

February 25 2013

MINUTES: THE ZONING BOARD OF APPEALS, Town of Hamden, will hold a Public Hearing and Regular Meeting on Thursday, February 21, 2013 at 7:00 p.m. in the 3rd Floor Conference Room, Hamden Government Center, 2750 Dixwell Avenue, Hamden, CT. and the following will be reviewed:

Commissioners in attendance:

Jeff Vita, Chair
Wayne Chorney, arrived at 7:04 p.m
Bill Reynolds
Fran Nelson
Elaine Dove

Staff in attendance:

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

Mr. Vita called the meeting to order at 7:01 p.m., reviewed the agenda and meeting procedures, and the panel introduced themselves.

Mr. Vita explained that since there were only four members of the Commission present, all four must vote in favor of an application for it to be approved. He added that if anyone wished to, they could have their application continued to the next meeting.

A. Public Hearing

- 1) **13-6487** 24 Thornton St, Requesting a variance: Section 220, Table 2.1 to permit 37.3% impervious surface where only 30% is allowed for an addition, R-4 zone
Sara Borden, Applicant

Mr. Tom Dwyer, Contractor, addressed the Commission and reviewed the existing site and the proposed addition.

Ms. Dove asked if an addition had previously been put on the house and Mr. Dwyer replied yes. She asked if the proposed addition would have a basement and Mr. Dwyer replied no.

Mr. Vita asked for comments in favor or against the application. There were none.

Mr. Vita closed the Public Hearing.

- 2) 13-6488** 2761 Dixwell Ave, Requesting a variance: Section 380.3.2, Table 3.7 to permit a 0 ft side yard where 50 feet are required for an all abilities playground, TG Zone
Town of Hamden, Applicant

Mr. Lee suggested that Application 13-6488 and 13-6489 be combined because they are for the same project.

Ms. Julie Smith, Deputy Chief Administrative Officer, Mayor's Office, Town of Hamden, addressed the Commission and reviewed the application. She explained where the playground is to be located and that the location of the parking lot is important because it needs to be accessible for everyone.

Mr. Dan Kops, Assistant Town Planner, stated that the proposed location of the playground straddles both properties. He noted that the hardship for the request is that the location be accessible for all and that there be available parking. The playground will be located next to the Community Garden.

Mr. Vita asked if the playground would be located next to the band shell located on the center green. Ms. Smith reviewed the site with the Commissioners and she said that accessibility to the park during major events was a concern when deciding on a location for the playgrounds.

Mr. Nelson asked why the variance is requesting a 0 side yard. Mr. Kops explained that the playground will straddle both properties. Ms. Smith said that the Town has received an approval and an agreement from the Hamden Housing Authority for the location of the playground.

Mr. Chorney asked if there will be any issues with the Federal Funding received by the Hamden Housing Authority. Mr. Kops replied no and that the location of the playground would not affect the housing located at 51 Worth Avenue and that the playground would not encroach onto their property where the already approved Community Garden is located.

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

- 3) 13-6489** 51 Worth Ave, Requesting a variance: Table 3.4 & Figure 3.6, to permit a 0 foot side yard where 3 feet are required for an all abilities playground, T-4 zone
Town of Hamden, Applicant

- 4) 13-6490** 32 Barrett St, Requesting variance: Section 220, Table 2.5 to permit a garage with a front yard setback of 29 feet where 37 feet is required. R-4 zone,
Gail Mase, Applicant

Mr. Kevin Sweeney, Contractor, addressed the Commission, and reviewed the application. He stated that the existing garage was damaged by "Storm Sandy". The proposed garage will be placed on the existing foundation.

Mr. Nelson questioned the size of bump out. Mr. Sweeney stated that the proposed garage will be 16.6 feet by 20 feet when the garage is completed. He discussed with the Commission the size and location of the garage and he stated that it would not encroach into the side yards.

Mr. Vita asked for comments in favor of the application:

Ms. Gail Mase, Owner, addressed the Commission and stated that the garage needs to be replaced because of "Storm Sandy".

Mr. Vita asked for comments against the application:

Mr. Gherlone, 46 Bliss Avenue, addressed the Commission and stated that there are problems when cars are parked on Bliss Avenue. He said that Bliss Avenue is not a standard width street and when the cars are legally parked on the street, only one car can pass at a time. He would like to see the garage pushed back on the property to be an incentive for cars to park in the driveway.

Ms. Mase stated that she already has parking for two cars and pushing the garage 8 feet back would not make any difference. She said that she does occasionally have company.

Mr. Gherlone described damage that has been done to his property due to cars parked on the street and vehicles unable to get by them.

Mr. Vita said that a letter was received from the RWA and that they had no comments.

Mr. Vita closed the Public Hearing.

- 5) 13-6491** 29 Veranda St, Requesting variances: Section 220, Table 2.5 to permit a garage with a front yard setback of 22 feet where 37 feet is required. Section 220, Table 2.3 to permit a side yard of 10 feet where 12 feet is required. Section 220, Table 2.3 to permit a side yard of 4 feet where 12 feet is required. Section 220, Table 2.1 to permit 35% impervious surface where only 30% is allowed, T-4 zone
Kevin Sweeney, Applicant

Mr. Kevin Sweeney, Owner, addressed the Commission and reviewed the variance request and the site. He said that the garage had been in poor condition and was further damaged by "Storm Sandy".

Mr. Nelson asked if the garage would be rebuilt within the same foot print. Mr. Sweeney reviewed the dimensions of the proposed garage and said that it would be built in the same area as the existing one.

Mr. Chorney asked if the proposed garage would be for one car. Mr. Sweeney said that it would be a one car garage, but would have a storage area.

Ms. Dove asked if the garage could be extended in length instead of width and this would still allow for storage. Mr. Sweeney stated that if the garage were extended back it would effect his neighbor's site line. The Commission discussed the size and location of the garage with Mr. Sweeney.

Mr. Vita asked for comments in favor of the application:

Ms. Gail Mase, 32 Barrett Street, addressed the Commission and stated that she is in favor of the application.

Mr. Vita asked for comments against the application:

Mr. Gherlone, 46 Bliss Avenue, addressed the Commission and stated he would like the garage moved back to encourage people to park in the driveway and not on the street.

The Commission further discussed with Mr. Gherlone the existing garage and driveway.

Ms. Dove asked Mr. Sweeney if he lived in the house. Mr. Sweeney stated that he did not and would like to put the house on the market in the spring. He noted that the garage as it stands is unusable.

Mr. Gherlone is concerned that when the house is sold, the new owners may have a lot of people move in and park cars on the street.

Ms. Mason stated that residents in the neighborhood do not park on the street.

Mr. Gherlone said that on Sunday's there are six to eight cars parked on the street.

Mr. Vita said that a letter was received from the RWA and that they had no comments.

Mr. Vita closed the Public Hearing.

B. Regular Meeting

a. Discussion and voting on Public Hearing items.

13-6487

Mr. Nelson made the motion to approve Application 13-6487. Ms. Dove seconded the motion. Mr. Nelson stated that the impervious surface of the existing driveway is non-conforming. Mr. Vita said that increase for the impervious surface will go from from 32 percent to 37 percent. *Mr. Nelson, Ms. Dove, Mr. Reynolds and Mr. Vita voted in favor of the motion. Mr. Chorney abstained. Therefore, the motion passed 4-0-1.*

13-6488

Mr. Nelson made the motion to approve Application 13-6488. Mr. Reynolds seconded the motion. Mr. Nelson said that the project is a joint venture between to Town properties. The existing barn overlaps between the Town of Hamden's property and the Housing Authority's property and the Legislative Council has already reviewed and approved. Mr. Vita stated that from the evidence submitted it appears that the location was investigated and this location was identified as the best location. *The motion passed unanimously.*

13-6489

Mr. Reynolds made the motion to approve Application 13-6489. Mr. Chorney seconded the motion. Mr. Nelson referred to the reasons to approve were the same reasons as stated for application 13-6488. *The motion passed unanimously.*

13-6490

Mr. Nelson made the motion to approve Application 13-6490. Mr. Reynolds seconded the motion. Mr. Nelson said that the structure was damaged by "Storm Sandy" and needs to be rebuilt. The proposed increase is to only a small part of the garage and square it off. The existing garage is already non-conforming and the proposed size increase would stay within the existing footprint. *The motion passed unanimously.*

13-6491

Mr. Nelson made the motion to approve Application 13-6491. Mr. Chorney seconded the motion. Mr. Nelson stated that there is evidence that the garage is in dire need of repairs. The applicant is not asking for a significant increase to the size of the existing garage and would like to be able to store yard goods in it. It is a minor variance. Mr. Vita noted if the garage were pushed back it would be in the site line of the neighbor. *The motion passed unanimously.*

b. Approve Minutes of January 17, 2013

Mr. Reynolds made the motion to approve the minutes of January 17, 2013. Mr. Nelson seconded the motion. Mr. Reynolds, Mr. Nelson and Ms. Dove voted in favor of the motion. Therefore, the motion passed.

c. Old Business

Mr. Lee reviewed the motion made at the January 17, 2013, for Application 12-6483, 255 Paradise Avenue. He explained that only four Commissioners were present and if it is not a unanimous decision then a motion is automatically denied. The Commission further discussed the motion with the Planning Staff. Ms. Masi said that she has been in contact with the applicant and he will be submitting a new application with a supporting site plan.

d. New Business

Mr. Chorney advised Ms. Masi that the pizza restaurant near SCSU has a sign that is flashing. Ms. Masi will investigate.

Ms. Masi explained that she has sent out letters to all automotive businesses in Hamden that clarifies the parking regulations.

e. Adjournment

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

The meeting adjourned at 7:34 p.m.

Submitted by: _____
Stacy Shellard, Clerk of the Commission