

October 29, 2010

MINUTES: THE ZONING BOARD OF APPEALS, Town of Hamden, held a Public Hearing and Special Meeting on Thursday, October 28, 2010 at 7:00 p.m. in the 1st Floor Conference Room, Hamden Government Center, 2750 Dixwell Avenue, Hamden, CT. and the following items were reviewed:

Commissioners in attendance:

Jeff Vita, Chairman
Wayne Chorney, Vice Chair
Elaine Dove
Fran Nelson
William Reynolds

Staff in attendance:

Daniel Kops, Assistant Town Planner
Tim Lee, Assistant Town Attorney
**Holly Masi, Zoning Enforcement Officer &
acting as Clerk for the Commission**
Lisa Raccio, Stenographer

Mr. Vita called the meeting to order at 7:05 p.m. The panel introduced themselves and Mr. Vita reviewed the meeting procedures and apologized to the public members for the lack of a quorum for the Regular Meeting.

A. Public Hearing

- 1) **10-6401** 55 Caroline Street, Requesting variances of the following: Section 220, Table 2.3 to allow a side yard of 1 foot where 12 feet is required for the construction of a deck. Section 220, Table 2.1 to allow 35.59% impervious surface where no more than 30 % is allowed. R-4 zone
Ersinkine & Jacquelyn McIntosh, Applicants

Public Hearing opened at 7:05 p.m.

Mr. McIntosh, the Applicant, came forward to review the application and plan on file. He showed Commissioners the full size plan from which he made the smaller copies that were submitted with the application on file. He noted that this plan augments the pieced copies that were made. Mr. McIntosh submitted eight pictures to clarify to the Commission the details of the existing retaining wall and the existing legal non-conforming side yard. He then reviewed the proposed placement of the deck noting that the current placement of the house on the lot limits where the deck can be placed. The Zoning Enforcement Officer noted for the record that the Commission had granted a side yard variance several years prior, but were not specific in what that side yard was. Mr. McIntosh had not implemented the original proposed plan so the Zoning Enforcement Officer recommended that he submit to the Commission a new application with the current proposal.

Mr. Vita asked for public comments:

Mrs. Jacquelyn McIntosh – 55 Caroline Street, came forward to speak in favor of the application.

There were no additional public comments.

Public Hearing closed at 7:12 p.m.

- 2) **10-6402** 23 Westside Drive, Requesting a variance of the following: Section 220, Table 2.3 to allow a side yard of 4 feet where 12 feet is required for the construction of a carport. R-4 zone
Oscar Mayana, Applicant

Public Hearing opened at 7:12 p.m.

Oscar Mayana, the Applicant, came forward to address the Commission and review the application and plans on file for a proposed carport. He noted that it will not be enclosed and that there will be posts into the ground. Ms. Dove asked for clarification about the details of the carport. Mr. Mayana responded that it will match the house and be shingled similarly. Mr. Chorney noted that there is no other feasible place to locate the carport and that the proposed location will provide accessibility to the house.

Mr. Vita asked for public comments. There were no public comments.

Public Hearing closed at 7:16 p.m.

- 3) **10-6403** 12 Waite Street, Requesting variances of the following: Section 220, Table 2.3 to allow a side yard of 0 feet where 12 feet is required for the reconstruction of a deck. Section 220, Table 2.3 to allow a side yard of 9.5 feet where 12 feet is required for the addition of a second floor. R-4 zone.
Denise Laframboise, Applicant.

Public Hearing opened at 7:16 p.m.

Ms. Denise Laframboise, the Applicant, came forward to review the application and plans on file for the proposed reconstruction of a deck that is in disrepair as well as for an addition to the second floor for an additional bedroom. She explained to the Commission that the prior owners had built the deck with an allotment in the center for an existing tree and that this tree had grown and caused damage and partial uprooting of the deck. She noted that there is no other reasonable place to locate the deck. She also noted that there were no records of permitting for the prior deck. Ms. Dove then asked for clarification about the addition. Ms. Laframboise reviewed the plan and noted that she would be extending the current building up and not increasing the existing side yard. She noted the need for an additional bedroom to accommodate a sick parent in the near future. There was then discussion about the garage and the greenhouse and the permitting process. Ms. Dove and Mr. Chorney, along with the Zoning Enforcement Officer recommended that she have her contractor contact the Planning and Zoning Office to verify that all the required permits have been applied for and obtained for all of the work being performed and structures being erected on the property. Commissioners reviewed and discussed the plans and noted the lack of an alternate location for the deck.

Mr. Vita asked for public comments. There were no public comments.

Public Hearing closed at 7:25 p.m.

- 4) **10-6404** 100 Birchwood Drive, Requesting a variance of the following: Section 220, Table 2.3, to allow a side yard of 15.96 feet where 20 feet is required for a garage. R-2 Zone,
Alberto & Angelina DiChello, Applicants

Public Hearing opened at 7:25 p.m.

Maria DiChello, daughter of the applicants, came forward to review the application on behalf of her parents (the Applicants). She reviewed the plan on file noting that they are proposing to add to the existing 2-car garage to accommodate a third vehicle. The Commissioners reviewed the plans and clarified a few details and markings on the plans on file. Ms. DiChello clarified the existing driveway and paved area and noted that there is paving to the back wall. She sketched in the driveway on the plan for additional clarification. Ms. Dove asked for additional details about the addition; Ms. DiChello responded that it would match the existing garage.

Mr. Vita asked for public comments. There were no public comments.

Public Hearing closed at 7:35 p.m.

B. Regular Meeting

a. Discussion and voting on Public Hearing items.

10-6401

Mr. Nelson made a motion to approve the first variance request per the plan as shown and deny the second variance request as not needed; Ms. Dove seconded the motion. The size and configuration of the lot is the hardship along with the legal non-conforming placement of the house. The motion passed 4-0-1 with Mr. Chorney abstaining from the vote.

10-6402

Mr. Nelson made a motion to approve the variance request per the plan as shown; Mr. Chorney seconded the motion. The lot size is small and the lot is narrow. The other side is too small to accommodate the request. The carport will not go over the existing side yard for the garage. The motion passed unanimously.

10-6403

Ms. Dove made a motion to approve the variance request per the plan as shown; Mr. Chorney seconded the motion. The configuration of the lot and the existing building as it sits on the lot makes no other possible plan viable. The deck is in poor shape because of the existing tree and needs to be replaced and there is no exit to the back to accommodate locating the deck there. The applicant needs to identify all necessary permits for all structures and work being performed on the property; Mr. Chorney agreed to include this in the motion. The motion passed unanimously.

10-6404

Ms. Dove made a motion to approve the variance request per the plan as shown; Mr. Reynolds seconded the motion. The topography of the land as well as the long narrowness of the lot cause a hardship and does not give much room on either side to accommodate any additions. Additionally, the applicant is staying within the existing paved area. The motion passed unanimously.

b. Approve Minutes of September 16, 2010

These Minutes were approved as amended at the October 21, 2010 meeting.

c. Old Business

Commissioners reviewed some zoning concerns and violations with the Zoning Enforcement Officer.

d. New Business

There was no New Business discussed.

e. Adjournment

Mr. Nelson made a motion to adjourn; Mr. Reynolds seconded the motion. The motion passed unanimously.

The meeting adjourned at 8:00 p.m.

Submitted by: _____
Holly Masi, Acting Commission Clerk