

MINUTES OF THE CHESHIRE ZONING BOARD OF APPEALS, MEETING HELD ON MONDAY, MARCH 7, 2016 AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410.

Present

Ken Wilson, Chairman; Marion Nero, Secretary; Breina Schain, Agnes White

Absent: John Pepper

Alternates: Gerald Devine, Jackie Cianci, Robert Formica

Staff: David Kehoss, Zoning Enforcement Officer

I. CALL TO ORDER.

Chairman Wilson called the meeting to order at 7:31 p.m. and read the fire safety announcement for the record.

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 - December 9, 2015

MOTION by Ms. Nero; seconded by Ms. Schain

MOVED to accept the minutes of December 9, 2015 subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

VI. COMMUNICATIONS

1. Connecticut Federation of Planning and Zoning Agencies, 68th Annual Conference, Thursday, March 17, 2016.

Please contact the Planning Office by March 11, 2016 if you plan on attending.

Board Member Cianci will receive an award at the event for 12 years of service on the ZBA.

2. CFPZA Quarterly Newsletter Volume XX, Issue I, Winter 2016.

VI. PUBLIC HEARING

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

Mr. Formica is the acting alternate for this meeting.

Mr. Wilson informed the Board members that he met with Town Planner Voelker and ZEO Kehoss on the current ZBA procedure for action on an application. To be in conformance with other boards and commissions, Mr. Voelker will author a positive motion to be placed on the floor with a maker and seconder, followed by discussion on the motion, and ZBA action on the motion.

Mr. Wilson read the definition of "hardship" into the record before the start of the public hearing.

Secretary Nero read the call of public hearing.

The application of Fevzi and Ajten Hursid, 306 Peck Lane, Cheshire CT 06410, requesting a variance of Section 32, Schedule B, Dimensional Requirements, requesting a 3' foot side line variance of the required 12' foot side line setback in an R-20 zone. The resulting side line setback requested is 9' feet for a garage. The property is located at 306 Peck Lane, Cheshire CT 06410, as generally shown on Assessor's Map No. 42, Lot No. 73, in an R-20 zone. The application is on file and available for public inspection in the Planning Department, 84 South Main Street, Cheshire CT 06410.

- 1. Fevzi and Ajten Hursid 2016-03-01 PH 03/07/16
306 Peck Lane MAD 05/11/16
Requesting a variance of Section 32
Sch. B. Dimensional Requirements,
Requesting a 3 foot side line variance of
The required 12 foot side line setback in an
R-20 zone for a garage. Resulting side line
setback requested is 9 feet.**

Chairman Wilson stated that there is an A-2 survey included in the application. Board members agreed that this survey is acceptable. The applicant is requesting a 3 foot side line variance from the required 12 foot side line to build a garage, with a resulting setback of 9 feet. The hardship is to provide safer, handicapped/wheelchair access for the applicant's elderly parents. This will apply to current and future residents.

In the application, Mr. Hursid stated the garage is needed to provide a safer and handicapped access for his elderly parents from the house to the garage. He read the section on "hardship" into the record.

A question was posed by Mr. Wilson as to the placement of the garage on the property, and whether it could be moved further into the rear of the lot. He also asked if there are garages in the neighborhood already there or if they were new builds.

The Board was told by Mr. Hursid that the existing shed will be demolished and this is where the garage would be built. On the other side there is not enough room; there is also the sewer line on the other side of the property; and where the garage is proposed

to be built is the best place. The Hursid family has been living in the house for 4 years, and neighborhood garages already existed.

Mr. Kehoss informed the Board members that letters were sent to abutting property owners, and no responses have been received.

The issue of a single car garage versus a two car garage was raised by Mr. Wilson.

In response, Mr. Hursid said a one car garage was not considered because room is needed for the wheelchair and handicapped ramp. ADA requires a 2 to 1 on the slope and this would only happen with a two car garage. Mr. Hursid referred to the plans and photo in the application, pointing out that there will be a breezeway between the garage and house for the wheelchair and handicapped accessibility. There are no changes planned for the house, such as new doors, windows.

Ms. Schain visited the subject property, and commented on the porch to the left of the house, stairs going up into the porch, and if the stairs are remaining, and where the ramp will access the porch.

Photographs are in the application, and Mr. Hursid referred to them in response to the question.

Mr. Wilson noted there is a door to the back of the garage, which will not interfere with the front steps. The ramp and access across the porch is for handicapped access.

A question was raised by Mr. Formica about building the garage to accommodate the ramp, and why not just build a handicapped ramp and attach it to the house. He asked why a garage is needed.

Mr. Hursid replied that he wants to make an easier and safer access for his handicapped parents to go in and out of the house. He had copies of the ADA requirements for garage access, and offered the document for the record.

With denial of the variance, Mr. Wilson said the applicant could build an access ramp.

PUBLIC COMMENTS AND QUESTIONS

Jeannette Salfety, 301 Peck Lane, stated her support of the Hursid's application for a variance. She commented on their being good neighbors; the parents are quite elderly with medical conditions; and the garage and ramp are needed for their safe access in and out of the house.

Mr. Hursid thanked the Board and stated his presentation is completed.

VIII. DECISION MAKING SESSION

Secretary Nero read the call of public hearing.

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| <p>1. Fevzi and Ajten Hursid 2016-03-01
<u>306 Peck Lane</u>
Requesting a variance of Section 32
Sch. B. Dimensional Requirements,
Requesting a 3 foot side line variance of
The required 12 foot side line setback in an
R-20 zone for a garage. Resulting side line
setback requested is <u>9 feet.</u></p> | <p>PH 03/07/16
MAD 05/11/16</p> |
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MOTION by Ms. Nero; seconded by Ms. White.

MOVED, that based on the evident presented at the public hearing and general knowledge of the members of the Cheshire Zoning Board of Appeals, it is hereby found that the request for a variance at 306 Peck Lane to modify the required 12 foot side line established in Section 32, Schedule B, of the Cheshire Zoning Regulations for a distance of 3' feet by 25' feet with a resulting 9'foot side line as shown on plans entitled "Property/Boundary Survey, Property of Ajtem and Fevzi Hursid, 306 Peck Lane, Cheshire CT" dated December 1, 2015, is consistent with the following standards:

1. That a hardship 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.
2. That the hardship does not appear to result from the actions of the applicant.
3. That the granting of the variance will not confer upon the applicant any special privilege.
4. That the variance is the minimum that will make possible the reasonable use of the land.
5. That the variance will not result in injury to the neighborhood or the public welfare.
6. That the variance will be in harmony with the general intent and purpose of the regulations.
7. The scope of the variance is limited to what is indicated in the plans and documents for the public hearing and does not apply to any other buildings or structures.

Discussion

Mr. Wilson has no problem with approval of the variance request. He commented on people who think needing a garage is a hardship, and in this case there is a true

hardship. There is a need to make accommodations for the handicapped residents currently living in the house and those living there in the future. There is a small encroachment in the setback of 3 feet, leaving 9 feet remaining. Mr. Wilson is in favor of granting the variance request.

Ms. Nero cited her opinion in favor of granting the variance request. She stated a garage is a need, not a want, particularly with the need for handicapped accessibility. This is a small encroachment, and the accommodation is something the Board can approve for handicapped access.

Ms. Schain stated her support in granting the variance request. On a personal note, she said also had the need for handicapped accommodations for her family members. Ms. Schain commended Mr. Hursid for providing safe and easy handicapped access for his parents, and her ability to help him in this regard.

Ms. White stated she was in favor of granting the variance request.

VOTE The motion passed unanimously by those present.

The variance is granted; it does not become official until it is recorded on the land records of the Town of Cheshire; this is the responsibility of the applicant, and can be coordinated with the Planning Department staff.

IX. OTHER ZONING BOARD OF APPEALS BUSINESS

X. CHAIRMAN'S REPORT

XI. ADJOURNMENT

MOTION by Ms. Schain; seconded by Ms. White

MOVED to adjourn the meeting at 8:10 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk