

**MINUTES OF THE CHESHIRE ZONING BOARD OF APPEALS PUBLIC HEARING  
AND REGULAR MEETING HELD ON MONDAY, MAY 5, 2014, AT 7:30 P.M. IN  
COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN ST. CHESHIRE CT 06410**

Present

Ken Wilson, Chairman; Marion Nero, Secretary; Paul Bellagamba, John Pepper  
Absent: Agnes White.

Alternates: Jackie Cianci, Gerald Devine, Robert Formica

Staff: Dave Kehoss, Zoning Enforcement Officer

**I. CALL TO ORDER**

Chairman Wilson called the meeting to order at 7:31 p.m.

**II. ROLL CALL**

Secretary Nero 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 – MARCH 3, 2014**

MOTION by Ms. Nero; seconded by Mr. Wilson

MOVED to accept the minutes of March3, 2014 subject to corrections, deletions,  
additions.

Correction: Paul *Bellagamba*

VOTE The motion passed unanimously by those present.

**VI. COMMUNICATIONS**

Chairman Wilson informed the Board about a communication from Town Planner Voelker regarding an Appellate Court decision in Chester, CT. The court decision stated that an unseated ZBA alternate can participate in the public hearing portion of the meeting. Once the public hearing is closed the unseated alternate cannot participate in discussion, deliberation or vote on the application(s).

Chairman Wilson explained the procedures and process for a public hearing before the Board.

**VII. PUBLIC HEARING**

Secretary Nero read the call of public hearing.

The application of Shane J. Calamo, 1081 Peck Lane, Cheshire CT 06410, requesting a variance of Section 32, Schedule B, requesting a 9.7' foot side line variance of the required 30' foot side line setback, for an addition, property located at 1081 Peck Lane, Cheshire CT 06410, as generally shown on Assessor's Map No. 36, Lot No. 37, in an R-40 zone. The resulting side line setback requested is 20.3 feet. The application is on file and available for public inspection in the Planning Department, 84 South Main Street, Cheshire CT 06410.

- |   |                 |                                       |
|---|-----------------|---------------------------------------|
| <b>1. Shane J. Calamo</b><br><b><u>1081 Peck Lane</u></b><br><b>Requesting a variance of Section 32,</b><br><b>Sch. B., Dimensional Requirements</b><br><b>Requesting a 9.7' foot side line variance</b><br><b>Of the required 30' foot side line setback</b><br><b>The resulting side line setback requested is</b><br><b>20.3 feet.</b> | <b>14-05-01</b> | <b>PH 5/5/15</b><br><b>MAD 7/9/14</b> |
|---|-----------------|---------------------------------------|

Shane Calamo, 1081, Peck Lane, applicant and property owner, stated he is requesting a variance for an addition to his house for his growing family. This house was built in 1948, prior to the enactment of zoning laws/regulations in Cheshire; the property is narrow but long; and he will build off the back with a bump out of 3'x11' for the kitchen, and an 18'x17' foot addition. The bump out of 3 feet for the kitchen will put the house 20.3 feet from the property line, and the zoning setback is 30 feet. He is requesting a 9.7 foot variance.

Chairman Wilson commented on the importance of the ZBA knowing the hardship for the variance application which is required under the zoning laws to override an existing regulation.

The Board was told by Mr. Calamo that the hardship is the house being built in 1948 before zoning laws were in effect, and to do anything to the house will result in a setback infringement and would not be permitted.

According to Mr. Wilson the applicant has a non-conforming building. The north side is already built into the setback, and anything done to the house will be in the setback. He asked about the exterior door in the kitchen.

Mr. Calamo stated that the house footprint does not fit into the zoning laws. With regard to the 3 foot bump out, this will extend the kitchen, and the 18'x17 foot addition is for more living space for his family. There will be a bedroom above the family room, and the addition will not be in the setback. The door will be closed off; kitchen counters pushed out; and the door will be set in the corner of the main portion of the new family room addition.

The house was built in 1948 and Mr. Bellagamba asked how long the Calamo Family has lived in the house.

Mr. Calamo stated the family has lived at 1081 Peck Lane since 2008.

In the Board packet, Mr. Bellagamba noted that Chesprocott has signed off on the application, and he asked if the applicant was aware of the septic system's close location to the new addition. He noted that the applicant does not want to impact the septic system.

In response, Mr. Calamo stated the septic system is in good working condition, and he will be going down on 42 inches, staying clear of the septic system.

Chairman Wilson commented on the Calamo application as being very complete, with a survey and photographs for Board review. He thanked Mr. Calamo for a good application.

Mr. Devine asked if the applicant gave any thought to going up within the footprint without going out on the property.

The Board was told by Mr. Calamo that there will be a 2<sup>nd</sup> story on the family room addition. The variance is all about the kitchen bump out as the family needs more open space in the kitchen area.

Mr. Devine questioned whether the applicant would be coming forward in the future for additional work on this house.

Mr. Calamo assured the Board that he will not be coming in the future for additional work on this house. He has an A-2 survey to stay within the property lines.

THE PUBLIC HEARING WAS CLOSED.

## **VIII. DECISION MAKING SESSION**

Secretary Nero read the hearing notice.

The application of Shane J. Calamo, 1081 Peck Lane, Cheshire CT 06410, requesting a variance of Section 32, Schedule B, requesting a 9.7' foot side line variance of the required 30' foot side line setback, for an addition, property located at 1081 Peck Lane, Cheshire CT 06410, as generally shown on Assessor's Map No. 36, Lot No. 37, in an R-40 zone. The resulting side line setback requested is 20.3 feet. The application is on file and available for public inspection in the Planning Department, 84 South Main Street, Cheshire CT 06410.

- 1. Shane J. Calamo                      14-05-01**  
**1081 Peck Lane**  
**Requesting a variance of Section 32,**  
**Sch. B., Dimensional Requirements**

**PH 5/5/15**  
**MAD 7/9/14**

**Requesting a 9.7' foot side line variance  
Of the required 30' foot side line setback  
The resulting side line setback requested is  
20.3 feet.**

Ms. Nero stated her support of the variance request because the house was built in 1948, before zoning regulations were in effect, and it is a small variance. She noted the Board has seen other non-conforming houses and understands where the hardship comes in with these houses.

Ms. Cianci agreed with Ms. Nero, and stated her support of the variance request for a house built in 1948. She said a family needs a big and open kitchen and the 3+ feet is a small variance request.

Mr. Bellagamba stated the variance should be approved, and he commented on the applicant doing a good job of explaining the application to the Board. Mr. Bellagamba said that the applicant cannot do anything on the property without being non-compliant because of the layout of the house on the property. He supports the variance which will have a minimum impact on the setback.

Mr. Formica is in favor of granting the variance request for the house built before zoning laws were in effect, and noted the applicant cannot do anything to the house without a variance approval.

Chairman Wilson concurred with the statements of other Board members, and also noted the minimum impact to build in the setback zone. The applicant has a legitimate hardship, and he will support the variance request.

MOTION by Mr. Formica; seconded by Ms. Nero.

MOVED that the Zoning Board of Appeals grants the 9.7 foot side line variance of the required 30 foot side line setback of Section 32, Sch. B, Dimensional Requirements, to Shane J. Calamo, for property located at 1081 Peck Lane, Cheshire CT 06410, Lot No. 37, in an R-40 Zone.

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 to topography, unusual lot configuration, steep slope, etc. 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 under the terms of the Zoning Regulations. The hardship does not appear to result from the actions of the applicant. Granting the variance will not confer upon the applicant any special privilege. It is a minimum variance that will make possible the reasonable use of the land and structure; and the variance will not result in injury to the neighborhood or the public welfare; and granting of the variance will be in harmony with the general intent and purpose of the Regulations.

The scope of this variance is limited to that which is indicated in the plans and documents presented at this hearing dated May 5, 2014.

VOTE           The motion passed unanimously by those present.

**The variance was approved and granted; it does not become effective 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.**

**IX.    Other Zoning Board of Appeals Business**

**X.     CHAIRMAN'S REPORT**

**XI.    ADJOURNMENT**

MOTION by Mr. Bellagamba; seconded by Ms. Nero.

MOVED that the meeting be adjourned at 8:05 p.m.

VOTE           The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk