

**January 22, 2013**

**MINUTES: THE ZONING BOARD OF APPEALS**, Town of Hamden, held a Public Hearing and Regular Meeting on Thursday, January 17, 2013 at 7:00 p.m. in the 3<sup>rd</sup> Floor Conference Room, Hamden Government Center, 2750 Dixwell Avenue, Hamden, CT. with the following results:

***Commissioners in attendance:***

Bill Reynolds, Acting Chair  
Fran Nelson  
Elaine Dove  
Suzanne Carroll, alternate sitting for Wayne Chorney

***Staff in attendance:***

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

Mr.Reynolds called the meeting to order at 7:00 p.m., reviewed the agenda and meeting procedures, and the panel introduced themselves.

**A. Public Hearing**

- 1) **12-6483** 255 Paradise Ave, Requesting variances: Section 650.3.1.e, to park a recreational vehicle which exceeds 18ft in length in a driveway, Section 650.3.1.f, to permit storage of a recreational vehicle without screening from view, Section 650.3.1.i, to permit storage of a recreational vehicle with more than 2 axles, R-1 zone, Alfred Aitro, Applicant

Mr. Fred Aitro, Owner, addressed the Commission and reviewed his application. He explained that he is unable to park his recreational vehicle in the required rear yard because there is a steep hill. Mr. Aitro submitted an aerial view of the rear yard topography and reviewed it with the Commission. He discussed with the Commission where the vehicle is parked and the surrounding properties.

Ms. Dove said that previously she had a neighbor who parked his recreational vehicle in the rear of his property and she felt that it was an eyesore. However, the trees on her property screened it from her view. Ms. Dove said that she is concerned how parking the recreational vehicle without screening will affect the entire street. Mr. Aitro explained that he has been parking the vehicle on his property for ten years.

Mr. Nelson asked if the vehicle is registered and Mr. Aitro replied yes. Mr. Aitro explained that in the summer it is parked at a camp ground. Mr. Nelson noted that Mr. Aitro could park the vehicle on the street because there are no

signs. Mr. Aitro explained that parking is not allowed on the street. The Commission further discussed the surrounding properties and on street parking with the Commission and the Planning Staff.

Mr. Reynolds entered into the record the letters that were received in favor of the application.

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

Mr. Reynolds asked for comments against the application:

Mr. John Kristoff, 570 Gilbert Avenue, addressed the Commission and stated that he is not in favor of the application. He said that the vehicle is an eyesore on Paradise Avenue and if he were someone interested in purchasing a property in the area he would not. Mr. Kristoff noted that the zoning regulations are in place to protect the residents and their properties. He also feels that if someone chooses to have a recreational vehicle it should be stored properly on the property or they can rent a storage area. The recreational vehicle is over 18 feet long and being stored without the proper screening. Mr. Kristoff stated that if the Commission approves the application it will be setting a precedent for all applications that come before the Commission to be approved. An approval of this application would not be in the best interest of the residents who pay taxes and would go against ordinances that are in place to protect property owners.

The Commission and the Planning Staff discussed Mr. Aitro's hardship and different types of screening that could be used. Mr. Kops advised the applicant he would need a variance if he were to place a fence over 4 feet high in the front yard. Ms. Masi, Zoning Enforcement Officer, reviewed the zoning regulations for recreational vehicles.

Mr. Nelson closed the Public Hearing.

**2) 12-6486** 27 Harmon St, Requesting variance: Section 220, Table 2.3 to permit a 5ft side yard where 12 feet is required for a dormer, R-4 zone, Josh Price & Jeannette Compton, Applicant

Mr. Josh Price, Owner, addressed the Commission and said that his house is in need of a new roof and he would like to add to the existing dormer so that it is more symmetrical with the existing foot print of the house.

Ms. Jeanette Compton, Owner, addressed the Commission and reviewed the existing room where the dormer would be added.

Mr. Nelson asked why a variance is necessary for a dormer when it would be placed within the existing foot print of the house and only going up. Mr. Kops explained that the dormer would be expanding the non-conformity that already exists. The Commission and the Planning Staff further discussed the existing setbacks of the property and the setback requirements in an R-4 zone.

Mr. Reynolds asked for comments in favor and against the application. There were none.

Mr. Reynolds closed the public hearing.

## **B. Regular Meeting**

### **a. Discussion and voting on Public Hearing items.**

#### **12-6483**

***Mr. Nelson made the motion to approve application 12-6483 with a condition. Ms. Dove seconded the motion.*** Mr. Nelson said that the property has a steep drop in the rear and this creates the hardship. Mr. Nelson would like a condition that includes a living fence located at the rear of the camper. He is unsure what could be placed at the front of the camper because a 4 foot fence would not be high enough and a fence over 6 feet would require a variance. Mr. Nelson said that the camper would need to be 10 feet from the property line. A wooden fence behind the camper to match the fence on the side would help 2/3 of the problem with the screen.

Ms. Dove asked if the application could be approved and then ask the applicant to come back for a variance to have it placed closer to the property line. Mr. Kops advised this could not be done. The Commission can approve the application as is, deny completely, or deny it with the understanding that the Commission would be receptive to an application that included screening 6 feet or higher within the front yard. Another option would be to approve the application with a condition that does not require a variance. Mr. Kops noted that he is predisposed to the screening being higher.

The Commission and the Planning Staff had a lengthy discussion about the location of the screening needed, the height of the screening and parking the vehicle in the street. The Commission further discussed the precedent that would be set if the application is approved.

***Mr. Nelson amended his original motion to read: Motion to approve Section 650.3.1.e and 650.3.1.i and deny Section 650.3.1.f. Mr. Reynolds seconded the motion. Mr. Nelson and Mr. Reynolds voted in favor of the motion. Ms. Dove and Ms. Carroll voted against the motion. Therefore, the motion failed.***

Mr. Kops suggested that the Commission revisit the motion 650.3.1.f.

***Ms. Dove made the motion to deny Section 650.3.1.f. Ms. Carroll seconded the motion.*** Ms. Dove stated that her motion to deny is based on the fact that a recreational without screening is an eyesore and would set a precedent that would be difficult in the town. She also feels that there is no clear hardship. ***Ms. Dove, Mr. Reynolds and Ms. Carroll voted in favor of the motion. Mr. Nelson voted against the motion. Therefore, the motion failed.***

***Mr. Nelson made the motion to approve Section 650.3.1.f. There was no second to the motion. Therefore, the motion failed.***

The Commission discussed with the Planning Staff tabling the decision until the February 21, 2012 meeting to seek a legal opinion from Mr. Tim Lee, Assistant Town Attorney, or the applicant could withdraw his application.

#### **12-6486**

***Mr. Nelson made the motion to approve application 12-6486. Ms. Dove seconded the motion.*** Mr. Nelson said that the hardship is that the house was built before zoning regulations existed. He noted that the applicant is going up with the dormer and it does not change the character of the front of the house. ***The motion passed unanimously.***

#### **b. Approve Minutes of December 20, 2012**

***Ms. Carroll made the motion to approve the Minutes of the December 20, 2012 meeting. Mr. Nelson seconded the motion. Ms. Carroll, Mr. Nelson and Mr. Reynolds were in favor of the motion. Therefore, the motion passed.***

#### **Approve Minutes of December 27, 2012, Special Meeting**

***Mr. Nelson made the motion to approve the Minutes of the December 27, 2012 meeting. Ms. Carroll seconded the motion. Ms. Carroll, Mr. Nelson and Mr. Reynolds were in favor of the motion. Therefore, the motion passed.***

#### **c. Old Business**

There was none.

#### **d. New Business**

Mr. Nelson questioned why the zoning regulations could not be amended to allow the Zoning Enforcement Officer, at her discretion, approve dormers that stay within the foot print of a house. He feels that the owner of a house

should not have to pay an application fee for what he considers a minor change within the footprint of the house. The Planning Staff discussed with the Commission the reason for the existing regulations with regard to dormers. Also, the difficulties that may occur without a public hearing and abutter notices being sent out. Ms. Dove stated that the ZBA Commission as a whole represents the community and when the request for a dormer is made, they must also consider how it would affect the abutting properties and the surrounding neighborhood. Mr. Kops advised the Commission that he would speak with Mr. Tim Lee, Assistant Town Attorney, to determine if the regulations for dormers could be amended in a way that it would not be the responsibility of the Zoning Enforcement Officer's to approve a request for a dormer that is non-conforming.

**e. Adjournment**

*Ms. Dove made the motion to adjourn. Mr. Reynolds seconded the motion. Therefore, the motion passed unanimously.*

The meeting adjourned at 8:15 p.m.

**Submitted by:** \_\_\_\_\_  
**Stacy Shellard, Clerk of the Commission**