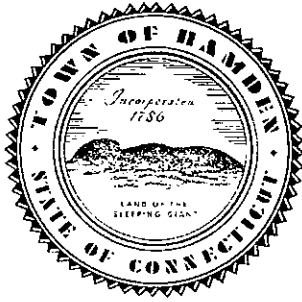


file COPY



RECEIVED
TOWN OF HAMDEN

DEC 14 2020

PLANNING AND
ZONING DEPT

TOWN OF HAMDEN
ZONING BOARD OF APPEALS
VARIANCE APPLICATION

ZBA # 20-6173
Date of Filing 12/15/2020
Fee \$560
Date Paid 12/15/2020
Receipt # 32369

Property Address 1965 Shepard Avenue, Hamden, CT 06518 Zone R-2

- Spring Glen Village District
- Newhall Design District

Hamden Land Records (from Town Clerk's Office): Volume 661 Page 607
David E. Rosenberg, Esq.

Applicant Gambarella Cipriano Gottlieb & Hathaway, PC Address 60 Washington Avenue, Suite 104

Phone 203-288-1333 Town/Zip Hamden, CT 06518

Property Owner Bernardo G. Azurin & Josephine G. Azurin Address 1965 Shepard Avenue

Phone 646-912-1779 Town/Zip Hamden, CT 06518

Lessee _____ Address _____

Phone _____ Town/Zip _____

Agent/Attorney David E. Rosenberg, Esq. Address 60 Washington Avenue, Suite 104

Phone 203-288-1333 Town/Zip Hamden, CT 06518

Email Address of Primary Contact david@gcghlaw.com

*This application is not complete unless signed by the owner **and** his/her agent (if applicable).

1. Variance Requested – State the Section Number from the Hamden Zoning Regulations that relates to the requested variance. State what your request is in relation to what is required. For example, "Section 220, Table 2.3: Applicant is asking for a 15 foot side yard where a 30 foot side yard is required."

Section 220 (Table 2.3) - Continuance of legal, non-conforming use of primary residence, including variance for Min. Side Yard and Min. Front Yard requirements and vertical expansion within the existing footprint.

2. What is the unique hardship applicable to the land (cannot be financial)? _____

The Owner's home/primary residence was damaged and rendered uninhabitable following a tornado on or about May 15, 2018. The damage required reconstruction of the 1st floor within the existing footprint, which was constructed in 1950 within the minimum side yard and front yard setbacks in the current Zoning Regulations. As part of the reconstruction, the Owner also seeks to add a vertical, 2nd floor addition within the same footprint. It is not possible to build the addition within the existing side yard setbacks as it would render the property structurally deficient and not in compliance with the Hamden Building Code. The topography of the property does not allow for an addition to be constructed elsewhere, the slope behind the house is too great for structural safety.

3. Attach a **site plan** that is drawn to scale and includes the following:
 - A. Dimensions of the lot
 - B. Location of all existing and proposed structures on subject property
 - C. Elevation drawings for any structures over four feet high
 - D. Zone of adjacent properties
 - E. Location of existing structures on adjacent properties

* See Attached Exhibit A
4. Provide an **Assessor's Map** (from the Assessor's Office) of the property clearly showing:
 - A. Your property (clearly identified)
 - B. Nearest intersecting streets
 - C. All properties located within 100 feet of any portion of your property

*See attached Exhibit B
5. Provide a **list of property owners within 100 feet** of any portion of your property including properties across streets. You can get this information from the Assessor's Office. This list should contain the property owner's abutting property address and home mailing address.


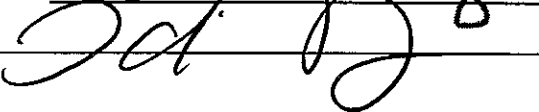
*See Attached Exhibit C
6. Provide stamped (not metered) **envelopes** addressed to all property owners (not tenants) within 100 feet (on abutters list from Assessor's Office) including one addressed to yourself. Address the envelopes to the property owner's mailing address rather than to the address of the property that abuts yours. The return address should read:

Zoning Board of Appeals
 Hamden Government Center
 2750 Dixwell Avenue
 Hamden, CT 06518

7. Post the required sign(s) on the subject property at least ten days prior to the public hearing (see the instructions, page 2).
8. Pay the appropriate fee (fee schedule listed on the first page of instructions). How long have you owned/leased the property? 40 years - October 22, 1980
9. Please list any variances previously requested for this property and the outcome: Variance Application filed by Mark Paluzzi was previously denied. This application contains new information
10. Has any application involving this property been submitted to the Planning and Zoning Commission? Yes / No If yes, what was its decision?
Yes, a prior Application was filed by Owner's home improvement contractor, Mark Paluzzi, and denied.
The present Application contains new information that complies with the Hamden Zoning Regulations.

I hereby state that all the above information and any information contained in any papers submitted herewith are true and correct to the best of my knowledge and belief under penalties of false statements.

I understand that by applying I grant permission for a member or members of the Zoning Board of Appeals and staff to enter upon the subject premises for the purpose of making a visual examination of same.

11. Property Owner's Signature  Date 12/10/2020
12. Applicant's Signature  Date 12/10/2020

NEXT STEPS IF YOU ARE GRANTED A VARIANCE

1. There is a **15-day appeal** period starting the day after the legal notice of action taken is published in the New Haven Register. During this time, anyone who wishes to appeal the Board's decision may take his/her case to court. **We recommend waiting until after the appeal period to record the variance.**
2. The variance must be recorded with the Town Clerk (between 9:00 am and 4:00 pm) to become effective. There is a recording fee of \$43.00 (subject to change). **Request three copies of the recorded variance notification from the Town Clerk's Office.**
3. After filing the variance with the Town Clerk, **you must obtain a Zoning Permit from the Planning Office.** The Zoning Permit process takes 7 to 10 working days.
4. At the time you file your Zoning Permit, you will need the following items:
 1. A completed Zoning Permit Application
 2. One (1) original and two (2) copies of the plot plan or site plan
 3. One (1) original and two (2) copies of the floor plans
 4. One (1) original and two (2) copies of the elevation drawings
 5. One (1) original and two (2) copies of the recorded variance notification
 6. The Zoning Permit Fee

PLOT PLAN

Please include the dimensions of all structures on property.

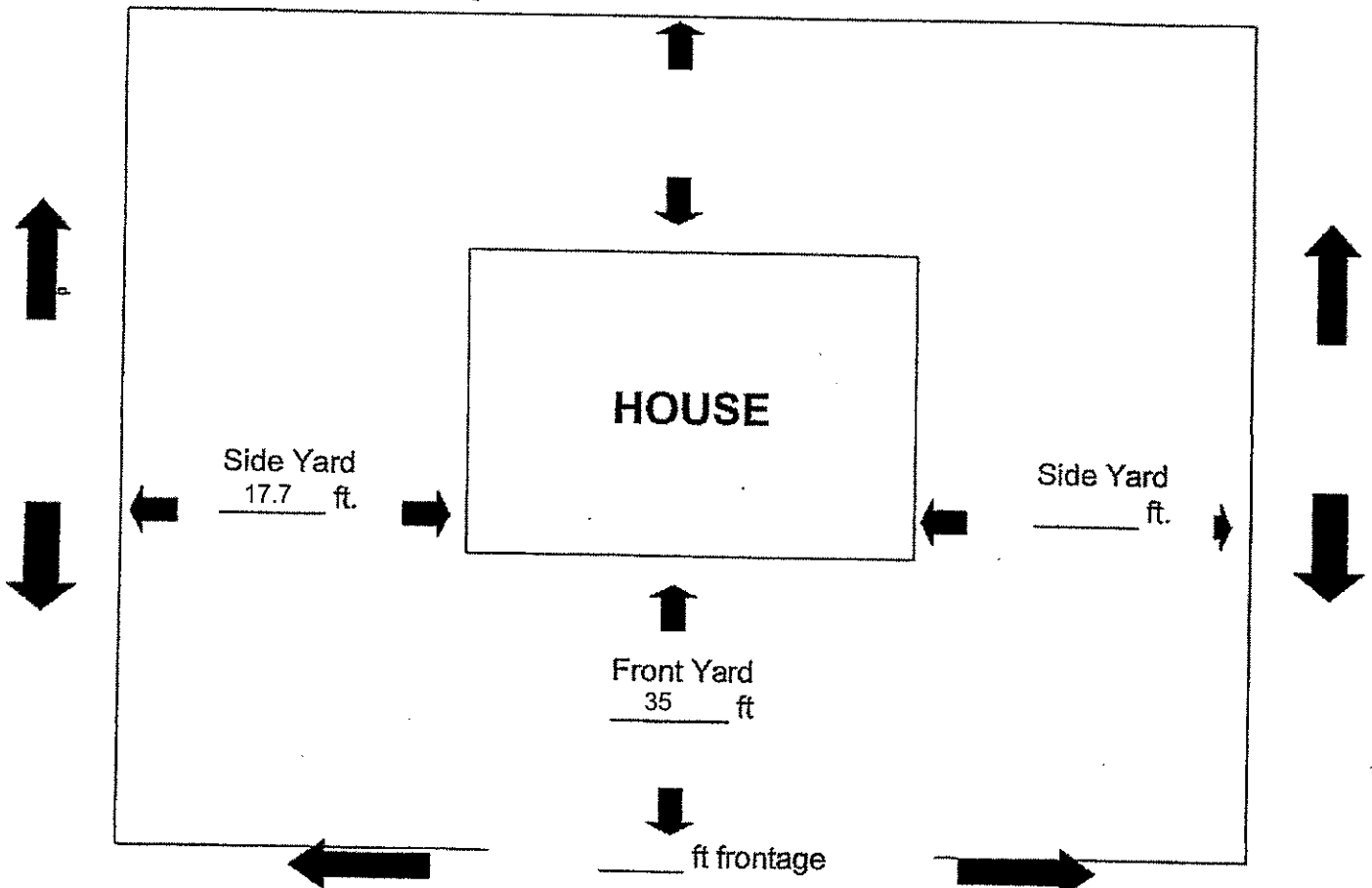
DATE December 10, 2020 PERMIT No. _____

ADDRESS 1965 Shepard Avenue, Hamden, CT 06518

HOUSE NUMBER 1965 LOT NUMBER 13 MAP 3228

INTERIOR or CORNER LOT _____ ZONE R-2

INDICATE NORTH 



Distance from front of house to:

SIDEWALK _____ ft. Curb Line _____ ft. STREET _____ ft.

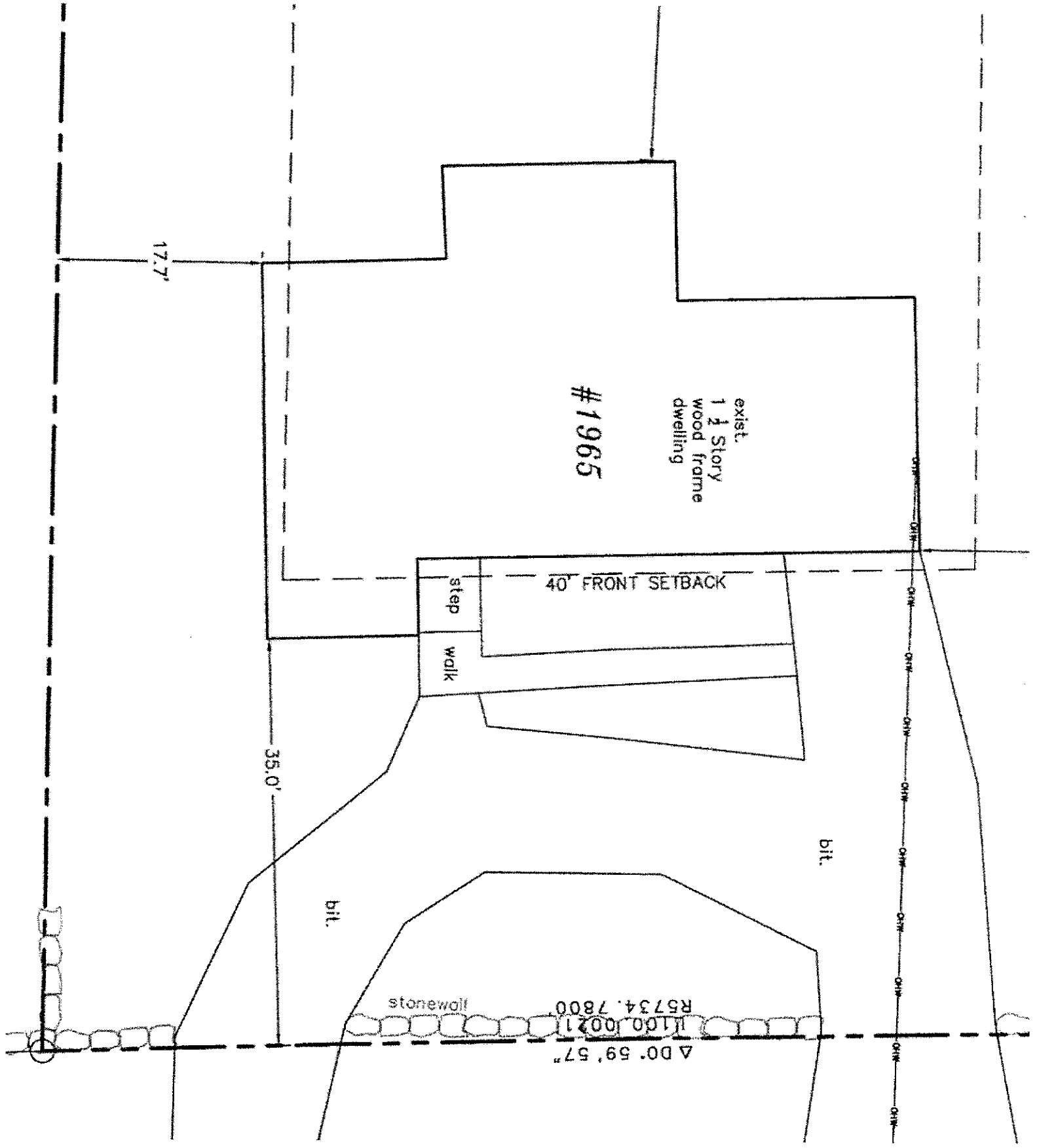
I certify the information above is correct:

Name: David E. Rosenberg, Esq., Gambardella Cipriano Gottlieb & Hathaway, PC

Address: 60 Washington Avenue, Suite 104, Hamden, CT 06518

Telephone: 203-288-1333

**If submitting a Site Plan prepared by a professional, this form may not be necessary.*



#1965

exist.
1 1/2 Story
wood frame
dwelling

40' FRONT SETBACK

step

walk

bit.

bit.

stonewall

R5734.7800
1100.0021

Δ 00.59' 57"

35.0'

17.7'

NOTHING ON THIS MAP OR INSTRUMENT SHALL BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE INFORMATION HEREON. THE INFORMATION HEREON IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A WARRANTY OF ANY KIND. THE USER OF THIS MAP OR INSTRUMENT SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION HEREON. THE USER OF THIS MAP OR INSTRUMENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER OF THIS MAP OR INSTRUMENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

REFERENCES:

1. RECORD MAP NO. 1000, DATED 11/18/93, SHEET 1 - 42' BY 2'
2. RECORD MAP NO. 1000, DATED 11/18/93, SHEET 1 - 42' BY 2'
3. RECORD MAP NO. 1000, DATED 11/18/93, SHEET 1 - 42' BY 2'

SURVEY NOTES:
 This survey and map have been prepared in accordance with the provisions of the Surveying Act of 1980, Chapter 366, Section 29-200a-1, 29-200a-2, 29-200a-3, 29-200a-4, 29-200a-5, 29-200a-6, 29-200a-7, 29-200a-8, 29-200a-9, 29-200a-10, 29-200a-11, 29-200a-12, 29-200a-13, 29-200a-14, 29-200a-15, 29-200a-16, 29-200a-17, 29-200a-18, 29-200a-19, 29-200a-20, 29-200a-21, 29-200a-22, 29-200a-23, 29-200a-24, 29-200a-25, 29-200a-26, 29-200a-27, 29-200a-28, 29-200a-29, 29-200a-30, 29-200a-31, 29-200a-32, 29-200a-33, 29-200a-34, 29-200a-35, 29-200a-36, 29-200a-37, 29-200a-38, 29-200a-39, 29-200a-40, 29-200a-41, 29-200a-42, 29-200a-43, 29-200a-44, 29-200a-45, 29-200a-46, 29-200a-47, 29-200a-48, 29-200a-49, 29-200a-50, 29-200a-51, 29-200a-52, 29-200a-53, 29-200a-54, 29-200a-55, 29-200a-56, 29-200a-57, 29-200a-58, 29-200a-59, 29-200a-60, 29-200a-61, 29-200a-62, 29-200a-63, 29-200a-64, 29-200a-65, 29-200a-66, 29-200a-67, 29-200a-68, 29-200a-69, 29-200a-70, 29-200a-71, 29-200a-72, 29-200a-73, 29-200a-74, 29-200a-75, 29-200a-76, 29-200a-77, 29-200a-78, 29-200a-79, 29-200a-80, 29-200a-81, 29-200a-82, 29-200a-83, 29-200a-84, 29-200a-85, 29-200a-86, 29-200a-87, 29-200a-88, 29-200a-89, 29-200a-90, 29-200a-91, 29-200a-92, 29-200a-93, 29-200a-94, 29-200a-95, 29-200a-96, 29-200a-97, 29-200a-98, 29-200a-99, 29-200a-100.

TO MY KNOWLEDGE AND BELIEF, THIS SURVEY IS SUBSTANTIALLY CORRECT AS SHOWN.



HANDEN BLOCK STANDARDS R-2 ZONE	REQUIREMENT	EXISTING
MIN. LOT AREA (A. SQUARE FEET)	40,000 S.F.	20,010 S.F.*
MIN. LOT WIDTH	120'	100'
MIN. FRONT YARD	40'	35'
MIN. REAR YARD	40'	135'
MIN. SIDE YARD	20'	17.7'
MAX. BLDG COVERAGE %	15%	7.77%
MAX. TOTAL IMPERV. %	20%	14.9%
MAX. HEIGHT BLDG	35'	43'



1965 SHEPARD AVENUE
 M 3228 / B 013 / L 0000
 HANDEN, CONNECTICUT

PROPERTY SURVEY

MARIS & YOUNG
 ENGINEERS & SURVEYORS
 1000 Main Street, Suite 100
 Westport, Connecticut 06492
 Tel: (203) 441-2100
 Fax: (203) 441-2101
 Email: info@marisandyoung.com

DATE: MARCH 20, 2013
 SHEET NO. 1

N/P
 LTB, LEONARD F. II

N/P
 CASSIN
 RITA M & MICHAEL A.

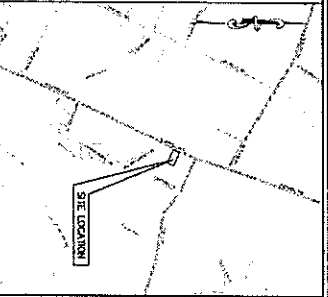
N/P
 CORDON, VERA C.

EXISTING SEPTIC

#1965

SHEPARD AVENUE

LOCATION MAP
 SCALE: 1"=500'



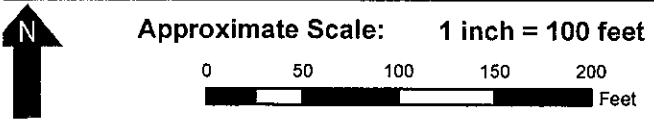
LEGEND
 --- PROPERTY LINE
 --- SEPTIC LINE
 --- LOT STRIKE

Town of Hamden, Connecticut - Assessment Parcel Map

Parcel: 3228-013-00-0000

Address: 1965 SHEPARD AVE

10
0.91 A



Map Produced: October 2020
Disclaimer: This map is for informational purposes only.
All information is subject to verification by any user.
The Town of Hamden and its mapping contractors assume
no legal responsibility for the information contained herein.

**List of Property Owners Within 100' of
1965 Shepard Avenue, Hamden, CT 06518**

1. Leonard F. Lye, II
1975 Shepard Avenue
Hamden, CT 06518

2. Vera G. Gordon
1953 Shepard Avenue
Hamden, CT 06518

3. Harold Bosward &
Pamela Bosward
1950 Shepard Avenue
Hamden, CT 06518

4. The Shepard Group, LLC
1970 Shepard Avenue
Hamden, CT 06518

5. Joan A. Landino &
John N. Landino, Sr.
1980 Shepard Avenue
Hamden, CT 06518

6. Rita M. Cassan &
Michael A. Cassan
27 Barbara Lane
Hamden, CT 06518



TOWN OF HAMDEN
BUILDING DEPARTMENT

Robert Labulis
Building Official

Hamden Government Center
2750 Dixwell Ave
Hamden, CT 06518
Tel: (203) 287-7160
Fax: (203) 287-7155

June 13, 2018

CERTIFIED MAIL RETURN RECEIPT REQUESTED 70151520000117432883 AND FIRST CLASS MAIL

Bernardo & Josephine Azurin
1965 Shepard Ave.
Hamden CT. 06518

RE: 1965 Shepard Ave. CT 06518

STATE BUILDING CODE S116

NOTICE OF UNSAFE STRUCTURE NON HABITABLE

Mr. & Ms. Azurin

On June 6, 2018 an inspection was conducted of the premises at 1965 Shepard Ave. for the purposes of determining compliance with the State Building Code as amended and the applicable referenced standards, adopted pursuant to the Connecticut General Statutes 29-252. The Code and said standards are available for your inspection at this office. The inspection revealed that the roof and exterior wall of the house were severely damaged due to a large tree and water. The structure is unsafe pursuant to State Building Code 116.

Permits must be obtained and all work must be inspected and approved before the building can be re occupied.

PURSUANT TO STATE BUILDING CODE S116, YOU ARE HEREBY ORDERED TO TAKE THE PROPER CORRECTIVE ACTION TO REMOVE OR REMEDY ALL LISTED VIOLATIONS. Construction documents in accordance with S106 for work to be done shall be submitted to this office prior to the commencement of any construction. This review of all construction documents would avoid unnecessary expense that could result from non-complying changes. Please note that the correction of certain violations may

require proper permits and approval from the Building Official and other agencies prior to any construction.

You are hereby notified that you have the right to appeal this order pursuant to Connecticut General Statutes 29-266 (b) to the municipal board of appeals or Connecticut General Statute 29-266 (c) in the absence of a municipal board of appeals. Variations or exemptions from the State Building Code may be granted by the State Building Inspector where strict compliance with the code would entail practical difficulty or unnecessary hardship, or is otherwise adjudged unwarranted pursuant to Connecticut General Statutes 29-254 (b), provided that the intent of the law shall be observed and public welfare and safety be assured. Any application for a variation or exemption or equivalent or alternate compliance shall be filed with the local Building Official.

This is the only order you will receive. You must immediately notify me as to whether you accept or reject the terms of this order. A copy of this order shall be filed with the Town Clerk and placed on the land records until such time as you obtain a Certificate of Occupancy from this department.

If you have any questions please call the Building Department (203) 287-7160.



Robert Labulis

Building Official Town of Hamden

Cc: Mayor

Fire Marshal

Town Attorney

Town Clerk

Community Services

Quinnipiack Valley Health District

Community Development

Planning & Zoning