

MINUTES OF THE CHESHIRE ZONING BOARD OF APPEALS, MEETING HELD ON MONDAY, NOVEMBER 5, 2018 AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410.

Present

Marion Nero, Chairman; Jackie Cianci, Agnes White, Breina Schain

Absent: John Pepper

Alternates: Gerald Devine, Doug Noble and Thomas Selmont.

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

I. CALL TO ORDER.

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

Ms. Nero appointed Ms. Cianci as "Acting Secretary."

II. ROLL CALL

Ms. Cianci called the roll.

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.

V. ACCEPTANCE OF MINUTES – August 6, 2018

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

MOVED that the minutes of August 6, 2018 be approved subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

VI. COMMUNICATIONS

1. CFPZA Quarterly Newsletter-Fall 2018 Volume XXII, Issue 4

VII. PUBLIC HEARING

Secretary Cianci read the legal notice into the record of the meeting.

The application of Napolitano-Dietrich LLC, 1076 South Main Street, Cheshire CT 06410 requesting a variance of Section 32, Schedule B, Dimensional Requirements requesting a 28 foot street line variance of the required 40 foot street line setback on Marks Place, also a 3 foot side line variance of the required

30 foot side line setback required in an R-40 zone. The resulting street line setback requested is 12 feet and the resulting side line setback requested is 27 feet to rebuild after loss from a fire. Property I located at 1379 Cheshire Street, Cheshire CT 06410 as generally shown on Assessor's Map No. 30 Lot No. 5 in an R-40 zone. The application is on file and available for public inspection in the Planning Department, 84 South Main Street, Cheshire CT 06410.

- 1. Napolitano-Dietrich LLC 2018-11-01 PH 11/05/18
1379 Cheshire Street MAD 01/09/19**
Requesting a 28 foot street line variance of the required 40 foot street line setback on Marks Place and a 3 foot side line variance of the required 30 foot side line setback
To rebuild a home destroyed by fire.
The resulting front line setback from Marks Place requested is 12 feet; the resulting side line setback requested is 27 feet.

Ms. Nero stated the applicant submitted an A-2 Survey.

Anthony Napolitano, 279 Wiese Road, represented the applicants.

Mr. Napolitano informed the Board that the house at 1379 Cheshire Street burned to the ground in 2017. The lot is a nonconforming one-half acre lot in a one acre zone. The homeowners are looking to do some alterations to the newly built house to be constructed on the lot. He has met and discussed the application with the Town Planner and Town Engineer, who agree with relocation of the entrance to the property, for safety reasons, from Cheshire Street to Marks Place. The remaining footprint of the house would be slightly rotated. The former foundation was ruined in the fire. The plan would be to incorporate the square footage of the garage into the house for an attached garage. The former garage was detached and was on the property line to the north.

The maps submitted with the application show the existing footprint (light black line). On the map, the darker line is the proposed line; in the back the map shows the location of the former detached garage; and the plan is for the garage to be attached to the rebuilt house. The square footage of the new house will be almost identical to the former house. The setbacks are shown for the prior and proposed setbacks, and the relocation shows a better situation with the proposed setbacks.

According to Mr. Napolitano, it makes sense to have one structure on the lot. This is in keeping with the character of Marks Place, which is colonial style homes with attached garages. The applicant wants to better place the house on the lot to be more in keeping and conformity with the neighborhood.

Ms. Nero asked about the front entrance of the house being on Marks Place, and if it is known when this house was built.

In response, Mr. Napolitano said the driveway currently has a curb cut on Cheshire Street. It's very narrow, right between the existing driveway of the next house and Marks Place on a curve. Both the Town Planner and Town Engineer agreed it was better to move the front entrance onto Marks Place rather than keep it on the main street, Cheshire Street. He does not know when the house was built. The front door would now be on Marks Place.

Mr. Fasano explained this house predates zoning regulations and was built prior to Marks Place being there.

In that regard, Ms. Nero said Marks Place took land from the subject property.

When this house was built it was created as a corner lot, and Mr. Napolitano said it now had two front setbacks. The lot is constricted.

In 1991 there was a variance request on this property, which was approved, and Ms. Nero said the hardship was "creation of a side street following building of the existing structure". This tells her and the Board that the hardship was created at that time when the land was taken away to establish Marks Place. The property became nonconforming, and this is what happened to this property.

Mr. Napolitano did not know the history of the property or the area, and noted the subject house was built before 1991.

The Board was told by Mr. Fasano that the subdivision was done in the 1970's. The Board must permit rebuilding of the house by State law. The applicant is looking to orient the house slightly clockwise to make it symmetrical. The applicant is allowed to have a house with smaller setback on Marks Place and on the back because it is such a small lot. The applicant is looking to add a garage bay; this will continue the line; it will make it 12 feet wider. It will not make the house closer or farther from the road. The rear yard is 80 feet deep. The variance is the front and back parts, and there are two fronts because of the corner lot. The applicant can rebuild the garage on the back of the property, but it would be 5 feet from the neighbor's property line. Mr. Fasano said it is better to build a garage onto the house or closer to the house than next to the neighbor's home...a 5 or 6 foot setback.

Mr. Napolitano said the plan simplifies the lot; it brings everything to the tightest/most central point of the lot; and lessens all the prior setbacks by a few feet. It gets an out-building that was on the property line away from this line and puts it towards the house. It is more streamlined and creation of a building that is more in keeping with the neighborhood.

In the 1991 variance, Mr. Fasano explained it was, essentially, for the same thing. The prior homeowner wanted the house deeper, and added 4 feet onto the house. The Board approval is continuing on 12 feet to the 1991 variance.

Ms. Schain visited the property, and thought the front door would be open to Cheshire Street. Now, she understands the history of Marks Place and the address change would be to Marks Place.

Stating that is correct, Mr. Napolitano said the address would change to Marks Place because the front entrance will be on Marks Place. He advised the footprint/foundation was surveyed. The house will be designed to match this foundation; the house will be turned around a few feet so it is not crooked on the lot.

Mr. Devine asked about the septic system for the property.

There is a private well and septic system, and Mr. Napolitano said the rebuilt house will be hooked up to public water on Cheshire Street. The WPCA has approved a tie into the Marks Place sewer line.

Mr. Devine asked about wetlands on the property.

There are no wetlands, and Mr. Napolitano said the plans show the water and sewer connections.

Mr. Noble said he has looked at the maps in detail. The applicant is talking about a one foot difference in orientation, and he has no problems with this. The rebuild uses the foundation, is adding an attached garage, and there is rear clearance. He has no problems and noted this is a narrow piece of property.

Ms. Schain asked about the aquifer zone.

The Board was informed by Mr. Fasano that there are no issues with the aquifer zone. The property will be connected to city water and sewer.

There were no public comments or questions.

Ms. Nero closed the public hearing.

VIII. DECISION MAKING SESSION

Secretary Cianci read the legal notice into the record of the meeting.

The application of Napolitano-Dietrich LLC, 1076 South Main Street, Cheshire CT 06410 requesting a variance of Section 32, Schedule B, Dimensional

Requirements requesting a 28 foot street line variance of the required 40 foot street line setback on Marks Place, also a 3 foot side line variance of the required 30 foot side line setback required in an R-40 zone. The resulting street line setback requested is 12 feet and the resulting side line setback requested is 27 feet to rebuild after loss from a fire. Property located at 1379 Cheshire Street, Cheshire CT 06410 as generally shown on Assessor's Map No. 30 Lot No. 5 in an R-40 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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requested is 27 feet.**

Mr. Noble said he supports the variance application, and will vote in favor on the updated plans and foot print.

Ms. White said she will vote in favor of the application.

Ms. Schain is in favor of the application. It is clear to her that there was a misfortune for the applicants, and with the rebuild of the house it will look nice and have a good result. She likes the tree line behind the house, and hopes all works out for the homeowners.

Ms. Nero will vote in favor of the application, and sees no problems with it.

Ms. Cianci supports the variance application and will vote in favor.

MOTION by Ms. Schain; seconded by Ms. White.

MOVED that the Zoning Board of Appeals grants the variance for 1379 Cheshire Street, Cheshire CT, of Section 32, Schedule B, Dimensional Requirements, requesting a 28 foot street line variance of the required 40 foot street line setback on Marks Place, and also grants a 3 foot side line variance of the required 30 foot side line setback required in an R-40 zone. The resulting street line setback requested is 12 feet; and the result side line setback requested is 27 feet, to rebuild a house after loss from a fire.

The property is located at 1379 Cheshire Street, Cheshire CT 06410, as generally shown on Assessor's Map No. 30, Lot No. 5 in an R-40 zone. The

application is on file and available for public inspection in the Planning Department, 84 South Main Street, Cheshire CT 0410.

Based upon the evidence presented at the public hearing and the general knowledge of the members of the Board, it is here by found:

That a hardship (topography & lot configuration)exists to the property which is not applicable to other properties in the district, and that to strictly apply the Zoning Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district.

That the variance is the minimum variance that will make possible the reasonable use of the land.

That the variance will not result in injury to the neighborhood or public welfare; and that granting of the variance will not confer upon the applicant any special privilege.

The scope of this variance is limited to that which is indicated in the plans and documents presented at this meeting dated November 5, 2018.

VOTE The motion passed unanimously by those present.

Ms. Nero informed the applicant that the variance has been approved; it will not become official until filed on the land records of the Town of Cheshire in the Town Clerk's office; and this is the responsibility of the applicant.

If the applicant requires any assistance, Ms. Nero advised them to contact the Planning Department.

IX. OTHER ZONING BOARD OF APPEALS BUSINESS

The Board was informed by Ms. Nero that an information session with the Town Attorney will be scheduled by the Planning Department staff for review and discussion on the zoning regulations and duties of Board members. Date and time will be determined and sent to the Board members.

X. ADJOURNMENT

MOTION by Ms. Cianci; seconded by Ms. White.

MOVED to adjourn the meeting at 8:35 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk