

MINUTES OF THE CHESHIRE ZONING BOARD OF APPEALS, MEETING HELD ON MONDAY, OCTOBER 2, 2017 AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410.

Present

Marion Nero, Acting Chair; John Pepper, Agnes White.

Alternates: Jackie Cianci, Gerald Devine.

Absent: Breina Schain and Richard Formica (alternate)

Staff: James Fasano, Zoning Enforcement Officer and Inland Wetlands Agent.

I. CALL TO ORDER.

Ms. Nero called the meeting to order at 7:31 p.m. and read the fire safety announcement for the record.

II. ROLL CALL

The clerk called the roll.

Ms. Cianci and Mr. Devine are the alternates for the meeting.

III. DETERMINATION OF QUORUM

Following roll call a quorum was determined to be present.

IV. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

Ms. Nero and the Board members held a moment of silence for the Las Vegas tragedy victims.

Election of Acting Secretary

MOTION by Ms. Cianci; seconded by Mr. Devine.

MOVED that John Pepper be elected Acting Secretary of the Zoning Board of Appeals.

VOTE The motion passed unanimously by those present.

V. ACCEPTANCE OF MINUTES - Public Hearing and Regular Meeting Of April 3, 2017.

MOTION by Mr. Devine; seconded by Mr. Pepper.

MOVED to accept and approve the minutes of the Public Hearing and Regular Meeting of April 3, 2017, subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

VI. COMMUNICATIONS

Secretary Pepper read the following notice of communications for the subject application into the record.

Milone and MacBroom, LLC dated 9/13/17.
Regional Water Authority, dated 9/18/17

Ms. Nero cited a memorandum from Town Attorney Joseph Schwartz dated 9/22/17 on the subject application. She read the paragraph "Legal Analysis" into the record.

VII. PUBLIC HEARING

Secretary Pepper read the call of public hearing.

The application of Francis Stratton, 287 Platt Lane, Cheshire CT 06410, requesting a variance of Section 32, Schedule B, Dimensional Requirements, requesting a 10+/- foot front line variance of the required 40 foot front line setback in an R-20 zone. The resulting front line setback requested is 30' +/-feet for a building addition. The property is located at 287 Platt Lane, Cheshire CT 06410, as generally shown on Assessor's map No. 64, Lot No. 110, in an R-20 zone. The application is on file and available for public inspection in the Planning Department, 84 South Main Street, Cheshire CT 06410

Ms. Nero noted for the record that an A-2 Survey was submitted with this application.

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| 1. | Francis Stratton
<u>287 Platt Lane</u>
Requesting a variance of Section 32,
Schedule B, Dimensional Requirements
Requesting a 10+/- foot street line variance
Of the required 40 foot street line setback
For a building addition.
The resulting front line setback requested
Is 30+/-feet. | 2017-10-01 | PH 10/2/17
MAD 12/6/17 |
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Mary Stratton, 287 Platt Lane, informed the Board on the request for the 10+/- foot front line variance for an addition to the house. Ms. Stratton advised she has a handicapped daughter, and the addition will be for more handicapped accessibility adjacent to the bedroom, with a bathroom and sitting room. The property is already up to the 40 foot setback requirement, and the variance is for 10 feet in order to build the addition to the house.

Ms. White asked about the addition being closer to where the daughter can get into the house.

Ms. Stratton showed photographs of the house and proposed addition to the Board.

Ms. Cianci said the bedroom/bathroom area will be the area for the equipment for the Stratton's handicapped daughter.

Ms. Stratton stated that was correct.

A question was asked by Ms. Nero about the addition and the proposed location being the only feasible place to build it.

Ms. Stratton said that was correct...it is the only feasible place.

In response to a question from Ms. Cianci about letters sent to neighbors and responses, Ms. Stratton advised letters were sent, no responses received, and neighbors have no objection to the addition.

THE PUBLIC HEARING WAS CLOSED.

VIII. DECISION MAKING SESSION

The application of Francis Stratton, 287 Platt Lane, Cheshire CT 06410, requesting a variance of Section 32, Schedule B, Dimensional Requirements, requesting a 10+/- foot front line variance of the required 40 foot front line setback in an R-20 zone. The resulting front line setback requested is 30' +/-feet for a building addition. The property is located at 287 Platt Lane, Cheshire CT 06410, as generally shown on Assessor's map No. 64, Lot No. 110, in an R-20 zone. The application is on file and available for public inspection in the Planning Department, 84 South Main Street, Cheshire CT 06410

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DISCUSSION

Mr. Devine stated the 10 foot variance is not a large one, and given the family's situation with a handicapped daughter he would be in favor of granting the variance. He noted there is no impingement on the neighbors, and the 10 feet is needed to accommodate the daughter's needs.

Ms. Cianci also favors granting the variance, and agreed with Mr. Devine's comments. She said there is a hardship; no complaints from neighbors were received; the addition will make it easier for the daughter to get around the house; and necessary equipment will be more accessible.

Ms. White is in favor of granting the variance request. She said it will make life easier for the daughter with everything more accessible and available when she needs it.

Ms. Nero is in favor of the variance request. With ADA compliance the Board approval will make it easier for the daughter, and the request is not an undue burden and it should be granted.

Mr. Pepper stated the two questions from the Town Attorney in his legal analysis have been answered, and he supports granting this variance.

MOTION by Mr. Pepper; seconded by Ms. White.

MOVED that the Zoning Board of Appeals grants the variance request for property located at 287 Platt Lane, Cheshire CT 06410, for a 10+/- foot street line variance of the required 40 foot street line setback for a building addition resulting in a front line setback of 30+/- feet. Based on the evidence presented at the public hearing and the general knowledge of the members of the Board, it is hereby found that a hardship exists to the property which is not applicable to other properties in the district. To strictly apply the zoning regulations would deprive the applicant of rights commonly enjoyed by other property in the same district under the terms of the zoning regulations. The hardship does not appear to be the result of actions of the applicant. Granting of the application will not confer upon the applicant any special privilege. The variance will not result in injury to the neighborhood or public welfare, and granting the variance will be in harmony with the general intent and purposes of the regulations. The Board makes this motion to grant the variance application in order to reasonably accommodate the disability of a resident under the Americans With Disabilities Act.

VOTE The motion passed unanimously by those present.

The variance is granted; the variance is not official until filed on the land records of the Town of Cheshire; and this is the responsibility of the applicant.

Ms. Nero informed the applicants they should contact the Planning Department for the process of filing the variance approval.

IX. OTHER ZONING BOARD OF APPEALS BUSINESS

Chairman's Report.

X. ADJOURNMENT

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MOTION by Mr. Pepper; seconded by Mr. Devine.

MOVED to adjourn the meeting at 8:00 p.m.

VOTE The motion passed unanimously by those present.

ATTEST:

Marilyn W. Milton, Clerk