MINUTES OF THE CHESHIRE ZONING BOARD OF APPEALS MEETING
HELD ON MONDAY, DECEMBER 6, 2010 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; Vincent
Lentini, Marion Nero, Agnes White.
Alternates: Jackie Cianci.
Staff: David Kehoss, Zoning Enforcement Officer/Wetlands Agent.

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 – SEPTEMBER 7, 2010
MOTION by Mr. Lentini; seconded by Mrs. Nero
MOVED that the minutes of September 7, 2010 be approved subject to corrections, additions, deletions.

Correction: page 3…delete “It is unlikely there will ever be sewers in this section of town.”

VOTE The motion passed unanimously by those present.

VI. ELECTION OF OFFICERS
MOTION by Mr. Wilson; seconded by Mr. Lentini.

MOVED that Joseph Bartoli be nominated as Chairman of the Zoning Board of Appeals.

There were no other nominations.

VOTE The motion passed unanimously by those present.

MOTION by Mr. Lentini; seconded by Mr. Bartoli.
MOVED that Ken Wilson be nominated as Secretary of the Zoning Board of Appeals.

There were no other nominations.

VOTE The motion passed unanimously by those present.

VII. APPROVAL OF MEETING DATES FOR 2011

MOTION by Mr. Wilson; seconded by Mrs. Nero.

MOVED that the meeting dates for 2011 be approved as follows:
MAY 2, 2011, JUNE 6, 2011, JULY 5, 2011 (Tuesday, Room 207-209),
AUGUST 1, 2011, SEPTEMBER 7, 2011 (Wednesday, Room 207-209),
OCTOBER 3, 2011, NOVEMBER 7, 2011, DECEMBER 5, 2011,
JANUARY 2, 2012.

VOTE The motion passed unanimously by those present.

VIII. COMMUNICATIONS (none)

IX. PUBLIC HEARING

Chairman Bartoli explained the procedures for a public hearing of the Zoning Board of Appeals.

Mr. Wilson read the call of public hearing.

The application of Joseph B. Watson, 187 Harrison Road, Cheshire CT 06410, requesting a variance of Section 32, Schedule B, Dimensional Requirements, requesting up to a 5’4” street line variance of the requested 40 foot street line setback, for an addition, property located at 187 Harrison Road, Cheshire CT 06410, as generally shown on Assessor’s Map No. 90, Lot No. 54, 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 05410

1. Application 10-11-01 PH 12/6/10
Joseph B. Watson MAD 2/9/11
187 Harrison Road
Requesting a variance of Section 32,
Schedule B, Dimensional Requirements
Requesting a 5’4” street line variance of the
Required 40 foot street line setback for an addition
Mr. Watson explained to the Board that he is looking to put an addition to the small kitchen in his house, which was built in 1905. Due to the nature of the way the house was built and how the Town developed, his house is within the 40 foot setback. The lot is 1/3 acre in size, which is smaller than the required ½ acre under the current zoning regulations.

His hardship was stated by Mr. Watson who said there is a pre-existing nonconformance, and the addition will not bring his property any closer to the setback. The proposed addition is for a kitchen remodel to increase the size and use of the kitchen for his family.

Mr. Wilson commented on the applicant adding an addition to the north side of his house, and asked why he did not add it to the east side.

In response, Mr. Watson said that due to the interior shape of the rooms he would then have a long and skinny kitchen. The house is a balloon frame structure and it is difficult to expand out the non-gabled side. The sides of the house hold up the whole house.

Christen Cyr, Sullivan Brothers, informed the Board that he is the contractor for this house addition. He explained that the balloon frame structure is one continuous structure up to the roof line. To change this structure and build out would require removal of the entire roof of the house.

With the addition built, Mr. Wilson noted there is a door that will be under a porch.

Stating that is correct, Mr. Watson said this door is not used for access to the house.

Regarding the hardship, Mr. Wilson asked what it is for this application.

Mr. Watson said the hardship is due to the small lot size, position of the house on the lot, and any changes to this house would require a variance. There is a small space outside the 40 foot setback.

Mrs. Nero noted there is also an issue with the septic system.

The Board was informed by Mr. Watson that he recently installed a new septic system which takes up most of the rear of the house.

The applicant sent letters to neighbors, and Mr. Kehoss advised the Board that there were no responses, positive or negative, to the letters. There were no other communications for the application.

Mrs. White asked what was in front of the garage.
Mr. Watson said it is a driveway, small grassy area and septic system.

If this variance is not approved, Mr. Lentini asked the application if he had any other options planned.

Mr. Watson stated he would try to upgrade the existing space. But, he cannot put in a larger refrigerator in the kitchen. This is a narrow galley kitchen, measuring 8 ft. by 11 ft.

In looking at the location of the house so close to the road, Mr. Wilson asked if there are any barriers to protect the house from trucks and cars on the road.

Mr. Watson informed the Board that the Town of Cheshire moved the road 3 feet closer to his house; no barriers were installed; the Town just took some of his trees and widened the road.

It was stated by Mr. Wilson that the Town aggravated the situation.

Mr. Watson advised that his family has lived in this house since 1998. With regard to notification to the neighbors, he said they received letters. He also spoke with them one-on-one, and they support his plans for the addition and the variance request. The neighbors stated to him that it would enhance the look of his home, and increase property values. Mr. Watson commented on the kitchen being an important room in the home, the center of family activity, and to maintain the value of his home, the kitchen must be upgraded and remodeled.

There were no public comments or questions. The public hearing was closed.

X. DECISION MAKING SESSION

The application of Joseph B. Watson, 187 Harrison Road, Cheshire CT 06410, requesting a variance of Section 32, Schedule B, Dimensional Requirements, requesting up to a 5’4” street line variance of the requested 40 foot street line setback, for an addition, property located at 187 Harrison Road, Cheshire CT 06410, as generally shown on Assessor’s Map No. 90, Lot No. 54, 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 05410

1. Application 10-11-01
Joseph B. Watson
187 Harrison Road
Requesting a variance of Section 32, Schedule B, Dimensional Requirements
Requesting a 5’4” street line variance of the Required 40 foot street line setback for an addition
Mr. Wilson stated that this application is similar to one the Board approved on Allen Avenue where the Town widened the road and made the situation worse. It was dangerous to use the front door of this house. The Board has seen applications of this nature where the applicant is trying to improve and make a bad situation better.

Mr. Lentini is not in favor of this variance request because the house is too close to the road already, and getting it any closer at an angle is not good. The hardship is not strong enough. Just because someone wants something nicer does not mean you get what you want in a situation like this. In the future the applicant may want to add a bedroom, and it is not in the best interests of the Town to approve the subject application.

Mrs. White stated her support of the variance application.

Mr. Bartoli stated that because the Town took some of the applicant's lot they aggravated the hardship. He would support the variance request. This house will be closer to the road. Under today's building standards, this house would never have been built on a 1/3 acre lot.

Mrs. Nero said she supports the variance request. The applicant has exhibited a hardship, and the Town took some of his land and made the house closer to the road. This is a hardship, not self created.

MOTION by Mr. Wilson; seconded by Mrs. White.

MOVED that the Zoning Board of Appeals grants the variance request of Section 32, Sch. B, Dimensional Requirements, for a 5’4” street line variance of the required 40 feet street line variance to Joseph B. Watson, for an addition, property located at 187 Harrison Road, Cheshire CT 06410. The hardship is caused by the dimensions of the lot and aggravated by the Town of Cheshire’s decision to widen the street. 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. Granting of the variance will not result in injury to the neighborhood or the public welfare.

VOTE The motion passed unanimously by those present.

XI. OTHER ZBA BUSINESS
Chairman Bartoli introduced David Kehoss, the newly appointed Zoning Enforcement Officer/Wetlands Agent for the Town of Cheshire. Board members welcomed Mr. Kehoss, and look forward to working with him.

XII. CHAIRMAN’S REPORT
Mr. Bartoli extended holiday wishes to everyone.
XIII.  ADJOURNMENT

MOTION by Mr. Lentini; seconded by Mrs. Nero.

MOVED that the Zoning Board of appeals adjourn at 8:07 p.m.

VOTE The motion passed unanimously by those present.

Attest:

________________________
Marilyn W. Milton, Clerk