

MINUTES OF THE CHESHIRE ZONING BOARD OF APPEALS MEETING HELD ON MONDAY, APRIL 6, 2015 AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410.

Present

Ken Wilson, Chairman; Marion Nero, Secretary; Paul Bellagamba, Agnes White.
Alternate: Jackie Cianci. Absent: John Pepper; Alternates Gerald Devine and Robert Formica.
Staff: David Kehoss, Zoning Enforcement Officer

I. CALL TO ORDER.

Chairman Wilson called the meeting to order at 7:37 p.m.

II. ROLL CALL

The clerk 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 2, 2015

MOTION by Ms. Nero; seconded by Ms. Cianci.

MOVED to accept the minutes of March 2, 2015 subject to corrections, additions, deletions.

Correction: Date in the Acceptance of Minutes agenda item and motion should read: **December 1, 2014.**

VOTE The motion passed unanimously by those present.

Chairman Wilson explained the procedures for a public hearing before the ZBA.

VI. BUSINESS

- | | | | |
|----|--|-----------------|--------------------|
| 1. | Robert and Carol Leonard | 15/04/01 | PH 4/6/15 |
| | <u>67 Chipman Drive</u> | | MAD 6/10/15 |
| | Section 32, Schedule B, Dimensional Requirements requesting a 4.58% variance Of the maximum lot coverage in an R-40 zone. The resulting lot coverage requested is 14.58% For a covered entry. | | |

Secretary Nero read the call of public hearing.

The application of Robert and Carol Leonard, 67 Chipman Drive, Cheshire CT 06410 requesting a variance of Section 32, Schedule B, Dimensional Requirements, requesting a 4.58% variance of the maximum lot coverage in excess of the required maximum lot coverage of 10%. The resulting lot coverage requested is 14.58% for an R-40 zone, property located at 67 Chipman Drive, Cheshire CT 06410, as generally shown on Assessor's Map No. 71, Lot No. 84, 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.

Chairman Wilson explained that the Board must determine there is a hardship to the variance request before the variance is granted. The definition of "hardship" was read into the record by Mr. Wilson.

The applicant submitted copies of letters sent to abutting property owners about the variance request. Letters in support of the variance from neighboring property owners - Carol Doheny and Chris & Sally LaRusso were read into the record by Secretary Nero.

There was a prior approved variance for this property in September 1986 for construction of an in-ground swimming pool.

Mr. Kehoss submitted a point of clarification for the subject property, in that the house as it exists now is already in excess of the lot coverage maximum. The addition to the house put it over the maximum lot coverage, and there was a valid permit to do this addition. In the past, lot coverage was not added into the computations, but in today's zoning application forms there is a space specifically for this computation.

Carol Leonard, 67 Chipman Drive, presented the application for a variance of 4.58% of the maximum lot coverage, resulting in lot coverage of 14.58%. She presented the hardship for the variance request, stating that the subject portion of the property gets no sunlight. During the winter months it is difficult because ice builds up, does not melt, and ice accumulation on existing stairs and entry make it dangerous to enter or exit the front of the house. The hardship is unique to the property because other homes in the neighborhood do not have the same roof line and stair/entry configuration. Maintaining the subject entry way in a safe manner is difficult and poses hazardous safety risks. The roof conditions above the entry way cause ice dams which are hazardous to remove, and Ms. Leonard reported her husband has fallen off the icy roof and suffered injuries. Due to the dangerous conditions, Ms. Leonard advised that the family mail box has been moved to another location on the property so the mailman does not encounter the risky and unsafe conditions.

Questions and Comments

Chairman Wilson asked how long the applicants have lived in the home and if this is the first addition since their residency.

Ms. Nero stated she sees a hardship with this property, and is in favor of granting the variance.

Ms. Cianci sees a true hardship with the existing ice conditions, it is unsafe, icicles can fall, and she supports the variance.

Ms. White stated her support of the variance request. She has a similar problem with ice buildup, and must enter and exit through her garage during winter months.

Mr. Bellagamba sees all these lots in an R-40 zone with minimum lot size of 40,000 sq. ft. and with this application would approve granting the variance.

Chairman Wilson stated he recognizes the existing house was made larger over the years by previous owners. This is where the problem really exists. The variance is requested because of weather and ice due to the house facing north. With the design it is hard to see what was originally there, but it is a design seen throughout town. He sees the hardship and will support the variance request.

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

MOVED that the Zoning Board of Appeals grants the application for a variance of Section 32, Schedule B, Dimensional Requirements for the 4.58% variance of the maximum lot coverage for property located at 67 Chipman Drive, Cheshire CT, 06410, generally shown on Assessor's Map No. 71, Lot No. 84, in an R-40 zone, resulting in a lot coverage of 14.58%. The variance is granted based on the following conditions: Based on the evidence presented at the public hearing and based on the general knowledge of the Board, it is hereby found that a hardship of topography, unusual lot configuration, steep slope, inland wetlands, does exist for this 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 properties in the same district under the terms of the Zoning Regulations.

The scope of this variance is limited to that which is indicated in the plans and documents presented at this hearing dated April 6, 2015.

VOTE The motion passed unanimously by those present.

The variance was approved. It will not be official until filed on the land records of the Town of Cheshire, and this is the responsibility of the applicant.

VIII. OTHER ZONING BOARD OF APPEALS BUSINESS

Ms. Nero and Ms. White reported they attended the Zoning conference at the Aqua Turf, and it was very informative.

IX. CHAIRMAN'S REPORT

X. ADJOURNMENT

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

MOVED to adjourn the meeting at 8:09 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk