

MINUTES OF THE CHESHIRE ZONING BOARD OF APPEALS, MEETING HELD ON MONDAY, JANUARY 4, 2021 VIA TELECONFERENCE AT 7:30 P.M.

Present

Marion Nero, Chairman; Jackie Cianci, Secretary; John Hilzinger, and Christine Norton

Absent: Agnes White

Alternates: Gerald Devine and Douglas Noble and Ginette Ogurick

Staff: Michael Stollo, Zoning Enforcement Officer/Inland Wetlands Agent

Suzanne Simone, Environmental Planner

I. CALL TO ORDER

Ms. Nero called the meeting to order at 7:30 p.m.

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

Those in attendance Pledged Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES – Public Hearing/Regular Meeting

A **MOTION** was made by Mr. Noble to accept the minutes of the October 5, 2020 meeting. It was seconded by Ms. Cianci.

MOVED that the minutes of October 5, 2020 be approved subject to corrections, additions or deletions.

VOTE: The motion passed unanimously by those present.

VI. ELECTION OF OFFICERS

CHAIRMAN

MOTION by Mr. Devine that the current slate of officers continue on.

MOVED that Marion Nero be nominated for Chairman of the Cheshire Zoning Board of Appeals.

(nominations were called three (3) times). There were no other nominations.

VOTE The motion passed unanimously by those present.

Marion Nero was elected Chairman of the ZBA.

SECRETARY

MOTION by Ms. Nero; seconded by Mr. Hilzinger

MOVED that Jackie Cianci be nominated for Secretary of the Zoning Board of Appeals.

(nominations were called three (3) times.) There were no other nominations.

The motion passed unanimously by those present.

Jackie Cianci was elected Secretary of the Zoning Board of Appeals.

VII. APPROVAL OF 2021 MEETING DATES

MOTION by Mr. Noble and seconded by Mr. Devine.

MOVED that the Zoning Board of Appeals approves the meeting dates for 2021; meetings to be held on the first Monday of each month, at 7:30 p.m. in Council Chambers, Town Hall, 84 South Main Street, Cheshire, CT 06410.

2021 – January 4, February 1, March 1, April 5, May 3, June 7, July 7 (Wednesday), August 2, September 8 (Wednesday), October 4, November 1, December 6, and January 3, 2022.

VOTE: The motion passed unanimously by those present.

VIII COMMUNICATIONS

There were no communications.

IX. PUBLIC HEARING

- | | | |
|---|------------|-----------------|
| 1. Paul DeClement | 2021-01-01 | P.H. 01/04/2021 |
| 37 Cherrywood Circle | | MAD 03/10/2021 |
| Requesting a 24.9' foot sideline variance of the required | | |
| 30' foot side line setback in an R-40 zone. | | |
| For a garage | | |
| The resulting side line setback requested is 5.1' feet. | | |

Ms. Cianci read the legal notice into the record.

The application of Paul DeClement, 37 Cherrywood Circle, Cheshire, CT 06410 requesting a variance of Section 32, Schedule B. Dimensional Requirements, requesting a **24.9' foot** sideline variance of the required **30' foot** side line setback for a garage. The resulting side line setback requested is **5.1' feet**. The property is located at 37 Cherrywood Circle, Cheshire CT 06410, as generally shown on Assessor's Map No. 85, Lot No. 156, in an R-40 zone. Packet information is available for review on the town website home page under: "*documents distributed or displayed during virtual meetings*"

Mr. DeClement spoke to the committee and explained that he would like to put a two car garage on the south end of the property. The property is zoned R-40 and is less than ½ acre. The home is situated in the middle of the property and 70' cannot be used because of the setback. There is city water and sewer on the property.

Ms. Nero stated that an A-2 survey has been submitted with the application.

Mr. Devine noted that there was an existing single car garage and an RV on the property. Mr. DeClement told him that the RV is for sale and the new garage will be 22x32 feet. The old garage came with the house.

It was noted that there were no previous variances on the property.

When asked about putting up a smaller garage, Mr. DeClement stated that this was the smallest possible two car garage that he could put on the property.

Ms. Nero asked if there were any other questions or comments.

Ms. Simone said there were no public comments.

Mr. Noble noted that there were no objections from the neighbors.

Ms. Nero closed the public hearing.

X. DECISION MAKING SESSION

1. Paul DeClement

2021-01-01

P.H. 01/04/2021
MAD 03/10/2021

37Cherrywood Circle

Requesting a 24.9' foot sideline variance of the required 30' foot side line setback in an R-40 zone.

For a garage

The resulting side line setback requested is 5.1' feet.

Ms. Cianci read the legal notice.

MOVED that the Zoning Board of Appeals grants the variance of Section 32, Schedule B, Dimensional Requirements, requesting a **24.9' foot sideline** variance of the required **30' foot sideline** setback in an R-40 zone for a garage. The resulting sideline setback requested is **5.1' feet**.

Based upon the evidence presented at the Public Hearing and the general knowledge of the members of the Board it is hereby found:

That a hardship (i.e., topography, lot configuration) exists to the property and to strictly apply the Zoning Regulations would deprive the applicant of rights

commonly enjoyed by other properties in the same district under the terms of the Zoning Regulations.

That granting of the variance will not confer upon the applicant any special privilege.

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

The variance will not result in injury to the neighborhood or public welfare.

The scope of this variance is limited to that which is indicated in the plans and documents presented at this hearing on January 4, 2021.

Discussion:

Ms. Cianci said she felt it was not his fault because when he purchased the house there was no zoning. He is trying to conform therefore there is a hardship.

Mr. Noble said it's an old lot that doesn't meet current standards.

Mr. Devine felt it was the fault of the town regulations.

Ms. Norton agreed that it doesn't fit current zoning.

VOTE: 5-0 The motion passed unanimously by all those present.

The variance will not become official until filed on the land records of the Town of Cheshire in the Town Clerk's office. This is the responsibility of the applicant.

XI. OTHER ZONING BOARD OF APPEALS BUSINESS

XII. ADJOURNMENT

MOTION by Ms. Cianci and seconded by Mr. Noble.

MOVED to adjourn the meeting at 8:05 p.m.

VOTE: The motion to adjourn passed unanimously by those present

ATTEST:

Patricia W. Kuzmak, clerk
Zoning Board of Appeals