

September 26, 2012

MINUTES: THE ZONING BOARD OF APPEALS, Town of Hamden, held a Public Hearing and Regular Meeting on Thursday, September 20, 2012 at 7:00 p.m. in the 3rd Floor Conference Room, Hamden Government Center, 2750 Dixwell Avenue, Hamden, CT with the following results:

Commissioners in attendance:

Wayne Chorney, Acting Chair
 Bill Reynolds
 Fran Nelson
 Suzanne Carroll, sitting for Elaine Dove
 Steve Walsh, sitting for Jeff Vita

Staff in attendance:

Dan Kops, Assistant Town Planner
 Holly Masi, Zoning Enforcement Officer
 Stacy Shellard, Commission Clerk
 Genovieve Bertolini, Stenographer

Mr. Chorney called the meeting to order at 7:03 p.m., reviewed the agenda and meeting procedures, and the panel introduced themselves.

A. Public Hearing

- 1)12-6472** 182 Welton Street, Requesting variance: Section 558.b to permit parking in the required front and side yard where none is allowed for a place of worship, T-3 Zone.
 Iglesia Jehova Mi Roca, Applicant

Mr. Dan Lyon, Architect, addressed the Commission and reviewed the application. He noted that this site had been used as a warehouse. Mr. Lyon reviewed the proposed site plan which will provide parking for 60 vehicles for 55 members. There will be no changes to the existing parking lot and only minor changes made to the interior of the building.

Mr. Chorney stated he would like a topography of the parking lot because the handicap parking spaces appear to be located on a slope, and the parking spaces near the wall did not seem to measure up. The parking spaces located on the right side of the lot appear to be located where the property is on an angle and it would force cars to backup into the driveway. Mr. Chorney does not feel that the handicap parking spaces will be in compliance.

Mr. Kops, Assistant Town Planner, reviewed the parking spaces with the Commission and said that some of the spaces are substandard because the zoning regulations require 24 feet behind the spaces, and this requirement would mean a loss of four spaces. The parking requirements will be addressed by the Planning and Zoning Commission. Parking can be allowed on the street if it is available or the applicant can rent spaces from another

property owner if they are within 300 feet of the proposed site. Mr. Kops explained that handicap accessibility is the responsibility of the Building Department. Mr. Lyons stated that he would review the location of the handicap parking spaces.

Mr. Chorney asked if the public hearing should be continued so that the problem with the parking spaces on the proposed plan can be addressed. Ms. Masi explained that the number of parking spaces is what is being questioned. Mr. Chorney would like to see a revised site plan that addresses the parking spaces before approving the variance request. He feels that the property owners in the area should know where the parking will be for the site. Mr. Kops explained that the ZBA does not approve on street parking. Mr. Chorney said that the ZBA does not approve the parking, but it is part of the layout for the site. Mr. Kops stated that the variance request is to allow front and side yard parking. He suggested that the Commission look at the potential impact of parking in the front and side yards. The actual configuration of the parking area should be determined by the P & Z Commission. Mr. Kops reviewed the possible locations of on-street parking and renting of spaces on abutting properties within 300 feet of the proposed site. Mr. Lyon reviewed the proposed site plan and stated that the paving on the site is already established.

Mr. Chorney asked for comments in favor of the application. There was none.

Mr. Chorney asked for comments against the application:

Mr. Peter Saldamarco, President, MTG Inc., addressed the Commission and stated that he owns the property directly across the street from the proposed site. He feels that Welton Street is not a suitable area for a place of worship because there is established industrial and commercial uses. There are also some residential properties on Welton Street. It appears that the parking is inadequate for the size of the building. Mr. Saldamarco said that a hardship was not stated in the applicant's testimony and he feels if there is a hardship it is self imposed. Mr. Saldamarco stated that he is opposed to the application.

Mr. Chorney asked Mr. Saldamarco when he held automobile auctions on his property. Mr. Saldamarco replied the auctions are held on Tuesday mornings.

Ms. Cynthia Rivas, 217 Lloyd Street, New Haven, addressed the Commission and stated that services will be held on Tuesday and Thursday evenings and also on Sunday mornings at 11:00 a.m.

Mr. Chorney reviewed the variance request and the established parking on the site for the previous use. Mr. Chorney said his concerns with the proper amount of parking spaces will be addressed by the Planning & Zoning Commission.

Mr. Bob Adnopo, Realtor, addressed the Commission and stated that he is the realtor representing the property owner and that he is in favor of this application. He said there are two other houses of worship in the immediate area. They have not changed the overall appearance of the neighborhood and have enhanced the area with their occupancy.

Mr. Saldamarco asked Mr. Adnopo if the applicant would be the owner of the property or be leasing it. Mr. Adnopo stated that the applicant would lease the property.

Mr. Chorney closed the Public Hearing.

- 2) 12-6473** 32 Thompson Street, Requesting variance: Section 220, Table 2.3 to permit a 5ft side yard where 12ft is required for an enclosed porch, R-4 Zone.
Bryan Lambert, Applicant

Mr. Bryan Lambert, Applicant, addressed the Commission and reviewed the application. He stated that a variance for the existing deck was granted in 1988. The proposed three season room would not go over the existing footprint.

Ms. Holly Masi, Zoning Enforcement Officer, explained that the variance granted in 1988 was for a specific proposal and a new variance is needed for this proposal.

Mr. Lambert explained that the deck will be reinforced. He reviewed the letters that were submitted with the application and were from his neighbors in support of the application.

Mr. Chorney asked if an abutters list was submitted. Mr. Lambert submitted a copy of the abutters list.

The Commission discussed the existing deck and the proposed deck.

Mr. Chorney asked if the applicant's request would be over the allowed lot coverage and Ms. Masi replied no.

Mr. Nelson asked if the proposed enclosed porch would stay within the existing lines and not increase the footprint.

Mr. Kevin Murphy, Contractor, Champion, addressed the Commission and stated that the enclosed porch would be the same size as the existing deck. He would reinforce the existing deck and the enclosed porch would be approximately 10 feet in height.

Mr. Chorney asked for comments in favor and against the application:

Mr. Marco Cabral, 45 Thompson Street, addressed the Commission and stated that he is not for or against the application. He is concerned with the close proximity to the property line and that it could create a flood gate for other neighbors with similar ideas and impact the neighborhood for future variance request. Mr. Cabral asked if the requested variance is common. Mr. Chorney explained that this type of variance request is common, especially on smaller lots. Larger rooms or entry ways may be needed as families get larger, grandparents taking care of grandchildren, or medical needs. Mr. Chorney explained that variance request is necessary because it may impact the abutting property owners. Because the zoning regulations regulate the amount of lot coverage, location of accessory building and requirements for the side, front and rear yards a variance may be necessary.

Mr. Cabral asked if a variance is granted does it set a precedent for other requests or is each request handled separately. Mr. Chorney said that each request is handled separately. Mr. Cabral is concerned that this request will affect the privacy and values of the homes in the neighborhood.

Ms. Joanne Lambert, 32 Thompson Street, addressed the Commission and explained that the existing deck was added in 1988 and there have been no other additions added to homes in the neighborhood since. She stated that she is getting older and has medical issues. She would like a room that would allow her to be protected from the outdoor elements, but would allow her to enjoy the outdoors or use as a bedroom in the future.

Mr. Chorney closed the Public Hearing.

- 3) 12-6474** 48 Bowen Street, Requesting variance, Section 220, Table 2.3 to permit a side yard of 1 foot 9 inches where 10 ft is required for an enclosed porch, R-5 Zone.
Edgar Encoloda, Applicant

Mr. Edgar Encoloda, Applicant, addressed the Commission and reviewed the application. Mr. Nelson asked if the enclosed porch will be larger than the existing porch and Mr. Encoloda replied no.

Mr. Reynaldo Ortiz, 48 Bowen Street, addressed the Commission and stated that the addition will be used by his 84 year old mother in-law. Mr. Ortiz reviewed the proposed site plan with the Commission.

Mr. Nelson asked if there will be an increase in the nonconformity. Ms. Masi stated that it would not and that the lot is narrow.

Mr. Chorney asked for comments in favor or against the application. There was none.

Mr. Chorney closed the Public Hearing.

- 4) 12-6475** 37 Sunwood Circle, Requesting variance: Section 220, Table 2.3 to permit a 10 ft side yard where 20 ft is required for an addition, R-2 Zone.
Paul Guarniere, Applicant

Ms. Trisha Wellins, Owner, addressed the Commission and reviewed the application.

Mr. Nelson asked if the addition would be within the existing footprint and only going up. Ms. Wellins replied yes.

Ms. Masi stated that the location being proposed for the addition is necessary because of the unique shape of the lot.

Mr. Nelson asked if the zoning regulations required a 12 foot side yard when the house was built. Ms. Masi stated that the house was built prior to the 12 foot side yard requirement. Ms. Wellins stated that the house was built in the early 1980's. Mr. Kops reviewed the variances that have been granted for the property.

Mr. Chorney asked for comments in favor and against the application. There was none.

Mr. Chorney closed the Public Hearing.

B. Regular Meeting

a. Discussion and voting on Public Hearing items.

12-6472

Mr. Nelson made the motion to approve Application 12-6472. Mr. Reynolds seconded the motion. Mr. Nelson stated that the hardship is the preexisting building and the applicant will utilize the parking area located in the front. The applicant needs to go to the P & Z Commission for the parking requirements that are not a ZBA decision and the front and side yard parking is preexisting. *The motion passed unanimously.*

12-6473

Mr. Nelson made the motion to approve application 12-6473. Mr. Walsh seconded the motion. Mr. Nelson stated that a variance for the deck was granted in 1988 and the enclosed room would not increase into the side yard or the back yard because the variance request is to go up. *The motion passed unanimously.*

12-6474

Mr. Reynolds made the motion to approve Application 12-6474. Mr. Nelson seconded the motion. Mr. Reynolds stated that the addition would be going up and not outside the existing footprint, and the entire house is nonconforming. *The motion passed unanimously.*

12-6475

Mr. Nelson made the motion to approve Application 12-6475. Mr. Reynolds seconded the motion. Mr. Nelson stated that the hardship is that the property is pie shaped and there would be no other place for the addition. The addition would not go further into the side yard because it is going up. *The motion passed unanimously.*

b. Approve Minutes of July 19, 2012

Mr. Chorney asked that on page 3, 3rd paragraph, 8th sentence, should read: Mr. Chorney explained that if the proposed addition had 12 feet side yards it could also allow an increase of the height by adding a second story. Also, page 4, Application 12-6470, 2nd paragraph, 1st sentence, should read: "Mr. Chorney asked if Ms. Sowitchy would be adding to the existing deck and would it be pervious".

Mr. Nelson made the motion to approve the Minutes of July 19, 2012 as amended. Mr. Reynolds seconded the motion. The motion passed unanimously.

c. Old Business

There was none

d. New Business

Mr. Chorney reviewed signs that were not in compliance with Ms. Masi.

Mr. Reynolds discussed with Ms. Masi signs posted on properties for schools and places of worship. Ms. Masi discussed with the Commission the procedures used for addressing possible sign violations with property owners.

Mr. Chorney asked if the Hyde School is leaving its location on Circular Avenue. Mr. Kops said that they are relocating to the Gateway Community College building located in New Haven on Long Wharf.

e. Adjournment

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

The meeting adjourned at 7:55 p.m

Submitted by: _____
Stacy Shellard, Clerk of the Commission