

Board of Zoning Appeals – Hearing Room, Municipal Building 54 Hill Street, Shelton, CT.
Tuesday, January 19, 2010 at 7:30pm

AGENDA:

- #1209-1 675 Bridgeport Avenue, LLC at 671-675 Bridgeport Avenue
- #110-1 Artan Hokola at 196-198 Division Avenue
- #110-2 Jose Paiva at 32 Blacks Hill Road

Mr. Glover: Alright, good evening ladies and gentlemen. Happy new year, welcome to the January meeting of the Shelton Zoning Board of Appeals. If anyone is here for 675 Bridgeport Avenue, which is the Scinto application that was here last month, that's the Blockbuster Video location, that application has been withdrawn so we're, it's done as far as we're concerned. We will not be taking any testimony or anything else on it. So if you're here for that matter, and that's all you want, you're wasting your time if you sit here. Um, we have only two things on our agenda this month. We meet monthly to listen to, to have hearings, to grant variances.

Unidentified from audience: (unclear)

Mr. Glover: Do you want to come closer? Alright, we meet monthly, is that better? Okay, we meet monthly to have hearings to decide variances. These are hearings. When you speak in front of the Zoning Board of Appeals you are giving testimony. Our testimony is recorded on two recorders and later on will be transcribed and will be in the Town Clerk's office forever. If you don't like our decision it's the written testimony, the record that goes to court, we don't go to court. So it's important that you cooperate and be quiet while you're in this room. Turn off your cell phones. Don't have discussions in the room because the tape recorder will pick up those discussions and will make us, make it difficult for us to have a clear record in the future. Our regulations require that you have posted your property, that you've taken pictures of your property and that you have notified your abutting neighbors. When we, when you come up for your hearing I will be looking for the pictures and I will also be looking for the receipts showing that you notified your abutting neighbors. That's a requirement and if you don't have them, then we'll have to continue your hearing until next month when you can satisfy that requirement. On the Board tonight, to my left is Commissioner Ralph Matto, next to Ralph is Commissioner Jack Fitzgerald, Lori Michalak is our clerk. I'm Gerry Glover. To my right is Phil Cavallaro and next to Phil Cavallaro is Linda Adanti. If you, everyone will have an opportunity to speak at the appropriate time tonight. I will run the meeting and I will let you know when the appropriate time is. The meeting is run by first the applicant coming forward telling us what his problem is, his or her problem is. We, the Board questions the applicant. Then we ask for people who are in favor of the application. Then we ask for people who are opposed to the application. Then there can be a brief rebuttal by the applicant and then the hearing is closed. Once the hearing is closed, it's done. We can't take anymore, anymore information. Also present tonight is Commissioner Jamie Jones. Alright, do you want Phil to read it?

Mr. Jones: Phil can read it.

Mr. Glover: Alright, Phil would you read

#110-1 196-198 Division Avenue, Artan Hokola of 196-198 Division Avenue, Shelton, CT is seeking to waiver Section 24, Schedule B, Standards 7, 11 and 13 by varying the setbacks from the street line (Division Ave) from 25 ft. to 20 ft., right side setback (Hill St) from 25 ft. to 10 ft. and maximum lot coverage from 25% to 37% and maximum floor area as a percent of lot area from 50% to 74% to expand footprint to relocate entry door and add new porch and convert existing porch to a bathroom.

Mr. Glover: Is the applicant here? Would you come forward please, come down here. Alright, have a seat right here. Alright, ladies and gentlemen, we do not have the use of a microphone here. The microphone is on the stage behind us. We have to look at exhibits and documents. It's, it makes it impossible for us to, to sit up there and to deal with you at this point. If you have an interest in this hearing or any hearing don't be afraid to come forward and sit at the table. It's important that you be able to hear. It's also important that you be able to see if you need to see the information that's presented here tonight. So if you cannot hear, don't be afraid to pull your table, your chair very close to the table and so you can participate and hear and see what's going on. Would you give your name and address for the record please?

Mr. Hokola: Yes, my name is Artan Hokola. The address is 196 Division Avenue, Shelton.

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

Mr. Hokola: Well I uh, as is shown in the plans that I think I have provided

Mr. Glover: May I have your pictures and receipts please?

Mr. Hokola: Yes, here's the receipts for the neighbors and some of the pictures of both sides.

Mr. Glover: you have two receipts, you have two neighbors that are abutting?

Mr. Hokola: Yeah

Mr. Glover: Okay

Mr. Hokola: And the pictures are taken, three I think from Hill Street facing the house, and then one is from Division Avenue facing also the house.

Mr. Glover: Okay. So tell us what you want to do and

Mr. Hokola: We, I have my wife and two kids who live in almost 1100 sq. ft. on the first floor and then we have one bathroom and we're looking to find a way how we could possibly have another extra bathroom. And the porch that is shown in the picture or even in the, in the plan is, that is there probably would've been you know, closing off that door that, uh, the door that which, because the apartment has two doors, one that is the exit on the other side and then this is the main entrance to the porch.

Mr. Glover: It's a two family house?

Mr. Hokola: It is a three family house

Mr. Glover: Three family house

Mr. Hokola: Yes. So it's facing the porch and then in order to, you know, achieve all these I have this idea to probably move the door, the main door facing the Hill Street and then add three feet, you know, in width and then it's actually 15 feet long. So basically the porch is included in, underneath of the existing construction as you see in the picture

Mr. Glover: Alright, so you're just enclosing the porch basically?

Mr. Hokola: Actually no, I wanted to go like three feet

Mr. Glover: You want to go out to this point?

Mr. Hokola: Yes.

Mr. Glover: Alright, so the building now sticks out

Mr. Hokola: 3 feet

Mr. Glover: 3 feet

Mr. Hokola: I don't want to go out any inch out of that, how far the building is sticking out

Mr. Glover: So, more or less, you're squaring off the building?

Mr. Hokola: Exactly.

Mr. Glover: Okay. So this building already is too close to the road, as it exists, and you're not coming out any further than the building already is

Mr. Hokola: No, no. No, basically, actually as you see in the side of Division Avenue, I mean it doesn't go further out. And then same thing towards Hill Street, I mean not further than the building already has that variation in front.

Mr. Glover: So, there's a picture here with two oil fill lines in the foundation, underneath two windows

Mr. Hokola: uh huh

Mr. Glover: That part is as far as you're going out

Mr. Hokola: Yes, that's it

Mr. Glover: You're just going to continue it out to the front of the building

Mr. Hokola: Right here, right where you see this part, I was thinking to bring the main door that you see in the other picture taken from Division so right here, and then it would come a little porch like a little roof covering that main entrance

Mr. Glover: So is the roof going to come out closer, further?

Mr. Hokola: No, right here, right

Mr. Glover: Right to there. The roof won't extend closer to the road than the structure already is now

Mr. Hokola: No, only the foundation is going to go exactly to the same line as the wall that is right now

Mr. Matto: You didn't draw a sketch of this at all?

Mr. Hokola: We got some of the, these little maps that we have showing exactly where the porch is and where, what we're trying to do. I think, yeah, it's showing the

Mr. Matto: Alright, I didn't hear yeah,

Mr. Glover: Is this a one story structure?

Mr. Hokola: Yes

Mr. Glover: So it's not going up two stories, just one story

Mr. Hokola: Well, on the second floor it is, whatever is covering the porch, but no it's not going straight up, only the first floor.

Mr. Glover: Okay

Mr. Hokola: Like I said it's going to stick a roof, but as far as just that wall not further out

Mr. Glover: Right, the roof line isn't going to go out any further than what's extending there now.

Mr. Hokola: No, the roof line is going to cover exactly the foundation line

Mr. Glover: Is there any other way to do this?

Mr. Hokola: As far as we have seen, you know, no. I mean I have really looked around and I think the best way is to, you know, just I will be able to square the house in that corner. I think the look of the house, the look of the building is not going to be harmed by just squaring it. And probably will make it even better with that door in front.

Mr. Glover: Are there other buildings in the neighborhood that are similarly located or close to the property line like that? It appears that these back here are close to the property line

Mr. Hokola: It might be, to be honest, I haven't been looking around to see how, you know, how others

Mr. Matto: Is that the street that's parallel with Long Hill Avenue up on top there?

Mr. Hokola: Uh huh

Mr. Matto: Okay, yeah, they're all, they're all

Mr. Hokola: Yeah, probably a little off

Mr. Matto: they're all pretty much hugging that road there

Mr. Hokola: Yeah, but my proposal actually is not intending to go further than what the building that's existing, I mean I'm just trying to square that, what is in there

Mr. Matto: No, we're just talking about what else is around your area

Mr. Glover: So there are houses, there are houses shown on this map that are, that are closer to the property line than what you're even proposing.

Mr. Hokola: Exactly, yeah

Mr. Glover: There's one right adjacent to you, 202, 200 and 202, which almost touches the property line. Yours is going to be 10 feet from the property line.

Mr. Hokola: Yeah

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

Mr. Hokola: Thank you.

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

#110-1 "In the application of Artan Hokola of 196-198 Division Avenue, Shelton, CT for a certificate of approval for an entry door/porch addition to be located on the property of the applicant at 196-198 Division Avenue, R-5 zone, and which requires variances in setbacks from the street line and right side yard, maximum lot coverage and maximum floor area as a percent of lot area,

The application for variances is approved.

Inasmuch as no part of the new structure will encroach on the street line more than any part of the existing structure, and

Inasmuch as the structure will remain in harmony with the rest of the neighborhood,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of variances in setback from the street line of Division Avenue, from 25 ft. to 20 ft., setback from the right side yard of Hill Street from 25 ft. to 10 ft., increase in maximum lot coverage from 25% to 37% and increase in maximum floor area as a percent of lot area from 50% to 74% at the above is granted (Section 24, Schedule B, Standards 7, 11 and 13) 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.”

#110-2 32 Blacks Hill Road, Jose Paiva of 49 Blacks Hill Road, Shelton, CT is seeking to waiver Section 24, Schedule B, Standard 7 by varying the setback from the street line from 40 ft. to 7 ft. for a 38'x31' addition with garage.

Mr. DaSilva: My name is Manuel

Mr. Glover: Hold on. We'll wait for company. Come on up, bring a chair. This will be the most informal meeting you'll ever go to in your life. Alright, everybody can hear? Okay, now here are the rules. This gentleman is the applicant and he, we're going to talk to him. And after we get through talking to him then you'll have any opportunity to talk. Whether you're for it or against it, you'll have an opportunity to talk. When you talk, you're going to be speaking to us, not to him. If you have a question for him, ask me and I'll ask him. It's the only way we can keep it straight on the record. We can't record a dialog, it's got to be a monolog. Alright? Sir, would you give your name and address for the record?

Mr. DaSilva: My name is Manuel DaSilva. I'm an architectural designer. I live at 8 Brookfield Drive here in Shelton and I'm here on behalf of Jose Paiva who lives on 49 Blacks Hill Road and owns this property at 32 Blacks Hill Road.

Mr. Glover: Alright, can you give me some receipts?

Mr. DaSilva: Yes, we have the sample letter which showed the design that we're doing. There was two abutting neighbors, only one signed, so, but we sent it to both

Mr. Glover: But you have a receipt that you sent it to both

Mr. DaSilva: Yes

Mr. Glover: So only two abutting neighbors and you have notified both of them.

Mr. DaSilva: Correct

Mr. Glover: Alright, now do you have some pictures?

Mr. DaSilva: I have existing pictures of the house which, showing the postings. Just to give a brief history of Mr. Paiva, Mr. Paiva owns two other properties on Blacks Hill Road. He leases one of the houses and lives in one of the other ones. It's his primary residence. Now he recently purchased this house at 32 Blacks Hill Road, Ext., and Blacks Hill Road Ext. is off of Blacks Hill Road

Mr. Glover: Is that the one that goes back to the school? The Intermediate School?

Mr. DaSilva: Yes. So he purchased this house recently and he's looking to renovate it for his daughter. He has a daughter that currently lives with him at 49 Blacks Hill Road. So he wants to renovate this for her. This house currently, as you can see from the existing pictures, is in a state of total disrepair. It needs to be gutted and totally renovated. It's, you can't, you can't live in it. It's not livable. It also has no garages and the septic system is in a state of disrepair as well. You either need a new septic system or our plan is to connect to the city sewers which are on that street. So that brings us to the application at hand. Because Mr. Paiva has to go through this expense of renovating the house, he wants to, he wants to bring it up to, you know, today's standards in terms of you know, livability. In order to do this, because he's going to go through the expense, he'd like to add an addition of approximately 38 ft. by 31 ft. And this addition is going to house a two car garage on the lower level and some finished spaces on the upper level. And consequently we need a variance from the street line setback because this is kind of a narrow lot. The regulation requires that we maintain 40 feet from the street but the existing house is situated such that it's only about 7 or 7 ½ feet from

the street line on the Blacks Hill Road, Ext., side. On the other side it's fine. We have enough space that we're not going to need a variance for that.

Mr. Glover: You're required to be 40 feet from the street

Mr. DaSilva: street line

Mr. Glover: and the whole lot is 55 feet

DaSilva: Correct, it's an abnormally narrow lot. So we're going to require a variance from the 40 feet to 7 feet along the Blacks Hill Road, Ext., but this addition is not going to encroach any further than what the existing house is encroaching. As you see from the plot plan, we're maintaining that same street line. For some of the neighbors, light shaded means existing and the proposed addition the darker and it maintains that same street line. We're not encroaching any further than the existing house towards the Blacks Hill Road, Ext., side, and the Blacks Hill Road side, we're going to be approximately 50 feet from the property line. So it's not going to create any issue with the line of vision as you're approaching that intersection or anything.

Unidentified voice: I have a question, I'm

Mr. Glover: It's not time yet

Unidentified voice: not yet, okay

Mr. DaSilva: So, as you can see in the site plan it's pretty clear what we're planning. It's a 38 wide by 31 addition to the left side of the house with a deck on the right side and on that side we'll have an ample area for a nice yard. We're going to do a new driveway with access from the less trafficy road, Blacks Hill Road, Ext. And if you continue further to drawing 2 it basically shows the first floor plan, two car garage, remodeling the kitchen. We're opening up the floor plan to get it up to today's standards and what his daughter likes. And then on the second floor we're adding, we're going to have 4 bedrooms. The existing house had two bedrooms I believe, yeah two bedrooms upstairs, and we're going to have 4 with a little computer area. And then the following drawing shows just a brief sketch, 3 dimensional sketch of what we're proposing to do. You know, we're attempting to come up with a nice design that's in keeping with the neighborhood that, you know, is architecturally rich, that is not going to affect the value of the neighboring houses. If anything it's going to add to the value. As you can see it's got a nice look to it. There are two intersecting gables with the lower roof line to create an entrance to the Blacks Hill, Ext., side and the garage is obviously to the main road side. I feel that, you know, that the proposed design and size of this project is pretty comparable to the neighboring houses. And I also brought some pictures so you can see some of the houses in the neighborhood. This house, if you guys can pass it along, is the house directly opposite this house. The one that's going to be facing the front entrance. It's pretty, pretty sizable and this one is not foreign to the look of that one, so it's going to complement it. And then this house is also across the street, but one house down. It's a pretty sizable house too and you know, this one doesn't, will not take anything away from that. And then further on, a little further away on Blacks Hill, you know two modest houses but you know, still pretty decent size. And I think you know, this will be a nice addition to the neighborhood. You know, especially if the house is a blight issue, a blight issue right now. So I think it's a nice design and now as for hardship. In this particular case we clearly have a unique situation where we have a pre-existing non-conforming lot, which is extremely narrow, you know 55 feet at one end, 64 at the other. It's a corner lot also, which makes the situation even more difficult because there's two street lines to tend with. And also the existing house is situated in a manner that no matter where we add to this we're going to require a variance, because 40 feet brings us all the way to the, to the neighbor almost if you really think about it. So clearly we have a definite case for a hardship here, but nonetheless, we still attempted to come up with a nice comprehensive plan that doesn't adversely affect the neighborhood. The design is in keeping with the look and size of some of the existing houses on the street as you saw from the existing pictures there. And I honestly believe that this is going to complement that street and it's going to be an asset to the neighborhood so I hope that you look favorably on this application.

Mr. Glover: Alright so your, the front of this house is actually Blacks Hill Road?

Mr. DaSilva: Well the front, if you look at the existing pictures

Mr. Glover: No, but what is the address of the house?

Mr. DaSilva: It's on, Blacks Hill Road Ext. and Blacks Hill Road is all considered Blacks Hill Road, as far as numbering system.

Mr. Glover: Okay

Mr. DaSilva: But we face

Mr. Glover: So when you, when you applied to the Planning and Zoning upstairs they

Mr. DaSilva: They're the ones that told me that, uh, Tom Dingle told us that it's Blacks Hill Road

Mr. Glover: Right, but he was the one, they selected which is the front, which is the side

Mr. DaSilva: Well, in a corner lot it's kind of unique that you don't really have a front

Mr. Glover: somebody has to pick a front and somebody has to pick a side

Mr. DaSilva: Well we, well, let's look at the application that

Mr. Glover: I have the application here

Mr. DaSilva: I have a copy too

Mr. Glover: I'm not being critical, I'm just trying to determine who made that

Mr. DaSilva: From street line and we're, he and I made the assumption that that's the front. But in terms of the setbacks, you have street line and other side in this case because it's a corner lot. So

Mr. Glover: Right, so he's figured this is your front

Mr. DaSilva: Correct

Mr. Glover: Okay

Mr. Cavallaro: it's the existing front now right?

Mr. Glover: Right.

Mr. Matto: The long frontage is the front, is that what you're saying?

Mr. DaSilva: Yes

Mr. Glover: Yes, I was just trying to determine, this is going to be, go on the records and someone has to, you are here because you were denied upstairs

Mr. DaSilva: correct

Mr. Glover: and the person who denied you upstairs is I guess Tom Dingle, the Zoning Enforcement Officer

Mr. DaSilva: Yes

Mr. Glover: So when he denies you, he has to tell you why he's denying and what you need

Mr. DaSilva: the setbacks

Mr. Glover: So he's selecting what's Blacks Hill Road, Ext.

Mr. DaSilva: as the front

Mr. Glover: as the front.

Mr. DaSilva: Yes

Mr. Glover: And you also need 30 feet in the back

Mr. DaSilva: No, but there's a, there's an exemption where we can do 20% of that, where are we

Mr. Glover: On the back or the front?

Mr. DaSilva: setback from the rear, the rear is 30, we've got 102; the right side is 30, we have 17 ft. 6, but there's a, there's a 15, I mean 20% rule on that

Mr. Glover: That's on the frontage

Mr. DaSilva: No, because he, you know, he reviewed all this on here, he

Mr. Glover: Well, he's the one who has to determine

Mr. DaSilva: yeah, the only setback we, the only variance we need is 40 to 7 ft. strip, Section 24, R-1 zone, Schedule B, Line 7, street setback.

Mr. Glover: Well that's his determination that's a, he's the, they are the ones who will pick you up on it if you need more

Mr. DaSilva: right, and then we'd come back here, but no he would have made me

Mr. Matto: street setback being the one that's with the 7, 7 foot 6 right?

Mr. DaSilva: Right

Mr. Glover: Have you got a map, do you have the map Ralph?

Mr. Matto: I got one here

Mr. Glover: The one I'm questioning is the 17 foot 6

Mr. Matto: Yeah, that's

Mr. DaSilva: This is his writing here, minimum setback from side or other property line 20% of 55 which gave us 11, we didn't need that

Mr. Matto: You're saying Blacks Hill Road is the front, is the front, correct?

Mr. Glover: That's why

Mr. Matto: and 11, 6 is the side yard, is that what you're saying?

Mr. Glover: Right, that's what I'm questioning. If, if 32 Blacks Hill Road is 55 foot and that's the frontage, then the 7 foot 6 and the 17, 6 is

Mr. Matto: are side yards

Mr. Glover: are side yards, and

Mr. Matto: you've got another, you've got two, two frontages actually

Mr. DaSilva: Yeah, I guess you're right. In terms of access we're calling the front the Extension side, but in terms of, for the sake of, of this and the numbers because the address is what it is

Mr. Glover: Right, so

Mr. DaSilva: we're calling the main road the front

Mr. Glover: So you're actually, you're looking for a side yard but it's also a street

Mr. DaSilva: Yes

Mr. Glover: Okay, alright, that makes sense

Mr. DaSilva: Yeah, I was a little confused myself.

Mr. Glover: alright, do you understand that Ralph?

Mr. Matto: Yeah, I understand it, yeah

Mr. Glover: So

Mr. Matto: It is an existing situation

Mr. Glover: right

Mr. Matto: that solves that problem

Mr. Glover: So you're looking for a street line setback but it's not a front yard, it's a side yard

Mr. DaSilva: alright, yes

Mr. Glover: because that regulation of the 20% only applies to the front yard and that's why, the regulation is 20% of the front down to no less than 10 feet

Mr. DaSilva: right and that's where we

Mr. Glover: So you've the 17, 6, which is fine. You've got the 7 foot 6 is what you need the variance for

Mr. DaSilva: correct

Mr. Glover: you've got the 40 feet on the frontage from, from Blacks Hill Road

Mr. DaSilva: 53

Mr. Glover: yeah, but you need 40

Mr. DaSilva: right, so we do comply there

Mr. Glover: and you need 30 here and you have 102

Mr. DaSilva: yeah

Mr. Glover: okay, just for the record so that when you go upstairs you'll be fine. Alright, so you're building a house, you're enlarging it, you're modernizing it. It's on a pre-existing non-conforming lot and you're not going any closer to the road than

Mr. DaSilva: Than what it is

Mr. Glover: than what it already exists

Mr. DaSilva: as you see on the sketch and the floor plans

Mr. Glover: And your pictures and your testimony indicate that there are other lots, other houses on the street, other properties on the street that are closer to the road or as close to the road, non-conforming as this is

Mr. DaSilva: as you can see, especially the one directly in front of us. The ones down the street, a little larger lots, they, they, I don't know if they meet the current regulations because they're a lot more stringent than they were back then, but this one in particular directly across the street from us is definitely close to the road. It's clear in the pictures.

Mr. Glover: Does the Board have any other questions? (no) So your hardship is the pre-existing non-conforming lot and the shape of the lot.

Mr. DaSilva: Yes

Mr. Glover: And

Mr. DaSilva: and the way that the existing house is situated on that shape, un-nicely shaped lot

Mr. Glover: Right, and you would agree to a stipulation that you connect to city sewers.

Mr. DaSilva: Oh yeah, that's why

Mr. Glover: Are there city, is there city water here?

Mr. DaSilva: Yes, there's, no there's city sewer only. There's not city water

Mr. Glover: so there is a well

Mr. DaSilva: there's a well

Mr. Glover: Has the well been tested?

Mr. DaSilva: Well, we have not tested it, but it appears that we're going to have to drill a new well

Mr. Glover: Okay

Mr. DaSilva: Just from everything not, you know, being up to working condition. But we're okay with doing that.

Mr. Glover: Alright, any other questions from the Board? (no) Alright, is there anyone in this room who is in favor of this application? (no response) Anyone that's for it? (no response) Is there anyone who is opposed to this application?

Ms. Rodriguez: I have questions.

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

Ms. Rodriguez: My name is Kathleen Rodriguez, I live at 46 Blacks Hill Road, Shelton, CT

Mr. Glover: And your question is

Ms. Rodriguez: My house, the new house is going to be here. I own the lot on the corner which can be a building lot, I talked to Tom Dingle. I have to do something about it. And then I have, I bought this lot about 8 years ago and my house is on another lot that goes to the end of Mr. Paiva's property. My concern, I'm wondering, how far away is this house going to be away from my house?

Mr. DaSilva: Can you tell me where your house is on this map?

Ms. Rodriguez: Where's the new house?

Mr. DaSilva: the new house is here, the addition is there

Ms. Rodriguez: That's my property

Mr. DaSilva: Oh, where the

Ms. Rodriguez: yep

Mr. DaSilva: wherever you see the existing house, we're actually removing the porch, so it's going to get, the footprint is going to get smaller along your side. And we're going straight and we're going to be 53 feet from the street line to this addition. So in terms of how close to you, we're going to be about 4 feet less

Ms. Rodriguez: which is what?

Mr. DaSilva: we're going to be 17 foot 6 from the property line

Ms. Rodriguez: 17, okay.

Mr. DaSilva: We're going to just continue the existing foundation and carry it out to create the addition.

Ms. Rodriguez: This gentleman showed pictures of all the other houses around here, but I own a ranch house so it's going to kind of tower over me in that situation

Mr. DaSilva: Uh

Mr. Glover: Sir, you're supposed to listen

Ms. Rodriguez: Okay, well, my question is will this larger house have any affect on me building a house over here or anything?

Mr. Glover: No

Ms. Rodriguez: It will not?

Mr. Glover: No, I mean, you have, presuming you have a building lot there you have the right to build on it.

Ms. Rodriguez: okay

Mr. Glover: you have the right to build on it within the zoning regulations of the City of Shelton.

Ms. Rodriguez: okay

Mr. Glover: He has a lot, he has the right to build on it

Ms. Rodriguez: right

Mr. Glover: because he has an irregularly shaped lot, he's asking for a variance to make it closer to the road, but in other, every other way he complies, the height, the width and everything else

Ms. Rodriguez: right

Mr. Glover: so his would have no bearing, whatever he does doesn't preclude you from doing anything

Ms. Rodriguez: okay, it's not going to keep me from doing anything. I have one more, one more question. Are there rules at what time you can work on a home and make noise in this city?

Mr. Glover: I don't know. I don't know, it's not a zoning issue for us.

Ms. Rodriguez: Okay

Mr. Glover: It might be a zoning issue upstairs. We're the Zoning Board of Appeals. They make the rules upstairs, so they would know that. We just allow people to bend the rules or not bend the rules.

Ms. Rodriguez: Okay, because this gentleman behind me, I've never really truly met him, but he has a machine on Friday night that goes on at 8:00 at night and he's out there digging stuff. And it's just, he has a habit of not following the rules and I just feel if he's going to build a house here that that's really close to my window over here, that he should have to follow the rules when he does this house.

Mr. Glover: We have no control over that, but you, you might want to give a complaint to either the police department or the zoning enforcement officer, it's an enforcement issue.

Ms. Rodriguez: I hate to, I don't like to, I have never made a complaint but I thought maybe I could bring that up here and just make it, you know, known that I have not complained but after awhile it gets a little upsetting.

Mr. Glover: Okay, are you

Ms. Rodriguez: I'm done

Mr. Glover: Are you opposed?

Ms. Rodriguez: I'm not opposed to it as long it's not on top of my house.

Mr. DaSilva: I can

Mr. Glover: You can't, you can't. You have to sit there and be quiet now. I'll let you know when you can again.

Ms. Rodriguez: Alright.

Mr. Glover: Alright, who else is in opposition? Would you give your name and address please?

Ms. Napychank: My name is Marie Napychank. I want to read what I have written. My husband Michael and I live at 38 Blacks Hill Road

several talking at once

Mr. Glover: Excuse me, excuse me, it's time, sir, you have to be quiet. I'm sorry, go ahead.

Ms. Napychank: My husband Michael and I live at 38 Blacks Hill Road, the last house at the end of this section of Blacks Hill Road. Our property borders, in the back, the (presently under renovation), school for 5th and 6th grades. Because of the school there is a barrier at the end of our section of Blacks Hill Road. It is a dead-end street. Incidentally, Blacks Hill Road is not one road. It's the one's, the two's, the three's, the four's and the five's. There's five different roads all called Blacks Hill Road. And this is a dead end street. This road on the 30's. There is only one exit out and that is to the corner of 31-32 Blacks Hill Road. The proposed "Variance for construction" is at 32 Blacks Hill Road. That's our exit. The road is narrow, allowing only one vehicle to travel on it at a time. Should another vehicle approach one must pull into a driveway at #31, the house across from this, or #35, where the Staffieris/Ogles live, to allow the other vehicle to pass, or you have to wait at the far end of the street. The recyclable truck backs down our street when he collects every other week as there is no room for him to turn around. It is a challenge anytime, but in winter months with ice and snow, we seldom can use the left turn when we're coming up our street to this corner, we seldom can use the left turn down this winding slippery road to Bridgeport Avenue, we therefore must exit right, up hill to the 50's

– left over and out to Cots Street and down to Bridgeport Avenue by the medical building. This in the winter is our only way out. An upgrade to the property at the corner of 32 Blacks Hill Road would be nice to see. It has been left neglected for several years now, however allowing a variance for so large a structure on the corner of our street with such limited entrance and exit already, poses a problem. A 2 ½ story structure built right out to within 7’6” would block visibility to make a safe right hand turn – where you have to accelerate, because you’re going up hill, with the further possibility of the inhabitants pulling out of their proposed garage in front at the same, well he calls it the side, at the same time. You have to go by there. This certainly seems like an accident waiting to happen! It is always nice to see improvements but not to the detriment of the safety of others living in the same area. Now, in an emergency situation it could be a disaster. A large fire truck may be unable to negotiate this corner, because it’s going to be built right out to the end. Incidentally our nearest fire hydrant is on the other side of the barrier behind the school. It is for all these reasons that we ask that the variance be denied as it poses a safety concern by allowing so large a structure to be built so close to the corner where others must navigate. This is not a private road. Why jeopardize the safety of others for the indulgence of one resident.

Mr. Glover: Are you set?

Ms. Napychank: I’m done

Mr. Glover: You’re done. Have you seen the plan?

Ms. Napychank: Yes, I have.

Mr. Glover: Um, are you under the impression that he’s going to back out onto the road when he backs out of his garage?

Ms. Napychank: No, he can pull out, but you’re going to have that structure so high. You’re not, you’re going to have to go way out to the corner and then you got to accelerate right

Mr. Glover: But his, his building is 52 feet back from the corner

Ms. Napychank: but you can’t see with the height of it

Mr. Glover: but there’s not building for 52 feet from the corner. I’m trying to understand your point.

Ms. Napychank: I’m, I think I’m lost too, because I, it looks to me like the garage isn’t 52 feet from the end of the house out to the end of the garage

Mr. Glover: The, where the cars are shown,

Ms. Napychank: yes

Mr. Glover: that’s a driveway

Ms. Napychank: Right, no, if you look over here, it shows a computer room, sitting area and bedroom, and the cars are underneath

Mr. Glover: Right, and that’s back here. That’s back here. What you’re looking here is a driveway.

Ms. Napychank: I thought it was the building

Mr. Glover: No, the building is the green, the green, it’s the solid green area is the building. Do you understand? The structure, it doesn’t come, it comes way back here. Blacks Hill Road is over here, this is all driveway

Ms. Napychank: so that’s open

Mr. Glover: Yes

Ms. Napychank: I thought according to this, that was the

Mr. Glover: When I first looked at it I thought it was too, but it's not. The house is actually back here.

Ms. Ogle: Where's the opening to get into the garage?

Mr. Glover: Over here, on the side, actually

Ms. Ogle: According to this one it shows it to be

Mr. Glover: over here

Ms. Ogle: and that's over by the road right?

Mr. Glover: No, the road's way over here

Ms. Napychank: See this shows the existing, and this is the first floor and then it shows the garage right here

Mr. Glover: Right, but that's right, that's over here

Ms. Napychank: okay

Mr. Glover: Here's the existing, existing house over here

Ms. Napychank: So you're saying there's more visibility

Mr. Glover: You're 52 feet from the street to here

Ms. Napychank: oh, okay

Mr. Glover: This is driveway. He's shown, showing cars parking in the driveway here, but this is

Ms. Napychank: okay, because under here it looks like they're downstairs

Mr. Glover: No, they're back over here, they're back under this part of it right here

Ms. Napychank: okay

Mr. Glover: Okay, does that change your thought? It does not block your vision, it does not come anywhere near the corner, but it does, it does take a house that looks like it's blighted and improves it. I think it's going to be an improvement to your neighborhood

Ms. Napychank: I just don't understand why it has to be so large. There is, Mrs. Ogle here, her house, lives there, she lives in the big house across that he showed you

Mr. Glover: the yellow one

Ms. Napychank: yeah, but they have

Ms. Ogle: No,

Ms. Napychank: no, not the yellow one

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

Mr. Glover: Hang on please, we have way too many people talking

Ms. Napychank: This second house

Mr. Glover: Ma'am, you're going to need to go out in the hall if you're going to continue to talk, alright?

Ms. Napychank: The second picture that they showed I think was of her house.

Mr. Glover: Is this one your house?

Ms. Napychank: No, that was the former Fusco property. This one, but they have

Mr. Glover: This one is your house?

Ms. Napychank: Yes, they have a frontage, they have lawn in front of it

Mr. Glover: right, I can see that, I can see that. But, to your point, as I understand your point was that you are afraid that you were going to, this road is blocked over here

Ms. Napychank: right, and that's the only way out

Mr. Glover: and you're going to, you're going to come out here and you have to go to the right and

Ms. Napychank: right

Mr. Glover: up around to Cots Street to get out. When you, when you do that, this house is probably, this house is probably at least 2 car lengths back, two full car lengths back from the corner, where there's nothing here. Do you plan, you don't plan on putting any shrubbery or any plantings there?

Mr. DaSilva: no

Mr. Glover: so that's going to be always a clear, clear vision there

Mr. DaSilva: There's currently a fence there, a 4 foot high fence, but it's in disrepair too, that's going to come down. And if anything we'll do something lower that you, you know, where the pickets are more spread apart that you can, you don't lose visibility and it looks nicer.

Mr. Glover: So that you're, going along with what you're saying, this is not going to block your view at all going to the right. I understand why you can't go to the left. I've been down there. When I went to the high school there we used to sneak out that back road. Now they've got the barrier there we can't go there.

Ms. Napychank: Yeah, well we have a hazard you know, even down where we are because there's a brook runs there right near the barrier, the snow ends up there, it melts and becomes ice. We try to come down our driveway to make a right turn and it's a hazard because there's no longer any posts near that brook. I just couldn't tolerate anymore hazards. It's getting to be difficult just getting in and out.

Mr. Glover: I understand.

Ms. Napychank: That's my concern

Mr. Glover: Thank you very much

Ms. Napychank: You're welcome, thank you. May I have your name please?

Ms. Ogle: Eva Ogle

Mr. Glover: And your address?

Ms. Ogle: 35 Blacks Hill Road

Mr. Glover: And you live in that fine house that, this one here?

Ms. Ogle: It's my daughter and son-in-law's house

Mr. Glover: Okay, and you're opposed to this application, can I ask you why?

Ms. Ogle: For the same reasons, the same reason of going up the hill and around the corner when it snows and all that

Mr. Glover: Do you understand that this isn't going to

Ms. Ogle: I hope it isn't

Mr. Glover: make a difference to the corner

Ms. Ogle: I hope it doesn't

Mr. Glover: Okay, do you have a better understanding of it now though?

Ms. Ogle: I don't know

Mr. Glover: okay

Ms. Ogle: I really don't know

Mr. Glover: Alright, so your opposition, you're opposed to it because you think it's going to be a safety issue and a difficult time making a right hand corner and a visibility issue.

Ms. Ogle: Right, we have enough trouble now.

Mr. Glover: Thank you. Would you like to see that blighted house changed?

Ms. Ogle: Yes, I would. I don't mind that, but

Mr. Glover: Anyone else who's in opposition? Would you give your name please?

Ms. Snyder: My name is Esmie Snyder, I live at 59 Blacks Hill Road.

Mr. Glover: Can you hear her?

Clerk: I don't know

Mr. Glover: Can you speak just a little louder?

Ms. Snyder: My name is Esmie Snyder, I live at 59 Blacks Hill Road. And I have a few comments regarding the proposed build of the house

Mr. Glover: Hang on we're going to change the tape

Tape had to be flipped

Mr. Glover: Alright, thank you, go ahead

Ms. Snyder: It says that it's an addition, but evidently the house is going to have to come down.

Mr. Glover: No, he's adding onto the house

Ms. Snyder: Okay, so what part of the house will be coming down?

Mr. DaSilva: The roof line is all coming down and we're putting full 8 foot walls, instead of where now it's a knee wall that's a little, you know, like 3 feet and those existing bedrooms are very low, when you see the slope of the roof line. We're going a full 8 foot, it will look like a standard house

Mr. Glover: Have you seen this?

Ms. Snyder: Uh huh. So, I guess one of the concerns I have is, what are the safeguards in place that, that will ensure like the handling and disposal of the hazardous or unregulated materials such as asbestos and lead paint that are surely in this house?

Mr. Glover: That would be a function of the building department.

Ms. Snyder: Okay

Mr. Glover: That would come under his building permit

Ms. Snyder: Okay, um, the other thing is if you look at the building plan really closely, it looks to me as if they are proposing what appears to be designed for some type of in-law or possibly even a two family setup? Is there, it appears I'm not a builder so, there are two sets of stairs that go into the house from inside of the garage. One leads to the main floor living area. And the staircase on the opposite side goes directly to the upper living area. There's also a backdoor entrance to the garage which would enable one to park in the driveway, walk around the back of the house, enter the garage and go up the stairs to this above garage space without anyone in the main house knowing or being disturbed. The upper area consists of its own sitting room, bedroom and bath. I'm not saying they're going to do it, but I'm saying there's certainly room to add a kitchen and I guess depending on what their setup is, the sewer or city water or whatever, I don't know what the affect of that would be. Um, the third is that I do feel that this house is out of character for the neighborhood. I do agree that the houses on Blacks Hill, Ext., are bigger. The setbacks are much bigger. The acreage that the houses sit on is much larger. Where I live there's, there's a (unclear) lots of trees and open space, the houses are set back from the road. This house at 2660 sq. ft., is that?

Mr. DaSilva: That's about right, yeah

Ms. Snyder: huge. It's going to be crammed onto the lot. It's going to be kind of a, to me a "mc mansion" spilling onto the street. I don't understand why a smaller house for one person that conforms to the land couldn't be considered and I think the variance from 40 feet to 7 ½ feet is 175% over the variance. It's a huge request. I think it's unreasonable. I can't see a valid reason that a reasonable house conforming to the code, you know, can't be built on this land.

Mr. Glover: but I, I don't think he can build any house on this land without a variance.

Ms. Snyder: Yes

Mr. Glover: He needs, they need a variance to build anything on the house. They need a variance to put a small addition on this house. They need a variance for anything on this house.

Ms. Snyder: Right, but not the 7 ½ feet of the house, the existing structure is going to extend almost double, because the addition is bigger than the house itself. So the 7 ½ feet that's right on the road now is going to be much bigger of an "in your face"

Mr. Glover: So instead of being a 24, 7 ½ x 24 feet, it's going to be 7 ½ x 60 feet

Ms. Snyder: right

Mr. Glover: Is what you're saying. Alright. Alright,

Mr. Matto: But it shows, it shows the rooms, you know, the kitchen, etc., and it says it's four bedrooms, it's a one family, it's definitely a one family layout.

Ms. Snyder: There's not two sets of stairs going up?

Mr. Matto: Well, you got, you mean two separate sets of stairs?

Ms. Snyder: from inside the garage

Mr. Matto: From inside the garage

Ms. Snyder: I'm not a builder

Notation – Ms. Snyder having a conversation with one of the commissioners, Matto, as he's trying to explain the plan

Mr. Glover: Alright, Ralph, I appreciate that you explained the plan. It was very difficult for us to record all that, so we're going to include in the record that Commissioner Matto was explaining the floor plan to you. We can't get all the details to what he said because we can't hear it over here.

Ms. Snyder: right, but he wasn't explaining it to me

Mr. Glover: So, well he was trying, he was attempting

Ms. Snyder: Thank you. He was attempting thank you.

Mr. Glover: He's just a poor explainer that's all. Is there anyone else in opposition to this application? (no response) Alright, Mr. DaSilva, would you

Mr. DaSilva: Yeah, I have a few things to say.

Mr. Glover: Can you say them a little louder because those people down there can't hear you?

Mr. DaSilva: Yeah, I'm not sure who said them right now, but they did, there were some complaints that road was narrow, which it is, it's a narrow road, but the fact that this road exists, it is our right that we have use of this property. So you know, I think that we should be allowed to do so. In terms of visibility, as you tried to explain, we're about actually 3 car lengths in from the intersection with the addition. And if they look at the 3-dimensional drawing, about 6 feet of the addition is actually one story which creates that, that entrance, that covered area to the, to the stairs from the outside, which diminishes the scale and it, you know, it doesn't look like this "mc mansion" like you said. You know, it actually brings the scale down to a human level so, and it further helps the visibility. In terms of asbestos abatement and all that stuff, that's something that we'll deal with with the building department and they typically make us test the sheetrock which is, what typically has the asbestos and if it comes back positive then we have to get an asbestos abatement crew in. Otherwise just a regular dumpster company that can take it away. And that's pretty much it. So I think the visibility, if that's their main concern is not going to be an issue. The parking lot, it's going to be a driveway that you can park three vehicles in and you can do the full turn around in the driveway. You can back out of your garage and then come head first towards the road so it shouldn't be an issue.

Mr. Glover: What's the total square footage of living space?

Mr. DaSilva: It's actually, of the living space, it's actually, because you don't count the, the, with the stairs you only count them on the lower level, it's actually 2550. So if you do just footprint of living space it does come out to 2660

Mr. Glover: Alright, you have 2500 or 2600 sq. ft.

Mr. DaSilva: 2600 approximately, square feet

Mr. Glover: What are, are there other homes in the neighborhood that are this size?

Mr. DaSilva: I mean I'm only guessing based on the pictures, but the one in, directly in front, it's a three level house, full walk-out on the lower level. It appears to be even more than this house. And then the one, the brown and white house, you know, if this is a "mc mansion" that's a super mansion.

Mr. Matto: It is an R-1 zone, is that correct?

Mr. DaSilva: Yes

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

Ms. Napychank: Can I say something?

Mr. Glover: No, I can't do it. If I go back to you I got to back to him. Ralph, do you have a question?

Mr. Matto: No

Ms. Napychank: he questioned the R-1 zone, that's my question

Mr. Glover: It is an R-1 zone

Ms. Napychank: Well, then if it's an R-1 zone, how can Mr. Paiva have his business in back of us?

Mr. Glover: That would be an issue for zoning enforcement. There shouldn't, there shouldn't be a business in an R-1 zone. But it is an R-1 zone.

Ms. Napychank: I thought it was PDD

Mr. Glover: No

Ms. Napychank: When they brought up the issue of continuation of Constitution Boulevard in the future, I was told they changed it to PDD, Planned District Development?

Mr. Glover: I don't, I don't know

Mr. Matto: If it is, this map needs to be changed. This map says, states on here R-1 zone

Ms. Napychank: I know, that's what I saw

Mr. Glover: Well, it says it on the Assessor's map, on the Assessor's map it says R-1 zone

Ms. Napychank: I noticed that. But then who do you, who do you ask about that?

Mr. Glover: Zoning office upstairs, the Planning and Zoning upstairs. But it's, it's clear on the, on the zoning, on the Assessor's map that it's an R-1 zone and all of the, the zoning enforcement officer upstairs when he makes the application, he has to sign the application, he puts down, he certifies that it's an R-1 zone, it's written down on the application an R-1 zone. And the requirements on the back are all equal to an R-1 zone. So it

Mr. Fitzgerald: And isn't it a

Mr. Glover: it is an R-1 zone. What you have is a pre-existing non-conforming lot. Which means that it existed before zoning. It's a legal lot that existed before, before zoning was in place and it does not conform to today's requirements. An R-1 zone would require 40,000 sq. ft., this one doesn't have anything near 40,000 sq. ft. An R-1 zone would have to have a minimum frontage of 135 feet, this has a minimum frontage of 55 feet. It's a legal lot. He has the right, the owner has the right to build on it because it, it's kind of grandfathered in, in plain language. So it's a lot that existed before zoning so it's a pre-existing non-conforming, but an acceptable building lot. He's required to keep, to stay 40 feet off the street. He can't do that. If he had a lot that was in, that was conforming to the zoning regulations, it would be 135 feet in the front and would probably be, it would be 40,000 square feet, so it'd probably be 200 feet deep. Then he would be able to maintain the 40 feet from the street line because he'd have plenty of land to push it back. His hardship is that he has a pre-existing non-conforming lot, it's not big enough. It doesn't belong in this zone, but it was in this zone before it became this zone, therefore it is a legal lot. He has the right to build on a legal lot by, by law. And he can't comply with the 40 foot setback because he doesn't have enough land. So the city has created a situation for the owner of this property, and perhaps for the owner of, perhaps for your property too, that it doesn't conform to the new overlay that they have, but we still, they still require him to stay

with the standards, and he can't. So that's why the State sets up the Zoning Board of Appeals to recognize his hardship and say we understand that you can't conform because you don't have the area to conform. So we have to waive the regulation and allow him to do something different than's in the code, because he can't conform to the code.

Ms. Napychank: So you're saying that there is with, the way I looked at this, it looked like that addition on the second floor was right over where it showed the cars.

Mr. Glover: It's not, it is not

Mr. Matto: that's the parking lot

Mr. Glover: That's just the parking lot

Mr. Matto: If you backed the cars, back the cars to the garage, that's where the garage is.

Ms. Napychank: These cars are not underneath this? They are underneath this

Mr. Matto: No, let me show you

Ms. Napychank: That's what it looks like to me.

Mr. Matto: Do you see this? The cars?

Ms. Napychank: Uh huh

Mr. Matto: see this is the driveway coming in, and all this is asphalt. And the cars are here and if it rains the cars are going to get wet. The house starts over here, this is the garage.

Ms. Napychank: Alright, now Mr. Paiva has a business. Is this going to be a residential, as you say, R-1, or is he going to park his trucks there?

Mr. Glover: It's going to be a residential

Ms. Napychank: So is there any law saying he can't park his trucks there?

Mr. Glover: It depends on what his trucks are? If his

Ms. Napychank: Well, you'll have to speak to him. He's got dump trucks

Mr. Glover: No, he can't park a dump truck there

Ms. Napychank: He can't park his diggers

Mr. Glover: He can't park his diggers there. He can only park

Ms. Napychank: backhoe, he's got all this up there

Mr. Glover: he can only park his diggers and his backhoe there while he's constructing this. When the house is constructed, the diggers and the backhoes can't stay here.

Ms. Napychank: And it's not going to obstruct our coming and going while he's out there building?

Ms. Ogle: While they're building it will

Mr. Glover: No

Ms. Napychank: That's my concern because this is the only way we can get out. That's my major concern.

Mr. Glover: Yep, thank you very much. Any other questions from the Board? (no) Alright, then I'll declare the hearing closed. Thank you very much.

Later that evening during the work session, the Board upon motion by Mr. Cavallaro and seconded by Mr. Fitzgerald, unanimously voted that:

#110-2 “In the application of Jose Paiva of 49 Blacks Hill Road, Shelton, CT for a certificate of approval for a 38x31 addition with garage to be located on the property of the applicant at 32 Blacks Hill Road, R-1 zone, and which requires a variance in setback from the street line

The application for a variance is approved.

Inasmuch as the parcel is a pre-existing non-conforming lot, and

Inasmuch as the parcel is an irregularly shaped lot, narrow lot, and

Inasmuch as the addition will be in line with the existing structure and no part of the addition shall encroach on the street line any more than part of the existing structure, and

Inasmuch as the setback of the street line will be in harmony with the neighborhood,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance in setback from the street line from 40 ft. to 7 ft. at the above is granted (Section 24, Schedule B, Standard 7) in this instance.

This certificate of approval is contingent on the following conditions: 1. The property will be hooked up to municipal sewers. 2. No commercial vehicles shall be parked on the premises except during construction of the addition. 3. The structure shall be used as a single family home.

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

Approval of Minutes

During the work session, the Board upon motion by Mr. Jones and seconded by Mr. Cavallaro, unanimously voted to accept the minutes of the December 15, 2009 hearing as submitted by the clerk.

Respectfully submitted,
Loreen Michalak, Clerk