roof back when they built it to keep the animals out of the a, obviously I'm going to put a new plywood roof on the top of it.

Mr. Cavallaro: And that's where the cars are going to go?

Mr. Perry: yes

Mr. Cavallaro: And what about the front half of that garage? Another apartment?

Mr. Perry: No, storage

Mrs. Adanti: No cars?

Mr. Perry: No more cars

Mr. Glover: We have a letter, another letter in the file which we'll read into the record.

Mr. Jones: I'm going to do my best to read this:

To - Shelton Board of Zoning Appeals
Date - Jan 15, 2014

RECEIVED
JAN 28 2014
ZBA Application # 114-3

My name is Victor P. Cook Jr. & reside at 25 Kings Highway Shelton. I have lived within a 1/2 mile radius of the former Block Home & Slaughterhouse located at 80 Perry Hill Road for 45 plus years.

I am in Favor of A CERTIFICATE of appeal AS requested by Ben Perry of 689 Long Hill Avenue to convert the barn into two apartments.

Ben has already completed remodeling & RECONSTRUCTION of the former Block Home and has done an excellent job. I know that he will remodel the barn in similar fashion. Ben has a very good background in the building & re-modeling field and is a very ASTUTE young BUSINESSMAN.

I know that with grading & landscaping the property will greatly enhance the neighborhood.

I hope the Board of Zoning Appeals look's favorably on the requested Variance.

V.P.C.

Mr. Glover: Is that from your brother?

Mr. Perry: No (unclear) my brother wouldn't write that

Mr. Cavallaro: What's the electrical service in this building?

Mr. Perry: that was actually a new service that was put up

Mr. Cavallaro: three phase or single?

Mr. Perry: single phase. The UI actually had to come out, they put it up. The service that was there, how do I put this,

Mr. Glover: probably a 60 amp

Mr. Perry: No actually, the service that was there was actually a little too big

Mr. Glover: Oh really?

Mr. Perry: Yeah, they had to come in and they actually down sized it.

Mr. Cavallaro: but it's not three phase

Mr. Perry: No

Mr. Glover: Alright, is there anyone in this room who is in favor of this application? (no response) Is there anyone who is opposed? (no response) Any opposition to this application? (no response) Alright, Mr. Perry, this is a very difficult application. I have been on this Board for almost 30 years. We've never had in an R-1 zone, we've never created two buildings, two residences to, two dwelling units on a, in an R-1 zone. I mean, in fact, in maybe 10 years ago we weren't even allowed to have in-law apartments.

Mr. Perry: It's, it's kind of like a white elephant

Mr. Glover: It is a kind of a white elephant and what I'd like to do is I'd like to have a couple commissioners come and take a look at it.

Mr. Perry: Absolutely.

Mr. Glover: I'd like to continue it to next month, but I would like two commissioners to come, at least two commissioners to come look at it at the same time, I think it's important legally. It doesn't look good for one to come there and I want to make sure that we know what we're doing before we do it.

Mr. Perry: No, I understand, I appreciate that

Mr. Glover: I'm a little surprised that the Planning and Zoning Commission has endorsed the idea, because they would usually be the ones that were screaming at us

Mr. Perry: No, I apologize, I didn't know if you wanted me to go into it, I actually spoke to Rick Schultz. It was, Rick Schultz, Tom Dingle and Pat

Mr. Glover: Tisi?

Mr. Perry: Pat Tisi, yes, Pat lives around the corner. Rick was very interested and wanted to come out and take a look at the property. I said Rick, any time you want feel free, stop by. Rick had stopped by with Tom Dingle, we walked and I (unclear) and actually he got wind of, I don't know how it happened, but Rick had given me the phone call I got a call from the Huntington Herald and they actually want to do a story on the property. So he said do you mind if they come out. I said, "Listen," I says, "Rick," I says, "You know, when it's done." I says, "Absolutely, I'd love to have them up there."

Mr. Glover: So I'd like to continue the hearing so that we can do that, because we would have to find a real good reason because anyone else who had an R-1 in the town, then the doors would be open for them to come and say I want an apartment; not an in-law apartment, I just want an apartment.

Mr. Perry: I understand, but I thought it would be maybe a little, correct me if I'm wrong, I don't know, it's a pre-existing structure on, you know,

Mr. Conklin: Did any people live in it before?

Mr. Perry: I don't know to be, I honestly don't know

Mr. Conklin: It was a slaughter house, I don't think so

Mr. Glover: No

Mr. Cavallaro: Technically it's a house with a big barn, which isn't uncharacteristic in this town. There are plenty of big barns, but not dwelling units in them. So it kind of creates definitely a problem.

Mr. Glover: Right

Mr. Perry: I think that's what Rick was getting at, when I spoke to Rick, he's like, you know, you have this single family structure with a pre-existing barn that's 60x40, three floors. He's like, you know, the town's trying to bring these things into conformity. How? I don't know.

Mr. Cavallaro: Well, it would be in conformity to be used as a barn, not as two living units plus storage.

Mr. Glover: Right

Mr. Cavallaro: So that would be the conformity. You know, this is setting a precedent which can cause a lot of problems.

Mr. Glover: But we, we don't set, the Zoning Board of Appeals never sets a precedent

Mr. Cavallaro: No, but

Mr. Glover: Planning and Zoning does, which is what shocks me with their letter because

Mr. Conklin: they sort of set a precedent

Mr. Glover: they just set a precedent

Mr. Perry: Well yeah, because they had gone through, they walked through. I know Rick Schultz and you know, a couple of the guys walked through.

Mr. Glover: Yeah, no, I understand. I'm not necessarily negative on this

Mr. Perry: No, no, no, I understand

Mr. Glover: But I think that we have a responsibility to do our due diligence

Mr. Perry: absolutely

Mr. Glover: because a few months from now when somebody else comes in and says I have a garage in my backyard and I want to convert that into a dwelling unit, and that can happen

Mr. Cavallaro: they may be a setting the precedent, but we're opening the barn doors.

Mr. Glover: Yeah, so I think we'll continue it and at least two of us will go and visit it. We'll find out when we can go there

Mr. Perry: Okay

Mr. Glover: And just so that we can be aware of what we might be doing

Mr. Perry: Okay, no, absolutely, that's a wonderful idea. I don't really think there's that, and I don't know, you guys would know better, if, is there a lot of these properties that are really out there?

Mr. Cavallaro: You've got a lot of properties with big barns

Mr. Glover: And you have a lot of properties with detached garages. It doesn't have to be a big barn.

Mr. Perry: No, no, no, I understand

Mr. Glover: And I just want to be cautious, that's all.

Mr. Perry: I understand that.

Mr. Glover: It's a beautiful building. I can see where it could lend itself to this use. You do have city sewers. You have a well that's got plenty of water. If it's got 18 gallons a minute you've got a real yield on that well. It's been tested

Mr. Perry: Yes

Mr. Glover: Okay, but, so you have the facilities. You have the infrastructure. I want to make sure that we go down this road the correct way.

Mr. Perry: I understand, absolutely.

Mr. Glover: So I'm going to continue this hearing until February. And in the meantime we'll get a couple guys to come up there. Anybody who wants to, come up and take a look at it. Thank you for your time.

Mr. Perry: Thank you. Are you going to get ahold of me, or do you want me to get ahold of someone?

Mr. Glover: what's your phone number?

Mr. Perry: (repeated phone number)

Mr. Glover: Ok, thank you

Mr. Perry: thank you very much.

Approval of Minutes

During the work session, upon motion of Commissioner Conklin and seconded by Commissioner Cavallaro, the Board unanimously voted to accept the minutes of the October 15, 2013 meeting as submitted by the clerk.

Election of Officers

During the work session, upon motion of Commissioner Cavallaro to keep the same slate of officers for 2014 and seconded by Commissioner Cavallaro, the Board unanimously voted to elect Gerald Glover as Chairman; Ralph Matto as Vice Chairman; and J. Philip Jones as Secretary.

Respectfully submitted,

Loreen Michalak, Clerk