

MINUTES OF THE CHESHIRE ZONING BOARD OF APPEALS MEETING  
HELD ON MONDAY, OCTOBER 3, 2011 AT 7:30 P.M. IN COUNCIL  
CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Board members Joseph Bartoli, Chairman; Ken Wilson, Secretary; Marion Nero,  
Alternates: Jackie Cianci, Gerald Devine and Zachery Wilburn

Absent: Vincent Lentini, Agnes White.

Staff: David Kehoss, Zoning Enforcement Officer/Wetlands Agent.

Ms. Cianci and Mr. Devine were the alternates for this meeting.

**I. CALL TO ORDER**

Mr. Bartoli called the meeting to order at 7:32 p.m.

**II. ROLL CALL**

Mr. Wilson 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 – DECEMBER 6, 2010**

MOTION by Mr. Wilson; seconded by Mrs. Nero

MOVED that the minutes of December 6, 2010 be approved subject to  
corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

**VI. COMMUNICATIONS**

*Upcoming Workshops on Public Act 490  
Connecticut's Land Use Value Assessment Law for Farm Land,  
Forest Land and Open Space (Free and Open to the Public)*

**VII. PUBLIC HEARING**

Mr. Wilson read the call of public hearing.

1 Application 11-09-11  
John Mazzella  
509 West Main Street  
Requesting a variance of Section 24.4 Enlargement  
To raise the roof to accommodate lifts.

PH 1`0/3/11  
MAD 12/7/11

Mr. Wilson stated that the applicant has requested a waiver of the A-2 Survey requirement. In looking at the documentation submitted for the file (map, drawings, photographs, Class D Survey) Mr. Wilson would support the waiver request.

The Board members agreed that the documentation submitted supported the waiver of the A-2 Survey request.

MOTION by Mr. Wilson; seconded by Mr. Bartoli.

MOVED that the Zoning Board of Appeals approves the waiver of the A-2 Survey for the application of John Mazzella, based upon the supporting documentation submitted by the applicant.

VOTE           The motion passed unanimously by those present.

John Mazzella, applicant, presented the information for the variance request, stating that he wants to raise the center roof on his building to accommodate car lifts for his business.

Mr. Bartoli asked for the hardship for the variance.

In response, Mr. Mazzella said the hardship is the setbacks, 50 feet from the center of the road, and the property being on the railroad tracks.

Mr. Wilson said his understanding is that the applicant will raise the roof on the existing building.

Stating that is not correct, Mr. Mazzella explained that it is the back building, with three roofs, and he is raising the middle roof by four (4) feet. There are not changes to the dimensions of the building and no encroachment.

It was noted by Mr. Wilson that the drawings show the building to be 8 feet from the railroad property.

Mr. Mazzella said the overhang is on the Railroad Avenue side of the building.

Mr. Wilson stated that the foundation and doors remain the same, and asked how high the roof would be raised.

The roof will be raised four (4) feet, and Mr. Mazzella said the roof line will be lower than the apartment roof line. On the photographs submitted he pointed out the middle portion of the building to be raised with a three (3) foot overhang.

Under Section 24.4 Mr. Wilson said it does state “for expansion of the height”. The applicant is not making a non-conformity worse on this property which sits on a small lot for many years. He asked about the type of business with the lifts.

According to Mr. Mazzella the raised roof will be to lift cars up in the air to be worked on.

There were no further comments or questions from the public or the Board.

Chairman Bartoli closed the public hearing.

#### VIII. DECISION MAKING

<b>1</b>	<b>Application 11-09-11</b>	<b>PH 1`0/3/11</b>
	<b><u>John Mazzella</u></b>	<b>MAD 12/7/11</b>
	<b>509 West Main Street</b>	
	<b>Requesting a variance of Section 24.4 Enlargement</b>	
	<b>To raise the roof to accommodate lifts.</b>	

Chairman Bartoli stated that the decision, for him, on this application is an easy one, and to deny the variance would be a travesty. The building will look better and be improved.

Mr. Wilson said he does not truly understand the hardship for this application for a variance. Because there will be an improvement to the property and the applicant will be able to use his property for the purpose of his business, Mr. Wilson supports the variance request.

Mr. Devine said he sees the hardship for the type of building and the geographic setup of the property, and would support the variance request. The applicant has nowhere to go but up because of the configuration of the land and physical barriers created by the old railroad line, and how Railroad Avenue was developed.

Ms. Nero stated her support of the application, She commented on the Town spending a great deal of money on the streetscape improvements. With this building improvement, it conforms to what is being done in the area, and is a good idea to go up on the roof line.

Ms. Cianci agrees with the development of West Main Street, and adding to the beautification of the area. She supports the applicant’s variance request to go up on the roof line.

MOTION by Mr. Wilson; seconded by Mr. Devine.

MOVED that the Zoning Board of Appeals grant the variance of John Mazzella, 509 West Main Street, Cheshire CT 06410, for a variance of Section 24.4, Enlargement, to raise the roof to accommodate lifts. The hardship does not appear to be the result of the actions of the applicant. Granting of the variance will not confer upon the applicant any special privilege. The granting of the variance will be in harmony with the general intent and purpose of the Regulations.

VOTE           The motion passed unanimously by those present.

Chairman Bartoli informed the applicant that the variance is granted. The variance does not go into effect until it is filed on the land records of the Town of Cheshire in the Town Clerk's Office. This is the responsibility of the applicant.

**IX.   OTHER ZONING BOARD OF APPEALS BUSINESS**

**X.   CHAIRMAN'S REPORT**

**XI.  ADJOURNMENT**

MOTION by Mr. Devine; seconded by Mr. Wilson

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

VOTE           The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk