

Board of Zoning Appeals – Hearing Room, Municipal Building 54 Hill Street, Shelton, CT.
Tuesday, September 18, 2012 at 7:30pm

AGENDA:

- #912-1 Paul Uhrynowski at 61 Sunrise Circle
- #912-2 George Christiansen at 4 Rosewood Lane
- #912-3 Mucci Construction, LLC at 5 Frank Drive, Lot #3
- #912-4 Scott & Lisa Todd at 7 Housatonic Rise
- #912-5 Dave Calhoun at 96 Old Dairy Lane
- #912-6 Thomas & Mary D'Addario at 42 Canfield Drive

Mr. Glover: Welcome to the September meeting of the Shelton Zoning Board of Appeals. If you cannot hear at any time, feel free to move closer to the table. We do not use the microphone in this commission because we have to look at exhibits such as maps and pictures and things like that and we can't do it when you're over there and we're over here. So, when you're called you'll come up to the table and we will have your hearing and discussion at the table. Anybody who's interested and cannot hear, come up and sit at the table at the same time, or just come up closer, or not. Whatever pleases you. If you have a cell phone on please put it on vibrate. We are having hearings. These are hearings. When you appear before us you are giving testimony. That testimony is recorded and then later in the month transcribed. This room is terrible for acoustics, so if you're going to have discussions please take them out in the hall because we will pick them up on the tape recorder and we won't have a clear record of the meeting. Present tonight, Commissioner Linda Adanti, Lori Michalak our clerk, I'm Gerry Glover. To my right is Commissioner Jamie Jones, to his right is Commissioner Ed Conklin and to his right is Commissioner Phil Cavallaro. We meet monthly to hear hearings for variances and appeals. Because it's an appeals board, there are five members, in order to be successful you have to get 4 votes. It's not a 3 vote, it's not a majority, it's 4 votes that you need get. Our regulations require that you have taken pictures of your property and have them to present tonight and that you have notified your abutting neighbors by certified mail. And when your hearing is called I will be looking for those pictures and those receipts and if you have them we will continue. If you don't have them we'll continue the hearing until next month. Jamie?

#912-1 61 Sunrise Circle, Paul Uhrynowski of 61 Sunrise Circle, Shelton, CT is seeking to waive Section 24, Schedule B, Standard 7 by varying the setback from the front property line from 40 ft. to 30 ft. for an 8'x25'5" covered porch.

Mr. Glover: Is the applicant here? Would you come forward sir and have a seat? Good evening

Mr. Uhrynowski: Good evening

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

Mr. Uhrynowski: My name is Paul Uhrynowski and I reside at 61 Sunrise Circle in Shelton, CT.

Mr. Glover: And Mr. Uhrynowski, can you tell me what you want to do and why you can't conform to the zoning regulations?

Mr. Uhrynowski: Okay, what we'd like to do is put a covered porch on the front of our house. And we would extend it out, we're asking for a 10 foot variance in the setback. The setback is 40 feet by the zoning regulations and we're looking for 30 feet, because of an irregular narrow lot and our septic system is in the back, the house was pushed close to the front of the street.

Mr. Glover: This is a very irregularly shaped lot, isn't it?

Mr. Uhrynowski: Yes sir

Mr. Glover: And this is the most logical place for a front porch isn't it, on the front of the house?

Mr. Uhrynowski: That is correct

Mr. Glover: Are there any other porches in the neighborhood?

Mr. Uhrynowski: Yes, there are

Mr. Glover: It's going to be an open porch, not closed in in any way?

Mr. Uhrynowski: No, open porch.

Mr. Glover: Okay. And your testimony is that there is no other place to put it

Mr. Uhrynowski: that is correct

Mr. Glover: Okay, any other questions from the Board?

Mr. Cavallaro: Does he have pictures or

Mr. Glover: Oh yeah, I'm sorry, good thing you asked.

Mr. Uhrynowski: I have the photos and here's the sign in the front

Mr. Glover: And you have the receipts too

Mr. Uhrynowski: and I have a copy of the notification letter

Mr. Glover: And these are all your abutting neighbors sir?

Mr. Uhrynowski: Yep

Mr. Glover: Any other questions from the Board? (no) Is anyone in this room in favor of this application? (no response) Is there anyone in this room opposed to this application? (no response) 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 Commissioner Conklin and seconded by Commissioner Cavallaro, voted unanimously that:

#912-1 "In the application of Paul Uhrynowski of 61 Sunrise Circle, Shelton, CT for a certificate of approval for an 8'x25'5" covered porch to be located on the property of Paul and Nancy Uhrynowski at 61 Sunrise Circle, R-1 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 property is an irregular shape lot and it is the only place the porch can be place,

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 40 ft. to 30 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."

#912-2 4 Rosewood Lane, George Christiansen of 140 Towne House Road, Fairfield, CT is seeking to waive Section 24, Schedule B, Standards 7 and 9 by varying the setbacks from the front property line from 40 ft. to 38 ft. and from the left side yard from 40 ft. to 7 ft. for a 20x45 accessory in-law apartment , 6x18 porch, 6x14-6 deck and 20x24 second floor bedroom, bath and storage.

Mr. Glover: Good evening

Mr. Christiansen: Good evening

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

Mr. Christiansen: George Christiansen, Pequot Remodeling, 140 Towne House Road, Fairfield, CT.

Mrs. Purciello: Sharon Purciello, 4 Rosewood Lane, Shelton, CT

Mr. Purciello: Brad Purciello, 4 Rosewood Lane, Shelton, CT

Mr. Glover: Welcome. George, are you the spokesperson?

Mr. Christiansen: I am

Mr. Glover: Alright, can you tell us what you're doing and why you can't conform to the zoning regulations?

Mr. Christiansen: Mrs. Purciello's mother passed away recently and her father is planning on moving to Connecticut for health reasons and for personal attendance. And we looked at the lot, which is an irregular shaped lot and conforming to the restrictions and qualifications for an in-law apartment, this was the only possible place on the property and on the house that it could be attached to.

Mr. Glover: George, can I have some pictures and some receipts?

Mr. Christiansen: Yes. This is an elevation showing the property on the site and the location of the neighbor's residence which is up hill and you can barely see it, so it's quite far away. This is a, an A-2 survey that we had with the proposal for the addition

Mr. Glover: We have a copy of that

Mr. Christiansen: you have that one, this was the actual one with the stamp on it

Mr. Glover: you can keep that

Mr. Christiansen: And these are the pictures of the site. This is the front view from the road and you can see the sign on the window. This is the rear property view showing the location of the things that they have in the back, like the pool and the hot tub and the patio and the deck. And the location of the septic tank is all right in that area as can be seen on the plot plan. And this is a picture of the elevation which we would prefer to build onto because it's on the same level as the other sections of the house and it's the easiest to access for them for the elderly in-law. And this shows the elevations from the lower side by the driveway with the steep angled drop off on the irregular shaped lot. And this is just another view of the rear showing the side and from the lower side looking up at the rear of the building.

Mr. Glover: George, may I have the copy of those receipts that you've got there?

Mr. Christiansen: Yes, this is the five locations that we mailed them to, three responded

Mr. Glover: Are they all abutting, these are all your abutting neighbors?

Mr. Christiansen: Yes, those are the rear and the one side line lots. We do have a letter from the May's who live directly abutting that to the side where the setback is hopefully going to be permitted, and it's having them say that it's okay. We did have the septic engineer come out and we have now qualification for a 6th bedroom. And this is the affidavit that you're requiring for the Purciello's saying that it's going to be used for the purpose

Mr. Glover: We don't need that, zoning will need that

Mr. Christiansen: you don't need that, okay

Mr. Glover: Is the addition more than 900 feet?

Mr. Christiansen: No, it is right on the number.

Mr. Glover: Okay

Mr. Christiansen: It's 20 by 43 and that's the proposed elevation showing the front of the house, trying to keep it in character with the building. And also the Purciello's have a need of another bedroom for visitors so they were planning on putting a second, a fifth bedroom upstairs.

Mr. Glover: So the in-law apartment is on the, all on one

Mr. Christiansen: All on one level, accessible from the front and from the rear and as all pertinent to the qualifications of accessory apartments

Mr. Glover: So you have access from, from the house?

Mr. Christiansen: Yes, there's a locked door through a hallway and the chimney is in between where I put the stairway to go up to the second floor for visitors.

Mr. Glover: Now you, are you, you're citing your hardship as the topography?

Mr. Christiansen: Correct

Mr. Glover: And you're, and the shape of the lot, is that correct?

Mr. Christiansen: topography, the shape of the lot, the severe drop off, the location of the septic system, um, and the health issues of the in-law which prevents him from climbing stairs and he's in his 70's and has bad feet, so he cannot you know, traipse up and down a flight a stairs, to get from the parking lot access, they require two spaces which will be directly in front of the porch and the driveway area coming down from the side, over in this area

Mr. Glover: So you have another driveway in the front?

Mr. Christiansen: Yes, so he can access it with his vehicle, and there will be a ramp up onto the first floor. So there'll only be like two steps to get into the building from his location. And there is wetlands at the very bottom of this area, it doesn't really come into play, but everything drops off to the right of the front door, so it's impractical to build there.

Mr. Glover: I visited the site on Sunday, drove by, and can you tell the Board what the relationship is between this house and the house that you're encroaching on?

Mr. Christiansen: The neighbor's property I believe it's almost 175 to 200 feet away from the property line and there's a tennis court or something in the middle

Mrs. Purciello: The garden

Mr. Christiansen: the garden, so there's really no, it's quite distance as you can see on that elevated plan, satellite view. Here's their house. The addition is right on that line and the neighbor's property is way up the hill

Mr. Jones: This is that neighbor?

Mr. Christiansen: Yes, it is

Mr. Glover: Alright, so the neighbor that you're encroaching on, Jamie let's read that letter

Mr. Jones read letter: "September 14, 2012. Town Clerks Office, City of Shelton. Robert and Julia May, 10 Rosewood Lane, Shelton, CT 06484. To whom I may concern, We are the residents of 10 Rosewood Lane

and the owners of 10 Rosewood Lane. We would like for it to be known that we have no objection to the proposed building plans at 4 Rosewood Lane, for the reasons of an accessory dwelling for an elderly relative of Brad & Sharon Purcilello. Robert and Julia May.”

Mr. Conklin: This is one acre zoning

Mr. Christiansen: Right, but it's less than, it's .94 acre

Mr. Conklin: The neighbor's house next door also has a one acre lot

Mr. Christiansen: It's more than that though, it's 1.35 or, more than one acre

Mr. Conklin : It's less than 2 though

Mr. Christiansen: Yes,

Mr. Conklin: So it's not subdividable

Mr. Christiansen: I don't know if that's the case or not, we did not investigate that

Mr. Conklin: Well, actually, if it's less than 2 acres you can't subdivide

Mr. Christiansen: No, no. I think the subdivision went in 15 years ago and they cut the lots up pretty close to

Mr. Conklin: I was just concerned that if it was a 2 acre lot, they could've subdivide it with that large

Mr. Christiansen: No, but it is under that

Mr. Glover: George, will the, will the first floor of the accessory unit have any direct access to the second floor?

Mr. Christiansen: It is a locked door between, so where the chimney is is where the hallway from the main house and that other house to get up there. So, right in this area here. This is the connector you know, from the main one.

Mr. Glover: Right

Mr. Christiansen: But this is you know, it's a locked door, accessible door, but he can't climb, there's no way that he can

Mr. Glover: No, he can't, but our concern and their concern upstairs, meaning the Planning and Zoning Commission, is going to be whether this can become a two family house somewhere down the road. And if they were to leave this door open here, they could have a second bedroom, another housing unit here that would not become an in-law apartment, it would become housing unit that they could rent.

Mr. Cavallaro: There's also two front doors

Mr. Glover: Yeah, I don't think you can do that either, I think that's part of the regulation,

Mr. Cavallaro: right

Mr. Glover: that you can't have two front

Mr. Christiansen: I think the regulation stipulated that if there was no other access

Mr. Glover: Well, they'll pick it up upstairs and you haven't asked for that so we can't give you that. Uh, and

Mr. Christiansen: that area was a little tentative

Mr. Glover: Yeah, and it was reviewed by the Zoning Enforcement Officer, he didn't tell you, he didn't reference it as needing a variance, although, I think you probably do, but he hasn't said anything

Mr. Christiansen: Yeah, but I think the stipulation on it was that they prefer not to, but it wasn't out of the question if they needed to, otherwise he would have to access the building you know, at that 7.5 foot

Mr. Glover: or from the side over here

Mr. Christiansen: or from the side, which is possible, we can do that

Mr. Glover: The

Mr. Christiansen: I mean, the location of that door is

Mr. Glover: bottom line is when you get upstairs if they say we don't like that and you need a variance, you just have to put it over there

Mr. Christiansen: So we put a window in that location and we put the door on the side, but that's not really an issue for us. I don't get to design these too often

Mr. Conklin: Is there a problem with making the connection actually to the house here (unclear)

Mr. Christiansen: There is, there is utility stuff, oil flows and things like that in that location which is why I left it open. The oil tanks and things

Mr. Conklin: (unclear) to the house was here and this was a solid wall, that would eliminate the concern for the apartment

Mr. Christiansen: then we're going to have um, the um, again, I didn't want to enclose that because of the oil tanks and the accesses to the basement with service, I think the service comes into that corner, the electric service

several talking at once

Mr. Christiansen: Also visually, I think if I (unclear) a little bit for the (unclear) up in the front

Mr. Glover: Linda, did you see the picture of the, the rendering of the front of the house?

Ms. Adanti: I did

Mr. Glover: Want to make sure you're not left out. Alright, so you have, there are topographical problems, you do have a location problem in that if you're going to do this it has to be in this place, it can't be anyplace else. And the adjacent neighbor, or the abutting neighbor, the one you're encroaching on, has written us a letter that says he has, he or she has no problem and they are located more than 100 feet

Mr. Christiansen: correct

Mr. Glover: from the property line. My only issue is the access to the second floor. I know you need to have access to the second floor for the spare bedroom, but how to keep the second floor from not becoming a second bedroom and a housing unit, that's the issue and I think that

Mr. Christiansen: Well, I could, we could block that off and then have some type of an access, you know, this way into the house. You know, it's all location, location

Mr. Glover: Right, or you'd have to agree to a stipulation that the second floor is not part of this, of this house

Mr. Christiansen: I know I sign things for the City of Easton and whatever, that this will never ever be used for the purposes, you know, of having an accessory apartment on the second floor.

Mr. Cavallaro: How about eliminating the second door Gerry?

Mr. Glover: Which one?

Mr. Cavallaro: from the family room or living room, that stairway was open to the living room or family room, whatever that is

Mr. Glover: Oh, just leaving the door next to the, rear of the fireplace?

Mr. Cavallaro: Yeah, that's, it's part of the main house, (unclear) option part of the (unclear)

Mr. Christiansen: We could open the door up and make it a little bit wider. There is a window there currently and

Mr. Glover: Here?

Mr. Christiansen: Yes, and I was going to access it, you know, make it into an accessible, but we don't have to have a door on it

Mr. Glover: right, okay, so if we eliminated this door and just made it like a cased opening

Mr. Christiansen: Right

Mr. Glover: then, then the door that would be between the two apartments, or the two units, housing units, would be over here

Mr. Christiansen: Correct

Mr. Cavallaro: (unclear) the second floor

Mr. Glover: And that would be, yeah, then the second floor would truly be a part of the original house.

Mr. Conklin: What is this, there's a chaise way here

Mr. Christiansen: It's just open space, it's going to be a closet or something like that. It's where the chimney is, the chimney to the furnace is right in that location

Mr. Glover: It's part of your design to get you by the chimney

Mr. Christiansen: Correct

Mr. Glover: Alright, does that work for you guys? In doing that we are recognizing that that stairway and that hallway there is part of the house

Mr. Cavallaro: the main house

Mr. Glover: Yeah, because he could have more than 900 feet if we didn't do that.

Mr. Christiansen: That's fine

Mr. Glover: Alright, does the Board have any other questions? (no) Linda?

Ms. Adanti: No, all set

Mr. Glover: Any one in this room in favor of this application? (No response) Is there anyone who is opposed to this application? (no response) Any opposition? (no response) Final questions from the Board? (no) I'll declare the hearing closed. Thank you.

Mr. Christiansen: Thank you.

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

#912-2 “In the application of George Christiansen of 140 Towne House Road, Fairfield, CT for a certificate of approval for a 20x24 in-law apartment, 6x18 porch, 6x14-6 deck and second floor bedroom, bath and storage to be located on the property of Brad and Sharon Purciello at 4 Rosewood Lane, R-1 zone, and which requires variances in the minimum setbacks from the front property line and left side yard,

The application for variances is approved.

Inasmuch as the property is an irregular shape lot which comes to a point on the right, and

Inasmuch as the property is topographically distressed, and

Inasmuch as the addition cannot be located in the rear yard due to the existence and location of a swimming pool and septic, and

Inasmuch as the house of the adjoining neighbor that is being encroached on is more than 100 feet away, and

Inasmuch as the neighbor being encroached on has endorsed the plan,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of variances to the minimum required setback from the front property line from 40 ft. to 38 ft. and from the left side yard from 40 ft. to 7 ft. at the above is granted (Section 24, Schedule B, Standards 7 and 9) in this instance.

This certificate of approval is contingent on the second floor of the addition being part of and accessed from the original house structure, and shall have no access from the accessory dwelling unit to the second floor.

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.”

#912-3 5 Frank Drive, Mucci Construction, LLC, of 61 Armstrong Road, Shelton, CT is seeking to waive Section 45.6.1 by allowing an accessory dwelling unit in a house that is less than 5 years old.

Mr. Glover: Good evening would you please give your names and addresses for the record?

Mr. Mucci: I'm Barry Mucci and I reside at 61 Armstrong Road, Shelton, CT, a member of Mucci Construction, LLC

Mr. Glover: We've got to the third hearing and I'm remembering that we need receipts and pictures.

Mr. Mucci: Okay, well, before we go on any farther, um, my date that I had received this was on the 7th, and I didn't get my mailings out until the 10th which brings me to 9 days from today. And here's the

Mr. Glover: Was it posted?

Mr. Mucci: Yes

Mr. Glover: Okay. I think, does our regular say when it has to, I don't think our regulations say, it says you have to

Clerk: the placard has to be up

Mr. Glover: the placard has to be up

Mr. Mucci: Oh, okay, I didn't know if the mailings had to be

Mr. Glover: I don't think that the

Clerk: No, the 10 days is just the um, the placard

Mr. Glover: Just the placard, yeah, I mean it's an interesting question because you could send these yesterday, you could have sent these this morning, so we've never had that issue

Mr. Mucci: Well, I just wanted to bring that up, I (unclear)

Mr. Glover: Alright, so these are all your abutting neighbors?

Mr. Mucci: They are all abutting neighbors

Mr. Glover: Okay, alright and a pictures?

Mr. Mucci: do you want the a

Mr. Glover: pictures, I don't care about those, I just have to see that you've notified them

Mr. Mucci: These are the pictures and they're marked on the back, front, rear, sides. It's raw land right now so it doesn't really show you much

Mr. Glover: Alright, so this is a brand new house

Mr. Mucci: It's going to be a brand new house

Mr. Glover: Okay.

Mr. Mucci: Um, here's a copy of the letter that was sent out

Mr. Glover: Where is Frank Drive?

Mr. Mucci: It's off of Lisa Drive which is off of Wigwam

Mr. Glover: I know where that is. There's a smaller, three

Mr. Mucci: three lot subdivision. It's um, what they're doing is they're building a new home. I'm sorry, this is Pat

Mr. Glover: Did you, did they give their names and address?

Clerk: Barry did

Mr. Glover: Barry did, are you going to talk?

Mr. Testani: I'm Pasquale Testani, 23 Hearthstone Drive, Shelton, CT

Mr. Glover: Alright, Barry, tell me, I understand what you're doing

Mr. Mucci: (unclear) a new home for the Testani's and his dad had passed away and his mom lives with him now and they're looking to build a new home, so they, his brother and himself they bought two lots alongside each other over here, not realizing later on that the regulations call in the town that a new home can't have an in-law apartment until it's 5 years old and then after 5 years old you can have an in-law apartment. I mean, I didn't make it up, but it is what it is.

Mr. Glover: well, that's their regulation

Mr. Mucci: correct, so now I'm here in front of you to ask for that. His hardship is that his mother does live with him and the house is designed for it. I'm not looking for any setbacks

Mr. Glover: Tell me about the design, because it's always important in an in-law apartment

Mr. Mucci: you can see elevations and a floor plan, so you can see that it doesn't at all look like a, this is the front of the house

Mr. Glover: Where's the in-law apartment?

Mr. Mucci: The in-law apartment is going to be on the side there

Mr. Glover: behind the garage?

Mr. Mucci: Yes

Mr. Glover: Okay

Mr. Mucci: And this is the side elevation of that as well, so it shows you the front, and your side

Mr. Glover: Okay

Mr. Mucci: He is looking for a 3, a 4 car garage so, one is for his mom and three are for himself

Mr. Glover: I'm looking for a floor plan. Alright, you have a media room?

Mr. Mucci: Yes

Mr. Glover: a play room

Mr. Mucci: well

Mr. Glover: a guest bedroom, where is the in-law apartment?

Mr. Mucci: I'm sorry, right here, okay this is going to be her bedroom and this will be the kitchen and this media room is going to be the entrance from both garages and also would be the, her living room

Mr. Glover: Alright, so

Mr. Mucci: and she will have access to the deck

Mr. Glover: Alright, so she has a bedroom, a bathroom

Mr. Mucci: and a kitchen

Mr. Glover: a small, a kitchen and a sitting room

Mr. Mucci: Right

Mr. Glover: And it's not 900 square feet, not more than 900 square feet

Mr. Mucci: No

Mr. Glover: Okay, and it's, it's, there's nothing to keep it, it's all part of the house

Mr. Mucci: Correct, it's all

Mr. Glover: So basically, you have a second kitchen in a house

Mr. Mucci: Exactly, exactly

Mr. Glover: So this can never be misconstrued as a two family house

Mr. Mucci: right. This is the second story, I don't know if you need that

Mr. Glover: You can't get to it from the apartment?

Mr. Mucci: Not at all

Mr. Glover: How many bedrooms will you have?

Mr. Mucci: a total of four bedrooms

Mr. Glover: Okay and the septic system is designed for four bedrooms?

Mr. Mucci: Correct and I had already brought it up to Valley Health so, and they already approved it

Mr. Glover: Is it city water?

Mr. Mucci: city water

Mr. Conklin: How many bedrooms are upstairs?

Mr. Mucci: Three

Mr. Conklin: Three, so

Mr. Mucci: this will be the fourth

Mr. Conkin: this will be a fourth bedroom

Mr. Mucci: Correct

Mr. Conklin: so the bottom line is if you weren't putting a kitchen in, there wouldn't be a question here

Mr. Glover: Yeah, no

Mr. Conklin: I don't even know why it's a question

Mr. Glover: I don't either. The back right hand corner where it says guest bedroom, that's the in-law and the media room is her, like a living room, and that blank area in the back with the door is the proposed kitchen, it would be in there. So really it's just part of the house with a second kitchen

Mr. Conklin: Now, in that area where the playroom is, and I think there was like a half wall, that is going to be left a half wall or are you going to put up a temporary wall to split them apart

Mr. Mucci: Well, there's a doorway to split them apart

Mr. Testani: no, half wall that separates the kitchen and

Mr. Mucci: You mean to separate the kitchen

Mr. Glover: in the media room

Mr. Mucci: okay, yep

Mr. Conklin: Including that whole media room this is less than 900 sq. ft.

Mr. Mucci: Yeah, that's all, yes, absolutely

Mr. Conklin: I saw the half wall and I thought maybe you were trying to delineate something there

Mr. Glover: Can I go on while you guys are looking at that?

Mr. Cavallaro: This area here is not over 900 sq. ft.?

Mr. Mucci: No

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

Mr. Carlo Testani: Carlo Testani, 133 Thoreau Drive, Shelton, CT

Mrs. Testani: Kathleen Testani, 133 Thoreau Drive, Shelton, CT

Mr. Glover: That's a shock huh? And you think it's a good idea?

Mr. & Mrs. Testanti: Absolutely,

Mr. Glover: and because your mother is going to live with your brother

Mr. & Mrs. Testani: Correct

Mr. Testani: And they're going to live next door

Mr. Glover: alright, anyone else in favor? (no response) Is anyone opposed? (no response)

Mr. Jones read letter: "To: Gerald Glover, Chairman, Board of Zoning Appeals. From: Richard D. Schultz, Planning and Zoning Administrator. Date: September 18, 2012. RE: ZBA Application #912-3. The Shelton Planning and Zoning Commission at its September 11, 2012 meeting reviewed ZBA Application #912-3 requesting a variance of the five year restriction for the proposed accessory dwelling unit (in-law apartment) located at 5 Frank Drive. It is the opinion of the Commission that the applicant can hopefully show your Board that a unique and qualifying hardship is provided before it is granted.

As stated in an earlier letter to your Board, the Commission determined during the formulation and adoption of the Accessory Dwelling Unit Regulation that the 5 year requirement and other sections of the regulation were reasonable, consistent with the comprehensive plan of zoning for the entire community and would not have a negative effect on the safety, welfare and property values on adjacent neighborhoods. cc: Planning and Zoning Commission."

Mr. Glover: You said this was a three lot subdivision?

Mr. Mucci: Yes

Mr. Glover: And two of the lots are the Testani family

Mr. Mucci: yes

Mr. Glover: and do you have any idea who the third one is, or?

Mr. Mucci: Um, we're not sure yet, but I mean, because there's someone that's looking at it, a friend of theirs, but it's not sold yet

Mr. Glover: But in this subdivision, two out of the three people are in favor of this application?

Mr. Mucci: Yes

Mr. Glover: Okay. Alright, does the Board have any other questions? (no) Concerns? (no) Then I'll declare the hearing closed. Thank you.

Mr. Mucci: Thank you.

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

#912-3 "In the application of Mucci Construction, LLC of 61 Armstrong Road, Shelton, CT for a certificate of approval for a new house with an accessory dwelling unit to be located on the property of Pat and Anabella Testani at 5 Frank Drive, Lot #3, R-1 zone, and which requires a variance to allow an accessory dwelling unit in a house that is less than 5 years old.

The application for a variance is approved.

Inasmuch as the proposed accessory dwelling unit is integrated into the rest of the housing unit without architectural separation, and

Inasmuch as the only aspect of the plan that might define this as an accessory unit is the existence of a second kitchen which is also part of the main house design, and

Inasmuch as this design looks like a single family home,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance to allow an accessory dwelling unit a house that is less than 5 years old at the above is granted (Section 45.6.1) 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."

#912-4 7 Housatonic Rise, Scott and Lisa Todd of 7 Housatonic Rise, Shelton, CT are seeking to waive Section 33.1.4 by varying the side yard setback from 50 ft. to 30 ft. for an in-ground pool and from 50 ft. to 20 ft. for a patio.

Mr. Glover: Good evening would you give your names and addresses for the record?

Atty. Bellis: For the record I'm Attorney Stephen Bellis and I'm representing Scott and Lisa Todd

Mrs. Todd: Lisa Todd, 7 Housatonic Rise, Shelton

Mr. Todd: Scott Todd, 7 Housatonic Rise, Shelton, CT

Mr. Glover: And Attorney Bellis, do you have some receipts and pictures for me?

Atty. Bellis: Yes I do. This is the notification letter and the signed certified mail that they received the letters. I also have two letters from the adjoining, both abutting and adjoining property owners stating that they have no objection to the application

Mr. Glover: I'll get those when we ask for

Atty. Bellis: And I have photographs, you can go through but they're of the notice and the various different angles of the property, front, back, sides

Mr. Glover: I was up there a couple times in the last, the last months, and I was there Sunday, I'm guessing that you're going to cite a topographical hardship

Atty. Bellis: Yeah, it's on top of a mountain

Mr. Glover: on this piece

Atty. Bellis: There's a couple things. I think, one of the things, I don't know if you remember, Monty Blakeman built this division

Mr. Glover: Yes

Atty. Bellis: But he did it under the single family residential development regulations, even though it's an R-1. We don't have too many of those in town that were built this way

Mr. Glover: It gives you excessive setbacks

Atty. Bellis: Exactly, they have to be 50 feet, and, on all sides, which is different than our normal R-1 which would be 30. If it were in the R-1, we are in an R-1 zone, but this particular subdivision is under the special residential development, it would be okay. But they're not because of this particular regulation and it's 33-1. As the Chairman has said, it's an irregularly shaped lot. The lot we're talking about is Lot 3. You'll notice the house is over here and then the topography, if you look at the photographs, there's a gigantic boulder and ledge that goes, slopes upwards which prevents them from moving the pool, so that's the only location that they could put it in the back of the property. And no one's going to put a pool in their front yard. That's the only location it could go

Mr. Glover: It wouldn't go in the front yard anyway

Atty. Bellis: No, it's a little steep

Mr. Glover: There's no level place, so I mean, topographically, it's the only place that it can go

Atty. Bellis: It's the only place it can go

Mr. Glover: And your hardship, topographical is enough, but your hardship is the excessive setbacks by the overlay

Atty. Bellis: Correct, that's the problem. That is the hardship

Mr. Glover: I uh, I noticed that you asked for a variance for the pool and the patio

Mr. Todd: Yeah

Mr. Glover: the patio I don't think you need a

Atty. Bellis: I don't think so either, but

Mr. Glover: it's a grade, you can go right to the property line with the

Atty. Bellis: I thought so, but that's what the zoning enforcement officer put in the application. I know there was talk between he and Rick, there was a disagreement among the two, let's put it that way.

Mr. Glover: You still have the same hardship

Atty. Bellis: I still have the same hardship, yes I do. But that was something that he wanted on the application

Mr. Glover: Does the Board have any questions?

Mr. Conklin: I have a concern.

Mr. Glover: Go ahead

Mr. Conklin: that a, I was chairman of the open space when this was put through, well I helped put part of this through for a single reason of, is that to the back of this the blue dot trail is going to go. Did you know that?

Atty. Bellis: Yeah, there is open space to the rear

Mr. Conklin: well, this is not open space, but you, eventually part of the plan in the City of Shelton is to have the blue dot trail pass through this section here. And you have no objections or concerns? Want to put that in the record

Mrs. Todd: No

Mr. Todd: No objections, no concerns

Mr. Glover: But they won't be walking on their property, they'll be walking behind it

Mr. Conklin: Right, but I know in the future, someone (unclear) all of a sudden, oh you're going to be overlooking my pool and you're going to be

Mr. Todd: Oh, no

Mr. Conklin: that type of situation

Atty. Bellis: They understand that that can be done through the open space and that the City of Shelton owns it, yeah, it's right here. It says lot 3, that's not correct, this is lot 3.

Mr. Glover: And for the record these are all served by a forced sewer

Atty. Bellis: Correct

Mr. Glover: And the pool is not encroaching on that, or on that

Atty. Bellis: no

Mr. Glover: Any other questions from the Board? (no)

Mr. Jones read letter: "September 16, 2012. To Whom it May Concern: We have been informed our neighbors, Scott and Lisa Todd residing at 7 Housatonic Rise are seeking a variance for an inground pool and we have no objections. Thank you, Zoltan Domoki and Eva Baunok, 11 Housatonic Rise." And the same letter signed by John DeAugustine at 3 Housatonic Rise

Mr. Glover: You're going to be able to get an in-law, I mean an inground pool?

Mr. Todd: Yes

Mr. Glover: Okay. Anyone in this hall in, anybody else in this hall in favor of this application? (no response) Is there anyone opposed to this application? (no response) Any final questions from the Board? (no) Then I'll declare the hearing closed. Thank you.

Atty. Bellis: Thank you very much.

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

#912-4 “In the application of Scott & Lisa Todd of 7 Housatonic Rise, Shelton, CT for a certificate of approval for an in-ground pool to be located on the property of the applicants at 7 Housatonic Rise, R-1 zone, and which requires a variance in the minimum setback from the left side yard,

The application for a variance is approved.

Inasmuch as the severe topography of the lot makes this the only place on the property the pool can be placed, and

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 yard from 50 ft. to 30 ft. for a pool and 50 ft. to 20 ft. for a patio at the above is granted (Section 33.1.4) 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.”

#912-6 90 Old Dairy Lane, Dave Calhoun of 96 Old Dairy Lane, Shelton, CT is seeking to waive Section 24.12.1 by varying the maximum size from 750 sq. ft. to 1360 sq. ft. and maximum height from 20 ft. to 26 ft. for a 34x40 detached garage.

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

Mr. Calhoun: Dave Calhoun, 96 Old Dairy Lane, Shelton, CT

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

Mr. Calhoun: Yes. Here's my house with the sign. That's where I want to propose to put the garage. Here's a picture of the garage I'm doing, or I want to do. And here are my receipts.

Mr. Glover: Alright this is the garage you want

Mr. Calhoun: yes

Mr. Glover: It's not part of the

Mr. Calhoun: No, yeah, that's the one I want

Mr. Glover: Alright, so those are pictures of his house. The one on top is the picture of the garage that he wants to build. Did you have any objection to me sitting on this hearing?

Mr. Calhoun: No

Mr. Glover: Okay. I built the house next door to him.

Mr. Conklin: How many acres is the lot?

Mr. Calhoun: 1.4

Mr. Glover: This is a

Mr. Calhoun: Actually 1.14, I'm sorry

Mr. Glover: This is a PDR, a PRD

Mr. Calhoun: Yeah, we have 20 foot setbacks not 30, but it's R-1

Mr. Glover: Right, and they are also required to be 30,000 sq. ft. lots in this subdivision. The lot size was 30,000 sq. ft. It's an R-1 with a PRD overlay, and so the lots were required to be at least 30,000. I looked up the map today

Mr. Conklin: Is it a PRD or a CRD?

Mr. Glover: A "P" I think

Mr. Conklin: Yeah, it is PRD

Mr. Glover: PRD #19. I looked up the map today because I was curious of the size of it and you've got like 45, 49

Mr. Calhoun: 49,250

Mr. Glover: Yeah, so you're about one and a half times the required size of the lot in this subdivision

Mr. Calhoun: right

Mr. Glover: And you are a front lot, you're not a rear lot

Mr. Calhoun: Right

Mr. Glover: Um, what do you want to use the garage for?

Mr. Calhoun: Well basically, I'm a five car family now. And my younger daughter who is 15 will be driving in a year, so basically I park a couple vehicles outside now, it's going to be pretty inconvenient. So I just need more space, so you know, the kids sports bags, lawn mowers, everything, there's no more space.

Mr. Glover: Now I know you run a business

Mr. Calhoun: Yes

Mr. Glover: You're not going to run a business out of the garage

Mr. Calhoun: No, I own a commercial property where we run the business out of in Monroe, CT

Mr. Glover: And the reason that it has to be 26 feet is just the design?

Mr. Calhoun: The height?

Mr. Glover: Yeah

Mr. Calhoun: Yeah, we could probably cut the roof line a little bit. It's going to be lower than my roof though. I don't want, I don't want all you see is a garage, that's not what I'm going after, so

Mr. Glover: So you're looking for some design to go with this

Mr. Calhoun: Yes

Mr. Glover: something aesthetic

Mr. Calhoun: Yes. I'm putting a gable roof, I have hip on the house, but I want the dormers to actually match the house that you built just to give it some character, because there's a dormer over my existing garage now.

Mr. Glover: The upstairs of the garage, what are you going to use it for?

Mr. Calhoun: Storage

Mr. Glover: Is there going to be any bathroom or plumbing facilities?

Mr. Calhoun: No. We'll run power out there, but that's it

Mr. Glover: Are you going to heat the garage?

Mr. Calhoun: No

Mr. Glover: So it can't be used as living space at any time

Mr. Calhoun: No

Mr. Glover: How do you access it?

Mr. Calhoun: There's going to be a side door and

Mr. Glover: a stairway on the outside or inside?

Mr. Calhoun: In, doorway on the outside, oh, for upstairs?

Mr. Glover: Yes

Mr. Calhoun: Inside

Mr. Glover: Okay.

Mr. Calhoun: there's a design of the garage and how I'm going to lay it out with a staircase and stuff

Mr. Glover: Alright, so you have five cars and three, and you need three more garages

Mr. Calhoun: Yeah, and I have a motorcycle that I keep in my commercial building and my younger daughter will driving in a year

Mr. Glover: How, what are the size of the garage doors?

Mr. Calhoun: 8x9, they're going to be the same as the house, actually I'm going to switch the house ones to more decorative, that's all

Mr. Glover: Alright, so like 9 feet wide and 8 feet high?

Mr. Calhoun: Yep and my existing garage on my house now is a three bay and it is 32, 34 x 22 and with my pick-up and my wife's SUV we touch, you know.

Mr. Glover: Alright, is there, well actually it's just the size of the building so we don't have to worry about where you're putting it. Alright, you would agree to stipulations that it not be used for business?

Mr. Calhoun: Oh, absolutely, yeah

Mr. Glover: Does the Board have any other questions?

Mr. Conklin: Is there a floor plan or layout?

Mr. Calhoun: I was going to put doors in the back for lawn mowers and wheel barrows and all that stuff, so it doesn't smell up the garage. I have a convertible car too, I just didn't want to

Mr. Conklin: It's a lot deeper than needed for a single car garage

Mr. Calhoun: I know, where I am is, my existing garage (unclear)

Mr. Glover: Okay, would you restate your question?

Mr. Conklin: I said the depth is a lot more than needed for a single car depth

Mr. Glover: And your answer Dave?

Mr. Calhoun: Well, I just know my other garage is very shallow and I want to put some tool boxes in the front and stuff like nice counters, like the Husky sets and stuff

Mr. Glover: For the Board, Mr. Calhoun's house always looks like this. It's manicured.

Mr. Calhoun: I'm a neat freak

Mr. Glover: I wasn't going to say that. So are his automobiles and, I don't think for a minute that he's going to be putting trucks or cars or doing anything in here that is going to mess up his property because

Mr. Calhoun: Yeah, I mean I have 7 vehicles and I don't even drive a lettered one to work. I drive, you know

Mr. Glover: Alright, any other questions from the Board? (no) Anyone else in this room in favor of this application? (no response) Is there anyone opposed? (no response) Thank you, Dave.

Mr. Calhoun: Thank you.

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

#912-5 "In the application of Dave Calhoun of 96 Old Dairy Lane, Shelton, CT for a certificate of approval for a 34x40 detached garage to be located on the property of David and Holly Calhoun at 96 Old Dairy Lane, PRD #19, and which requires variances in the maximum size and maximum height,

The application for variances is approved.

Inasmuch as the height variance is aesthetic in nature to be in harmony with the neighborhood, and

Inasmuch as the parcel of land is 60% larger than the required lot size in this PRD, and

Inasmuch as there is no opposition from the neighborhood,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of variances in maximum size from 750 sq. ft. to 1360 sq. ft. and maximum height from 20 ft. to 26 ft. at the above is granted (Section 24.12.1) in this instance.

This certificate of approval is contingent on the following: 1. The garage doors shall be no larger than 9 feet wide and 8 feet high. 2. There shall be no living space in the structure. 3. No commercial business will be conducted out of this garage. 4. There shall be no plumbing in the structure.

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."

#912-6 42 Canfield Drive, Thomas and Mary D'Addario, c/o Atty. Dominick Thomas, of 315 Main Street, Derby, CT are seeking an appeal of decision by the Zoning Enforcement Officer with regard to §24.4.9 by declaring such section illegal and/or that conditions imposed by the Commission with an approval of a certificate of zoning compliance are illegal and not authorized by the Zoning Regulations and/or State statute.

Mr. Glover: Is there anyone in this hall that is interested in the D'Addario hearing, the appeal? Alright, I received a letter from Attorney Thomas today, asking that this hearing be continued until the October meeting and the City is aware of it. It's the, Dominick Thomas is appealing on behalf of the D'Addario's, to the City so the parties of this are The City and Dominick, and both parties are aware that we're going to continue it. This will be held until next month.

Approval of Minutes

During the work session the Board, upon motion by Commissioner Adanti and seconded by Commissioner Jones, unanimously voted to accept the minutes of the August 21, 2012 hearings as submitted by the Clerk.

Respectfully submitted,
Loreen Michalak, Clerk