

Board of Zoning Appeals – Hearing Room, Municipal Building 54 Hill Street, Shelton, CT.
Tuesday, June 19, 2007 at 7:30pm

AGENDA:

- #607-1 Robert Wood at 50 Windsor Road
- #607-2 Rosemarie Brady at 157 Leavenworth Road
- #607-3 Fausto Esparza at 2 Pleasant Street, Map 117D-106
- #607-4 Denis J. Beauchemin at 98 Far Horizons Drive
- #607-5 Southport Holdings, I, LLC at Booth Hill Road (Assessor's Map 14, Lot 7)
- #607-6 Charles & Donna Drabek at 54 Mohegan Road
- #607-7 Paul Fazzino at 18 Beverly Lane
- #607-8 James & Melissa Klepacky at 37 Fanny Street

Possible Decision on

- #307-1 Alan Tyma at 37 Edgewood Avenue

The regular meeting and public hearing of the Shelton Board of Zoning Appeals was held at the above time and place with the following members in attendance: Gerald Glover, Chairman; Ralph Matto, Vice Chairman; Linda Adanti, Phil Cavallaro, Ed Conklin, Jack Fitzgerald, and Bob Harbinson.

Mr. Glover: Good evening ladies and gentlemen and welcome to the June meeting of the Shelton Zoning Board of Appeals. We meet monthly and have hearings. When you speak to the Zoning Board of Appeals you're giving testimony. It's actually a hearing. You're required to have taken pictures of your property and to have notified your abutting neighbors by registered mail. When your hearing is called if you have the pictures and the receipts we'll be glad to continue the hearing, continue on with the hearing. And if you don't we'll be glad to continue the hearing until next month when you can follow that regulation. We're here to grant variances for people who have hardships, who can't conform to the zoning regulations. Everybody who is in the room who wants to speak will have an opportunity to speak at some time. I will direct the meeting and let you know when it's time for you to speak. While you are in the hall I would appreciate it if you would refrain from having conversations because we record the hearings and they are later transcribed and those recordings are garbled when they pick up your conversations and it gets very difficult to have a clear record. At the end of the meeting we will vote. If you don't like the way we vote you have 15 days to appeal our decision. When you appeal our decision, what you, what goes to court is our record, we don't. So if our record isn't clear you don't have a very good shot at an appeal in the court. So it's important that we have a clear record. With us tonight, all the way on my left is Commissioner Bob Harbinson, Commissioner Ralph Matto, Commissioner Jack Fitzgerald, Commissioner Linda Adanti, Lori Michalak, I'm Gerry Glover I chair the Commission. To my right is Ed Conklin and to his right is Commissioner Phil Cavallaro. Linda would you read the first hearing?

#607-1 50 Windsor Road, Robert Wood of 50 Windsor Road, Shelton, CT is seeking to waiver Section 24, Schedule B, Standard 9 by varying the setback from the left side yard from 30 ft. to 20 ft. for a 20x24 attached garage.

Mr. Glover: Is Mr. Wood here? Would you come forward please sir? You can pull a chair out and have a seat. If there's any interested parties that can't hear, feel free to come forward and listen. This hall is, has got microphones on the stage behind us, but as you'll see when we go through the meeting we have to deal with a lot of pictures, exhibits, maps and we can't do it from up there, so we have to do it here. So if you cannot hear, don't be afraid to come forward. Would you give your name and address for the record please?

Mr. Wood: Robert Wood, 50 Windsor Road, Shelton, CT

Mr. Glover: And Mr. Wood, do you have some receipts and some pictures for me?

Mr. Wood: Yes, I do

Mr. Glover: Are these all your abutting neighbors?

Mr. Wood: Yes

Mr. Glover: Alright Mr. Wood, could you tell us what you want to do and why you can't comply with the zoning regulations in the City of Shelton?

Mr. Wood: Well, I want to add a garage. We've been there 43 years and I'm getting tired of juggling cars in the one car garage I have underneath the house. And due to the way the property was laid out when it was subdivided, it's pie shaped and I have no other place I could possibly put a garage.

Mr. Glover: Alright, so you're going to attach a garage?

Mr. Wood: Yes

Mr. Glover: and the garage is 20x24?

Mr. Wood: Yes

Mr. Glover: And you're going to put it on the side of the house where logically there's a driveway

Mr. Wood: Yes

Mr. Glover: You have a one car garage now?

Mr. Wood: Underneath the house

Mr. Glover: Are you going to keep it?

Mr. Wood: It'll be there

Mr. Glover: just as storage, you won't be able to use it, get a car into it?

Mr. Wood: as storage, no

Mr. Glover: So it's just a residential garage for your own personal automobiles

Mr. Wood: Yes

Mr. Glover: And the lot has a unique shape in that it's sort of pie shaped

Mr. Wood: yes

Mr. Glover: If it weren't pie shaped you'd be able to comply with the regulations?

Mr. Wood: Yes

Mr. Glover: so your hardship is the shape of the lot

Mr. Wood: right

Mr. Glover: You have a city, you have septic system in the back?

Mr. Wood: Yes

Mr. Glover: and a well?

Mr. Wood: Yes, in front

Mr. Glover: And neither one of them are in the area of the garage?

Mr. Wood: No

Mr. Glover: and this is the only place you can put the garage?

Mr. Wood: Yes

Mr. Glover: Alright

Mr. Wood: and I have a letter from my next door neighbor, and this is the letter that I sent out.

Mr. Glover: Linda, would you read that into the record please?

Mrs. Adanti: You want me to read this out loud?

Mr. Glover: Would you please?

Mrs. Adanti: Okay, sorry.

Mr. Wood: He's 84 years old

Mrs. Adanti read letter: "Permission is given from Angelo and Jeanne Thamassi of #54 Windsor Road, Shelton to Robert & Kaye Wood of #50 Windsor Road, Shelton, for a variance from left side of the property from 30 feet to 20 feet in order to attach a garage. Signed Angelo and Jeanne Thamassi."

Mr. Glover: Thank you. Is there any other Board members who have questions for the applicant?

Mr. Cavallaro: Can I just see the map plan?

Mr. Glover: plan, the map?

Mr. Cavallaro: Yes

Mr. Glover: Questions Phil?

Mr. Cavallaro: The new garage is going to go on the same side as the existing garage

Mr. Wood: Right, yes

Mr. Cavallaro: So the existing garage door will be blocked off

Mr. Wood: Right and the reason I had to make it 24 feet long because I just had walls put in and there's no way I can swing into the garage if I make it like 20 feet.

Mr. Glover: Is there anyone in this hall who is in favor of this application? (no response) Anyone in favor of it? (no response) Is there anyone in this hall who is opposed to this application? (no response) Any opposition? (no response) Final questions from the Board? (no) Thank you sir, I declare the hearing closed.

Later that evening during the work session the Board, upon motion by Mr. Matto and seconded by Mr. Conklin, voted unanimously that:

#607-1 "In the application of Robert C. Wood of 50 Windsor Road, Shelton, CT for a certificate of approval for a 20x24 attached garage to be built on the property of the applicant at 50 Windsor Road, R-1 zone, and which requires a variance in setback from the left side yard,

The application for variance is approved.

Inasmuch as it is a minor variance caused by an irregularly shaped lot,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval for a variance in setback from the left side yard from 30 ft. to 20 ft. at the above is granted (Section 24, Schedule B, Standard 9) in this instance.

This certificate of approval shall take effect on the date following the publication of the statutory notice in a newspaper having circulation in the City of Shelton, provided that a copy thereof has been recorded by the petitioner in the land records of the City of Shelton.”

#607-2 157 Leavenworth Road, Rosemarie Brady of 157 Leavenworth Road, Shelton, CT is seeking to waiver Section 45.6.1 to allow an in-law/accessory dwelling unit in a dwelling that's less than 5 years old.

Mr. Glover: Mr. or Mrs. Brady? How are you? Have a seat.

Mrs. Brady: Here's pictures

Mr. Glover: Would you give your name and address for the record please?

Mrs. Brady: Rosemarie Brady, 157 Leavenworth Road, Shelton, CT

Mr. Glover: Alright, this is the brand new house that's on

Mrs. Brady: yes

Mr. Glover: And these are all your neighbors?

Mrs. Brady: Yes

Mr. Glover: Alright, we have a regulation that says that you cannot build an in-law apartment on for five years after you bought the house

Mr. Matto: Not after you bought the house, it's after it's been built

Mr. Glover: after the house has been built

Mrs. Brady: right (unclear)

Mr. Glover: The in-law apartment that you want to build, how big is it?

Mrs. Brady: Like 600 sq. ft. It's already been, we had it done, but since my mom's moving in we wanted to add the kitchen. Everything's been approved by the building inspector and everything, but since we want the kitchen area in it for my mom who's 78 years old, we need to go for the in-law. And then when I went for the regular Planning and Zoning I just found out about the 5 year thing.

Mr. Glover: They booted you down here.

Mrs. Brady: Yes

Mr. Glover: Are you going to add onto the house

Mrs. Brady: No, it's in the basement

Mr. Glover: So the, you're not going to change the character of the house at all

Mrs. Brady: No

Mr. Glover: Okay. Are you on, you're on a septic system?

Mrs. Brady: Yes

Mr. Glover: And the number of bedrooms in the house is how many?

Mrs. Brady: It's four bedrooms. Valley Health has already approved it

Mr. Glover: Okay, so you have no problem with Valley Health

Mrs. Brady: No, because I already have

Mr. Glover: I don't need to see that

Mrs. Brady: No? Okay, because we got the Valley Health approval and also

Mr. Glover: You have a C.O. for the house

Mrs. Brady: No, this is for the, because I already have, the basement's already been, half of it's already been finished off

Mr. Glover: So you have a C.O. for a finished basement?

Mrs. Brady: Yes

Mr. Glover: And you're going to add a kitchen to it which then makes it, changes it from a finished basement to an in-law apartment

Mrs. Brady: Right, and that's the problem, right

Mr. Glover: And you comply in every other way?

Mrs. Brady: Yes

Mr. Glover: Are you city sewer or city water? City water or are you a well?

Mrs. Brady: We have a well and a septic

Mr. Glover: Alright, you're not going to change the outside of the house at all

Mrs. Brady: No, it's half the basement

Mr. Glover: Any questions from the Board?

Mr. Matto: Yeah, I got one Gerr?

Mr. Glover: Go ahead Ralph

Mr. Matto: Is this a new subdivision or is it existing

Mrs. Brady: No, it's, I'm, it's on 110, it's one individual house right next to the dentist office

Mr. Glover: It's a brand new house that was built last year

Mr. Matto: Oh, okay

Mrs. Brady: Right across from Oronoque Farms, like diagonally. It's not a subdivision. I have just two neighbors, that's it, one's a dentist office and then there's another neighbor

Mr. Fitzgerald: Same side of the street, huh?

Mr. Glover: As the dentist, yes

Mrs. Brady: as the dentist, I'm right next door to the dentist's office

Mr. Matto: In other words, we shouldn't have any person saying this is a one family area and

Mrs. Brady: I don't think so, I'm right next to, I mean Oronoque, close by to IGA, Oronoque Farms and then there's a dentist office right next door to me

Mr. Glover: Any other questions from the Board?

Mr. Cavallaro: Is there a separate entrance to the

Mrs. Brady: Yes, outside

Mr. Cavallaro: from the front or the back?

Mrs. Brady: From the back, that was already in the house design, it had sliding doors downstairs.

Mr. Glover: Anyone else in this room in favor of this application? (no response) Is there anyone who is opposed to this application? (no response) Final questions from the Board? (no) Thank you, I'll declare the hearing closed.

Later that evening during the work session, the Board upon motion by Mr. Conklin and seconded by Mr. Matto, unanimously voted that:

#607-2 "In the application of Rosemarie Brady of 157 Leavenworth Road, Shelton, CT for a certificate of approval for an in-law/accessory dwelling unit on the property of the applicant at 157 Leavenworth Road, R-1 zone, and which requires a variance to allow an in-law/accessory dwelling unit in a home that is less than 5 years old,

The application for a variance is approved.

Inasmuch as the accessory dwelling unit meets all other regulations pertaining to in-law/accessory dwelling units, and

Inasmuch as the Board feels that subjecting new home owners to a five year wait is discriminatory in nature, and

Inasmuch as it conforms with the rest of the neighborhood,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval for a variance to allow an in-law/accessory dwelling unit in a home that is less than 5 years old at the above is granted (Section 45.6.1) in this instance.

This certificate of approval shall take effect on the date following the publication of the statutory notice in a newspaper having circulation in the City of Shelton, provided that a copy thereof has been recorded by the petitioner in the land records of the City of Shelton."

#607-3 2 Pleasant Street, Map 117D-106, Fausto Esparza of 37 Orchard Road, Shelton, CT is seeking to waiver Section 24, Schedule B, Standard 2 by varying the minimum lot area per dwelling unit from 5,000 sq. ft. to 3,856 sq. ft. for a proposed duplex.

Mr. Glover: Mr. Esparza?

Mr. Petrosia: Mr. Chairman, I'm representing the family. I was the surveyor on the job.

Mr. Glover: If you're going to represent the family you're going to have to talk a lot louder

Mr. Petrosia: Okay

Mr. Glover: And you can pull up a chair and sit down

Mr. Petrosia: Sure, this is the applicant's son

Mr. Glover: First of all, have you got some pictures for me and some receipts please?

Mr. Esparza: Yes, we have two

Mr. Glover: you have two abutting neighbors?

Mr. Petrosia: Yes sir

Mr. Glover: and your pictures please? Alright could you please give your names and your addresses for the record?

Mr. Petrosia: Yes, my name is David Petrosia. I'm a land surveyor. My address is 3 Lake Drive in Oxford, CT and I'm representing the applicant.

Mr. Glover: And your name sir?

Mr. Esparza: My name is Andreas Esparza. I live at 37 Orchard Street, Shelton, CT. I'm representing my father, Fausto Esparza, the applicant.

Mr. Glover: Okay, Mr. Petrosia, is that your name?

Mr. Petrosia: Yes, perfectly said by the way, it doesn't happen too often.

Mr. Glover: Tell us what you want to do and why you can't comply. I see that it looks like the only variance you're having is the minimum lot per dwelling unit.

Mr. Petrosia: Exactly

Mr. Glover: you're required to have 5,000, you have 3,856

Mr. Petrosia: Correct. Everything else about the property, you need to look at this

Mr. Glover: That's alright, we have one here. I'll send this one down that end.

Mr. Petrosia: This meets, this lot actually is, has been divided back in the 80's this became two. This particular lot which is 7,713 sq. ft., it's actually the biggest lot on the street. It's in a real high density zone. The zone is R-5. They, in order to keep the family together and so forth, they really wanted to, to put a duplex up so they can have both their sons at each side. And obviously there's not, there's not enough area for the second dwelling. All the setbacks are easily made and the square's no problem, the frontage, everything meets accept for obviously the size for the second dwelling unit. Right to the, to the north is a condominium which is also a two unit situation. I'm not exactly sure whether this was granted, but how long would you say that those condominiums have been there?

Mr. Glover: is that the Stephen's Terrace Condominium?

Mr. Petrosia: It's called Summer Orchard. They're just two units, but barely, 6 or ½ dozen years?

Mr. Esparza: (unclear)

Mr. Petrosia: Right, I think it's been there a ½ dozen years or so. And it's a two unit. But this actual property is slightly smaller than this lot and they've managed to do it

Mr. Glover: The duplex house that you're contemplating building, how many bedrooms does that have?

Mr. Esparza: It should be exactly the same as the one next door

Mr. Glover: I don't know how many bedrooms there are next door. How many bedrooms are there going to be in the house?

Mr. Esparza: Three bedrooms probably

Mr. Glover: Alright, so you're going to have 6 bedrooms in a duplex, in the house

Mr. Esparza: each, each side

Mr. Glover: There is city water and city sewers there?

Mr. Petrosia: Yes sir

Mr. Glover: Okay, so we're contemplating putting up a duplex where each will have 3 bedrooms, where each is going to have a family room

Mr. Esparza: It's actually going to be my broth and I, my father owns the property that's right next to it, and like he said, we're trying to keep the family together. He is actually (unclear) and one side would be for me, he's giving it as a present and the other part for my brother.

Mr. Matto: So Gerr, what are we talking about here, Lot A, is that

Mr. Petrosia: Yes sir

Mr. Matto: We're just discussing Lot A

Mr. Petrosia: Yes

Mr. Matto: Okay, and, and was that, was that at any point two lots? It was always one lot?

Mr. Petrosia: It was two, it was actually one lot prior to, it was divided based on my records, in 1988. Prior to that it was one piece with this existing house number 37 always being there. That was there since the 20's. The lot, the house is on Lot A

Mr. Matto: What I'm questioning now is, is this one piece now and has it always been one piece

Mr. Petrosia: It was one piece up until 1988 and then it was divided into two separate lots

Mr. Matto: into two separate lots

Mr. Petrosia: Right, it's on record in deed as well as map at the town clerk's office

Mr. Matto: and the two separate lots, one was 5,000 sq. ft., the other what is it 38?

Mr. Petrosia: that's

Mr. Matto: or whatever 136?

Mr. Petrosia: uh, yeah, um, well the Lot B is 7,713, excuse me Lot A. Lot B is, I have the area of it

Mr. Glover: We're only dealing with Lot A

Mr. Petrosia: correct

Mr. Glover: And Lot A has 7,000 and change

Mr. Petrosia: that's right

Mr. Glover: Lot, Lot B was, Lot B, Lots A and B were originally one lot

Mr. Petrosia: That's correct

Mr. Matto: and it's got to have 88, it's got to have 8,800, I don't, I'm getting confused here

Mr. Esparza: When we bought the property

Mr. Glover: Wait up, what are you confused with Ralph?

Mr. Matto: Well the application to me appears that this dwelling is going on a total of 8,856 sq. ft. You need 5,000 for one unit and 5 for the other and they're looking for a variance of 38 for the other. Am I reading it wrong?

Mr. Glover: You're reading it wrong. They're required to have 5,000, they're going to split it in half and have 3856 for each. Is that correct?

Mr. Petrosia: yes sir

Mr. Matto: for each

Mr. Glover: for each

Mr. Matto: Alright, so you got about 7700

Mr. Petrosia: Correct

Mr. Glover: Right

Mr. Matto: Okay, that's what I was trying to find out

Mr. Glover: So, A and B were once one. In the 80's A was separated from B. We're here to deal with A. It looks like A has a garage on it?

Mr. Petrosia: Yes, there's a small existing garage. I didn't show it because it would, it would've gotten in the way of this proposal. It's right in the corner. The Assessor's map is correct

Mr. Glover: Its' on the Assessor's map

Mr. Petrosia: Yes that's correct

Mr. Glover: Is that going to stay?

Mr. Petrosia: No, it's going to be demolished

Mr. Glover: that's going to be taken down

Mr. Petrosia: Yes

Mr. Glover: Okay, so does Lot A have frontage on Orchard or Summer?

Mr. Petrosia: It has frontage on Summer Street and also Pleasant Street

Mr. Glover; On Pleasant Street

Mr. Petrosia: That's right, yep

Mr. Glover: Okay, so it does front on those properties, on the streets

Mr. Petrosia: Right, it's a corner lot, right

Mr. Glover: Okay, and so dealing with Lot A and only Lot A, you want to put two duplex houses having three bedrooms each, actually a duplex house, two units with three bedrooms each

Mr. Petrosia: Yes

Mr. Glover: in each one, okay

Mr. Petrosia: That's exactly

Mr. Glover: And you do have city sewers and you do have city water

Mr. Petrosia: Yes

Mr. Glover: and you do have access to the road

Mr. Petrosia: Yes

Mr. Glover: Okay. So the only problem we have is the minimum lot per dwelling unit

Mr. Petrosia: Exactly

Mr. Glover: And that regulation is there so that when you put this up, children have a place to play. And when you tell me that you're going to put 6 bedrooms on this lot, it suggests that's there's lots of children

Mr. Esparza: Not really, because it's, like I said it's going to be for the family, and that house in the back, Lot B, it's owned by my father. So we have enough green area to play. Myself, I'm a bachelor, I have one kid. The reason I wanted three bedrooms is everybody wants to have a little space you know. And the other will be for my brother and my brother is right now 20 years old. I don't think he's going to be having any kids yet.

Mr. Glover: Okay

Mr. Esparza: and uh, Summer Street, excuse me, Summer Street is owned by my aunt. The lot next door, where the other condominium is

Mr. Glover: That's owned by your aunt

Mr. Esparza: By my aunt, so it's basically all in the family

Mr. Glover: How big is Lot B?

Mr. Esparza: It's pretty big

Mr. Petrosia: The area?

Mr. Glover: yes, what is the area of Lot B? Is the duplex going to have a garage?

Mr. Esparza: No, it's going to have a driveway

Mr. Petrosia: Sir the Lot B area is 6,040 sq. ft., 6040 sq. ft. That's the way it was originally laid out on the, on the 80 map

Mr. Matto: So that goes all the way down to Orchard Street then

Mr. Petrosia: That's correct, yes

Mr. Matto: Alright, cause without, from the easements now, I mean it's about 3700, so yeah,

Mr. Glover: So Lot A and Lot B, which are both held in family, are about 13,000 sq. ft. in total, 14,000

Mr. Petrosia: That's correct, yes sir

Mr. Glover: So we have three houses on 14,000 sq. ft., three family members on, three residential dwelling units on 14,000 sq. ft. and the aunt owns the piece next door

Mr. Petrosia: That's basically, yes, that's true, that's true

Mr. Glover: Okay, so if they can't play in their own yard they can play in their grandfather's yard

Mr. Petrosia: Yeah, pretty much, right

Mr. Glover: I mean this, this is the intent of the zone, the intent of the regulation

Mr. Petrosia: right

Mr. Glover: I personally wouldn't vote to give you a variance from 5,000 to 3800 sq. ft. with two 3 bedroom dwelling units because it tells me that sometime in the future there's going to be children there and the children are going to have to play in the street because they're not going to have a place to play in their own yard. But if you tell me that your father owns the property next to it and your father's parcel is bulky enough, has enough bulk land to, when combined, that the children have a place to play in their grandfather's yard, as well as their own yard and maybe sneak over to their aunt's yard, then there's enough room for some people to play without playing in the street.

Mr. Esparza: That's why we asked for, that's the reason why my father wanted to do that because he wants his grandkids (unclear)

Mr. Glover: And given that there's frontage on the street, and given that there's city water and there's city sewers probably makes it work. Ralph, do you have any other questions?

Mr. Matto: This one parcel of land was created when it could be a two family house. Since then they've changed it to 5,000 per family unit. So it existed, it legally existed at the time it was split off for a duplex. Yeah, and my only concern is, I never thought about the children maybe because I'm so old, I'm just concerned about parking and it appears that it shouldn't be a problem, I don't know

Mr. Petrosia: Yes, because it's, this road, because of the severe grade, this road will never go through, so this is like all open here at the end. It's

Mr. Matto: Now, across the street are there, are there lots over here, you just show this part?

Mr. Petrosia: Which side sir?

Mr. Matto: This is condo you said, are these homes in here in this area? Across the street from Summer Street?

Mr. Petrosia: Oh, across the street

Mr. Matto: Yeah

Mr. Petrosia: Yes, there's, there's, there's houses right across the street

Mr. Matto: And is it the same zone, the R-5 zone?

Mr. Petrosia: Yes, it's the same zone all the way

Mr. Matto: Are there any double units in there?

Mr. Petrosia: There, besides the condo I think, I don't think there's any others

Mr. Matto: All the rest are all single family

Mr. Petrosia: I'm pretty sure about that, right?

Mr. Esparza: There's, right, the rest of them are

Mr. Petrosia: Yeah, there's rocks up there. There's a severe drop, it's a 2 to 1 slope over here

Several talking at once

Mr. Petrosia: It's a town road, it's just that

Mr. Glover: Hey Jack, you guys got to stop talking down there.

Mr. Cavallaro: So this is non passable

Mr. Petrosia: correct

Mr. Glover to Clerk: Can you hear Phil?

Clerk: Probably not

Mr. Glover: Phil, can you speak up a little louder so that she can hear you

Mr. Cavallaro: Summer Street effectively dead ends at the top

Mr. Petrosia: Yes

Mr. Cavallaro: It doesn't go through to Pleasant Street

Mr. Glover: No, so there's more room for the kids to play on the cul de sac

Mr. Cavallaro: Well the parking's there, it looks like they got room for two cars off street

Mr. Petrosia: Yes, easily. The parking in, there could be extra parking here. There's really a lot of room there, it's nice (unclear)

Mr. Glover: Alright, does the Board have any other questions?

Mr. Conklin: The rear 8.7 feet off the backyard off the deck?

Mr. Petrosia: right, yes

Mr. Conklin: What is the setback in back of this (unclear), it's larger than 8 ft. or 9 ft.

Mr. Petrosia: I believe it's an 8 foot setback

Mr. Glover: It's an R-5, I think it's

Tape had to be changed

Mr. Glover: Any other questions? (no) Is there anyone in this room who is in favor of this application? (no response) Anyone in favor of it? (no response) Is there anyone in the room who is opposed to this application? (no response) Any opposition? (no response) Any final questions from the Board?

Mr. Fitzgerald: Yeah, I've got one?

Mr. Glover: Yes Jack

Mr. Fitzgerald: Why 1 foot contours when you could've gotten by with 5 or 10?

Mr. Petrosia: That's my own personal preference. For some reason ever since I got into this business, you're right I could've done two footers. I just, you can really get a better idea with 1 foot grade change. It's just my own personal preference. That's usually the way I do the a site even though I can get away with 2 or 5, it's my own preference that's all.

Mr. Fitzgerald: Okay, I was just curious

Mr. Petrosia: Good question

Mr. Glover: Any other questions? (no) Alright, thank you, I'll declare the hearing closed.

Mr. Petrosia: Alright, thank you very much.

Mr. Glover: Have a nice night.

Later that evening during the work session the Board, upon motion by Mr. Conklin and seconded by Mr. Matto, unanimously voted that:

#607-3 "In the application of Fausto Esparza of 37 Orchard Road, Shelton, CT for a certificate of approval for a proposed duplex to be located on the property of the applicant at 2 Pleasant Street, Map 117D-106, R-5 zone, and which requires a variance in the minimum lot area per dwelling unit,

The application for variance is approved.

Inasmuch as it is in harmony with the rest of the neighborhood, and

Inasmuch as the parcel is located on a cul de sac with plenty of additional area for parking,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval for a variance in minimum lot area per dwelling unit from 5,000 sq. ft. to 3,856 sq. ft. at the above is granted (Section 24, Schedule B, Standard 2) in this instance.

This certificate of approval shall take effect on the date following the publication of the statutory notice in a newspaper having circulation in the City of Shelton, provided that a copy thereof has been recorded by the petitioner in the land records of the City of Shelton."

#607-4 98 Far Horizons Drive, Denis J. Beauchemin of 98 Far Horizons Drive, Shelton, CT is seeking to waiver Section 24, Schedule B, Standard 9 by varying the setback from the left side yard from 30 ft. to 25 ft. for a 7x27 covered porch and from 30 ft. to 20 ft. for a 9x37 deck.

Mr. Beauchemin: I don't have

Mr. Glover: Do you have your receipts? What have you got?

Mr. Beauchemin: My neighbor

Mr. Glover: I don't need these, all I need are the receipts.

Mr. Beauchemin: Oh, okay

Mr. Glover: All you have to do is prove that you sent them. You don't have to prove that they got them. Okay, these are all your abutting neighbors?

Mr. Beauchemin: Yes

Mr. Glover: Can you give your name and address for the record please?

Mr. Beauchemin: Denis Beauchemin, 98 Far Horizons Drive

Mr. Glover: And can you tell us what you want to do Denis?

Mr. Beauchemin: We're adding on a family room with a finished basement below and because of the position of our house on our lot we're facing our neighbor's instead of facing our backyard. So I want to try to build a deck onto this addition that's big enough to put furniture on. The variance is not going to be required as I requested it. The covered porch is actually going to make it and the deck now is only 4 or 5 feet into the setback. So I need to change the variance to 25 feet just on the deck.

Mr. Glover: Hang on a second, alright, your house

Mr. Beauchemin: Faces the wrong way, everybody's house, everybody's got something on somebody else's property because they faced all the house the wrong way. This neighbor's driveway's in my yard. My driveway's in his yard. This guys driveway's in his yard. So unfortunately, my backyard faces, my houses faces everybody, everything but my backyard

Mr. Glover: Is this your front yard or back yard?

Mr. Beauchemin: That's my front

Mr. Glover: That's your front yard

Mr. Beauchemin: Yeah

Mr. Glover: Okay, this is the front of the house, this is Far Horizons

Mr. Beauchemin: Yeah

Mr. Glover: So your front of your house faces Far Horizons but kind of faces Koch's property

Mr. Beauchemin: Yeah

Mr. Glover: at 94 Far Horizons. And you want to put an addition on your property that's actually in the back of your house

Mr. Beauchemin: right

Mr. Glover: right?

Mr. Beauchemin: Correct. You can see the existing structure doesn't make setback by more than the deck I wanted to put on there

Mr. Glover: So the existing structure is pre-existing non-conforming

Mr. Beauchemin: Right

Mr. Glover: And your driveway is on Papa's property

Mr. Beauchemin: A little bit of it is. We're having discussions now with the Papa's about, he's trying to add another house on his land and he's short frontage. And I'm planning on adding a master suite in here which almost hits his property, so at some point in the future we're probably going to swap land so that I can get that addition in, in the future. But for now I'd like that deck to at least reach the point at which my future addition might be.

Mr. Glover: So it appears that you're putting on a deck that is like 9 feet by 26 feet, something like that, it's

Mr. Beauchemin: actually 15, because part of it is under the porch

Mr. Glover: I see, so part of it's covered by a roof

Mr. Beauchemin: Correct

Mr. Glover: So you've got a 15 by 26 porch that you're contemplating putting there

Mr. Beauchemin: Right

Mr. Glover: And when you do, just the corner of the deck, is that

Mr. Beauchemin: That little bitty spot right there

Mr. Glover: right, it's just the corner of the deck that's going to encroach over the setback line

Mr. Beauchemin: correct

Mr. Glover: And you're going to encroach on the Papa property

Mr. Beauchemin: Correct

Mr. Glover: The proposed addition and the covered portion of the deck all conform

Mr. Beauchemin: Correct

Mr. Glover: And you have a very awkward, strangely shaped lot

Mr. Beauchemin: Terribly strange lot

Mr. Glover: to the west

Mr. Beauchemin: And it's, this part of my property drops off in the front so my backyard's dead flat. It's too bad it's facing the wrong way, but

Mr. Glover: Now, the variance that you applied for

Mr. Beauchemin: When we applied for the variance I was using a plot plan from the town and the scale probably was off a little bit because we thought that that line was a little bit into my covered porch. You can see I moved the addition over off the line of the house to help accommodate some of that.

Mr. Glover: Right, but the, the variance that you've asked for is a left side covered porch from 30 to 25. You no longer need that

Mr. Beauchemin: I no longer need that

Mr. Glover: Okay, and a left side deck from 30 to 20

Mr. Beauchemin: That needs to be from 30 to like 25

Mr. Glover: Okay, so you're moving it away from what you were asking for

Mr. Beauchemin: Yes

Mr. Glover: So if we granted you 25 feet that would be enough for you

Mr. Beauchemin: Yep

Mr. Glover: and that variance is just for an open deck

Mr. Beauchemin: Open deck, correct. This is an existing

Mr. Glover: I understand. Is this the only place you can put this addition?

Mr. Beauchemin: the only place where it makes any sense for the, for it to work with the house, yeah. That's the actual floor plan of it. It's a raised ranch, so

Mr. Glover: Denis, you're going to make this way too long, slow down. Is this the only place you can put this addition, yes or no?

Mr. Beauchemin: No, I could put it here

Mr. Glover: I mean the deck, the addition complies. Is it the only place you can logically put the deck?

Mr. Beauchemin: It's the only place where it makes sense because then it ties into the existing deck

Mr. Glover: So it's "yes"?

Mr. Beauchemin: Yes

Mr. Glover: Okay, is your septic

Mr. Beauchemin: To the front of the house

Mr. Glover: your water?

Mr. Beauchemin: city water

Mr. Glover: City water

Mr. Beauchemin: coming up from the front

Mr. Glover: And it doesn't take up the space where you're going to do any construction. So it's the only place where you can logically put the deck and because of the odd shaped lot you can't conform with the zoning

Mr. Beauchemin: correct

Mr. Glover: Does the Board have any other questions?

Mr. Matto: So it's a land hardship

Mr. Glover: It's a land hardship and from the look of Far Horizons everybody has, it's kind of a shared community. Is there anyone else in this room who is in favor of this application? Anyone in favor of it? (yes) John, give your name and address please?

Mr. Koch: John Koch, 94 Far Horizons Drive

Mr. Glover: And you have no problem with this?

Mr. Koch: No

Mr. Glover: It will be more or less consistent with the rest of the neighborhood?

Mr. Koch: Yes, we all share

Mr. Glover: Anyone else in favor? (no response) Anyone opposed to this application? (no response) Any final questions from the Board? (no) Then I'll declare the hearing closed. Thank you.

Later that evening during the work session the Board, upon motion by Mr. Matto and seconded by Mr. Cavallaro, unanimously voted that:

#607-4 "In the application of Denis J. Beauchemin of 98 Far Horizons Drive, Shelton, CT for a certificate of approval for an open deck to be built on the property of the applicant at 98 Far Horizons Drive, R-1 zone, and which requires a variance in setback from the left side yard,

The application for variance is approved.

Inasmuch as it is a minor variance caused by an irregularly shaped lot, and

Inasmuch as the proposal is in harmony with the rest of the neighborhood,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval for a variance in setback from the left side yard from 30 ft. to 25 ft. at the above is granted (Section 24, Schedule B, Standard 9) in this instance.

This certificate of approval shall take effect on the date following the publication of the statutory notice in a newspaper having circulation in the City of Shelton, provided that a copy thereof has been recorded by the petitioner in the land records of the City of Shelton."

#607-5 Booth Hill Road (Assessor's Map 14, Lot 7), Southport Holdings I, LLC of 35 Old Post Road, Southport, CT is seeking to waiver Sections 24.1, 24.2 and 24.4 by varying the lot frontage from 135 ft. to 101.31 ft., location of square, and setback from the right side yard from 30 ft. to 20 ft. for a residential lot.

Mr. Glover: Good evening. Would you give your name and address for the record?

Mr. Lewis: Tracy Lewis, Lewis Associates, offices at 260 Main Street, Monroe

Mr. Glover: Sir, are you going to be speaking?

Mr. Sojka: Yes, my name is Robert Sojka, 36 Hidden Pond Lane, Trumbull, Connecticut

Mr. Glover: How do you spell your last name sir?

Mr. Sojka: S-O-J-K-A

Mr. Glover: Tracy do you have some receipts for me please?

Mr. Lewis: Those are the receipts

Mr. Glover: and some pictures?

Mr. Lewis: And those are the pictures

Mr. Glover: Alright, can you tell us what you're trying to do here and why you can't comply with the regulations?

Mr. Lewis: What we have is a lot, Rob owns a piece of property that's, the majority of it is in Trumbull. The majority of the property is, the majority of the property is in Trumbull and there's a small portion that is left over in Shelton. It's a separate Assessor's lot, assessed lot in Shelton. The map you see is entirely in Shelton. It's about a 1.8 acre parcel. We propose putting a house on it. When we do that we have, we don't have the required frontage in the front. The square does not fit in the front, but it does fit on the lot so we moved it to a place where it does fit. In doing the grading, we have a septic system designed here, although Trumbull is bringing a sanitary sewer up Booth Hill Road at one point or another. That is under construction

Mr. Glover: Trumbull or Monroe?

Mr. Lewis: This is a, this is Trumbull, I'm sorry that's not right, it's Trumbull

Mr. Glover: This is Trumbull

Mr. Lewis: Trumbull

Mr. Glover: the south side of it is Trumbull

Mr. Lewis: Trumbull, yes, that's not correct. So what we've done is we've designed a septic system in, you know, a code compliant septic system and put a house on it, 54x34 foot house, it's not a big house. We could have turned the house sideways and we didn't want to do that. We wanted to try and, you know, face the house toward the road like a normal, normal way things work out. So we've asked for a setback of 20 feet on the north side in order to get a driveway that would drive underneath for the lower, on the lower side. This side of the house is on the high side, this side is on the low side, and the driveway works the best for getting in. So we need a little room, we need more room on this side for a driveway and we'd like to have a little less room on this side.

Mr. Glover: Is this a pre-existing non-conforming lot, or are you splitting it off?

Mr. Lewis: In our opinion it is, but we would like to go through this process and I think that in talking with, in house with the zoning board and everything, that this was the way to do it. The best way to do it would be to come before your Board and ask for relief and just straighten out the lot and make sure that it conforms. In this way here the property line will be along the town line. Trumbull is receptive to that. As a matter of fact, we've already gotten the subdivision

Mr. Conklin: So this is a subdivision, this isn't a pre-existing lot

Mr. Lewis: Well, it is, you can't apply it's a subdivision because, you know, because what town do you do that in because you're not really subdividing a lot out, so

Mr. Glover: Is there more to this property

Mr. Lewis: yes

Mr. Glover: that's over here

Mr. Lewis: yes, yes, um, this is what was submitted to Trumbull and that, that was approved. It was two lots, Lot 1 and Lot 2 and Rob's company owns Lot 1 which is a 13 acre parcel, and we showed the town line. In the interim just recently, I did this for another client, and Rob, Rob bought Lot 1. In the interim Rob has, wants to divide off the house lot in Trumbull, we've already submitted to Trumbull. It's been submitted, our meeting is in the next couple weeks, to create a lot around the existing house on Lot 1 and then the remaining land will someday be subdivided. But right now we are going to cut one lot here and then this lot will, will be in Shelton, and this will make, you know the town line, the line, the way it's been assessed

Mr. Glover: The lot that we're talking about is over here

Mr. Lewis: Is over there, that's right

Mr. Glover: So, is this a legal lot in Trumbull?

Mr. Lewis: Yes, this is an approved subdivision, yes

Mr. Conklin: Well regardless of what's approved, what's the road frontage?

Mr. Lewis: On a, in Trumbull?

Mr. Conklin: Yes

Mr. Glover: 160

Mr. Lewis: 160 plus

Mr. Conklin: so its in excess of what's needed

Mr. Lewis: It's in excess of what may be needed in Trumbull, right

Mr. Conklin: So regardless you could've split the lots up correctly so there was proper road frontage

Mr. Lewis: Well, from what our understanding is, is that we can't use road frontage in Trumbull to satisfy frontage in Shelton. That was our understanding

Mr. Conklin: by who?

Mr. Lewis: Uh, that's, you know, what your, you know, in house people had told us.

Mr. Glover: So our Planning and Zoning department

Mr. Lewis: suggested that we do it this way, yes. And that would make the town line the property line and would make it much cleaner situation

Mr. Glover: They've told you that you can't consider land in Trumbull as part of the frontage

Mr. Lewis: To satisfy, right

Mr. Glover: requirements over here

Mr. Lewis: Right

Mr. Conklin: Since when is lot frontage not lot frontage? The definition of lot frontage is if a given square lot, the lot frontage

Mr. Glover: So you decided to divide this lot on the Shelton/Trumbull town line and

Mr. Lewis: We've decided to create a property line as it's, as it's kind of always, kind of been considered between the two towns

Mr. Glover: Right, on the town line

Mr. Lewis: on the town line, yes

Mr. Glover: And the entire parcel, which at one time, went over the whole town line, is that correct?

Mr. Lewis: right

Mr. Glover: Lot 2 consists of what, 13 acres?

Mr. Lewis: Lot 1, Lot 1 is the remaining land is 13 acres

Mr. Glover: Okay and Lot 2?

Mr. Lewis: Lot 2, which is someone else owns

Mr. Glover: Okay, that's not, that's not this gentleman's

Mr. Lewis: That's not his

Mr. Glover: This gentleman bought Lot 1

Mr. Lewis: Bought Lot 1

Mr. Glover: And now he's dividing Lot 1, is that correct?

Mr. Lewis: No, we, when we went into Trumbull we showed the Lot 1 property line being along the town line, that's what we've done

Mr. Glover: Right, but when, but when he bought Lot 1

Mr. Lewis: he bought it all, yes

Mr. Glover: He bought one piece

Mr. Lewis: Right

Mr. Glover: And now, now he's selected to go to Trumbull and to, using the town property line, he's got one lot on that side and he wants to put another lot on the other side

Mr. Lewis: Right, and, and you're right, the line could be changed to make it conform, but we were told that we couldn't do that. And, and, as well both towns are receptive to having, not having land, little slivers on, in one town and not on the other. So, and we've shown that it works. I mean it's not like, we've shown that this lot works. This is an existing lot, has an existing well, an existing septic system. It will very soon, in the near future, it'll have a lateral for a new sewer that's going to go down Booth Hill Road. Now we're checking into whether we can, whether Shelton can tap into that or not for this house, but that's neither here nor there, we, we decided to design a system on this lot so that we, you know, we had Jim Swift the engineer design a system on the lot. We moved the house as close to the road as we could because we needed room for the

system and we have wetlands in the back too. So we've got the house as far forward as we can and we would rather, we would rather not twist it to the side.

Mr. Glover: Alright, so we need a, a right side setback from 30 to 20

Mr. Lewis: Yes

Mr. Glover: because it only has a 101 foot frontage and you pushed the house as far as you can to the right so you can get a driveway on the left hand side which will go under the house because of the topography and grade

Mr. Lewis: yes

Mr. Matto: and Planning and Zoning has seen this?

Mr. Lewis: the septic system plan?

Mr. Matto: Well, what you're talking about. They've seen what you're

Mr. Lewis: I've gone through in-house. I haven't talked to Planning and Zoning

Mr. Matto: right

Mr. Lewis: I haven't gone to the entire commission

Mr. Glover: you talked to Rick?

Mr. Lewis: I talked to Rick, yes

Mr. Matto: and he likes what you're here with?

Mr. Lewis: Yes, yes, they are, both towns are receptive to the property line being on the town line, it just makes everything a lot cleaner, as long as it all works, you know, and we've shown that. And that's why we went the extra step was to make sure it all did work

Mr. Matto: Alright, and he knows you're, you were coming here

Mr. Lewis: Yes, yes

Mr. Matto: And he hasn't sent us a letter so I don't think he's upset yet about anything, that I know of

Mr. Glover: So the location of the square is required to be on the front setback, correct?

Mr. Lewis: right

Mr. Glover: And so you're asking for that variance because you can get a square on the lot except it doesn't touch the front setback

Mr. Lewis: Correct

Mr. Glover: Okay. And the lot frontage from 135 to 101 is because that's all the property you have that is on the other side of the city property, the property line and the city line

Mr. Lewis: Right. Just one other thing, I, I'd point out is that you know, there is 14 feet it's kind of like a jog that goes up, you know, there's a new street line that goes down in Trumbull and there's a little 14 feet here. My contention was that really he has frontage on a road of like 115 feet, if you know what I'm saying. See how this jogs?

Mr. Glover: Uh huh

Mr. Lewis: So there really is another 14 feet here, but I wanted to be on the safe side of things so I asked for the 101 frontage. You know, so, whether that adds to it or not, but

Mr. Glover: Alright, does the Board have any further questions of Mr. Lewis? (no) Is there anyone in this room who is in favor of this application? (no response) Anyone in favor? (no response) Is there anyone opposed to this application?

Ms. Powell: I am

Mr. Glover: Would you please give your name and address please?

Ms. Powell: My name is Arline Powell and I live at 808 Booth Hill Road. And I live to, on the right hand side where they're asking for the variance to lower the limit from 30 to 20 feet

Mr. Glover: They're encroaching on you

Ms. Powell: Yes, yes, definitely, and again I certainly wouldn't have a problem if they were going to be building a different type of house, and not, of course I don't want it that close to my house anyway because for one thing, it will certainly infringe on my privacy. And we're talking a house that's like 30 or 40 feet high and I've got my little ranch on the other side

Tape had to be changed

Mr. Glover: Go ahead

Ms. Powell: Anyway, I just think that the lot is really too narrow for a house like this. I mean we're talking a house that's 54 feet wide and my other thought was that if they really felt that that was the only house that they could put there, which I doubt very much, well then why not move it over to their side. They already own the property there and there's 31 feet on that side. Why take away the extra footage from my side? And I'm particularly concerned because some day I would like to be able to sell my house and I think having this big hulk of a house right next to my property is certainly going to make it appear less desirable. I mean lets face it, people move out to the suburbs because they like to have a little more privacy that a larger lot can bring. And when you've got someone that's practically hanging over the stone wall then that certainly um, takes away from its attractiveness. And anyway I, this is something new to me. I've never gone to one of these meetings. I had written a letter going into detail as far as, you know, exactly why I don't think it should be there. And I'd be happy to provide you all with a copy, unless you want me to read it, one way or the other.

Mr. Glover: You can, you can read it.

Ms. Powell: But, again

Mr. Glover: The problem with us having a copy and reading it is that they have a right to rebut what's in there

Ms. Powell: Yes

Mr. Glover: And if it's not read into the record, then they don't know what your complaint was. And if they don't know what your objection is they can't respond to it.

Ms. Powell: Okay, well, what I've done, is at the beginning I said a little bit about myself and how long I've lived there and I will do that if you can just bear with me.

Mr. Glover: Take your time.

Ms. Powell: I'm the property owner adjoining Lot 7 on the right side. I have resided at this address and have been a Shelton taxpayer for almost 45 years. It is the only home I have ever owned, and it represents my largest single asset. If the zoning variances requested by Southport Holdings are approved, it will negatively

affect the value of my property, intrude on my privacy, and have the potential to cause serious problems in the future. I respectfully request that the Board consider my very valid concerns. One thing that I wish to make very clear at the beginning is that I do not have a problem with having a house built next to my property on the lot in question. What I do object to is having that particular house built in the proposed location on that lot. Lot #7 is a fairly narrow lot to begin with, but when I saw the dimensions of the proposed 4-bedroom house I was stunned. Southport Holdings has probably built this same house in other locations where it may have been appropriate. However, in this case, it is a poor fit for the lot. If it weren't they wouldn't need to request the variances. They want to reduce the required lot frontage from 135 feet, well I won't repeat that because you already have that information. And I will, before I go onto the next page, I will say that ironically a number of years ago I was having a conversation with the previous owner, Mr. Fenyes, and it was right after he had built the small house that's on the Trumbull side, and he said to me you don't have to worry because no one's probably ever going to build on this lot because it's too narrow. Anyway, I can see no reason why another house that would maintain the current zoning requirements couldn't be built there instead. For example, why not a ranch house, why not a split level or a raised ranch, or a colonial that keeps the present guidelines. Even thinking from the point of view of a potential buyer, the house that Southport Holdings wants to build on that lot is anything but a compatible pairing. We've all seen "big box" houses squeezed onto a minimum-sized lot. The result is not attractive, and those homes usually stay on the market for a longer period of time before they're sold. Also, I noticed that while they requested that the right side setback (which adjoins my property) be reduced from the required 30 feet to 20 feet, the left side setback (which adjoins property which they own) is 31 feet. If they want to build that house so badly, then the reduction should be on the left side setback. My initial reaction to the meeting notice was to envision a huge 30 to 40-foot high house literally casting a shadow over my little ranch, which, incidentally, is fairly close to the property line. One reason people move to the suburbs is because they like the privacy that bigger lots provide. I appreciate the beauty of the land very much, and when I think of that big hulk of a house just 20 feet from my property line, I just cringe. Eventually, I'll probably have to sell my house because it's becoming more difficult, financially and physically, for me to take care of it. I'm convinced that having the proposed house 20 feet from my property line will be a tremendous handicap. In terms of other potential problems it could create, we all know that building a house isn't as simple as placing a game piece on a Monopoly board. First, at least some trees have to be removed completely and, in so doing, the root systems of the remaining trees can be weakened. This is not something that happens overnight – it is a slow process that often goes undetected until one day a tree falls completely unexpectedly. And it's not just a product of a wild imagination on my part. There's a recent example of such an occurrence, a couple weeks ago on the Merritt Parkway two people were killed when a tree fell on their car. The lot in question has many mature trees, perhaps 40 feet high or more. At the present time I don't waste my time worrying about them falling because they all look pretty healthy and have been undisturbed. However, if some lot clearing is done that close to my property line, the potential for a weakened tree to fall on my house is there. Next comes the excavation to prepare for pouring the foundation, moving the soil around, and grading. As far as I know, there is nothing in the law that requires a contractor to take steps to protect neighboring homes from any new drainage patterns that develop as the result of the changes in grading. Last year, after a neighbor of my sister's completed a large new addition to his home, a huge rainstorm resulted in water pouring into her basement from her neighbor's property. Fortunately, the neighbor did something to rectify the situation, but my sister's lawyer told her he was under no legal obligation to do so. My feeling is that if the proposed house on that lot is built 20 feet from my property line, the possibility of something like this happening is increased. To summarize: (1) The lot in question is not wide enough to properly accommodate the house in the proposed location. (2) Building the house 20 feet from my property line would adversely affect my efforts to sell my home in the future. (3) While the potential problems caused by tree removal and grading are possibilities, they are real possibilities. (4) If a reduction in a side setback were to be approved by the Board, it should be made on the left side of the lot, which adjoins property already owned by Southport Holdings. I thank the Members of the Board of Zoning Appeals for their attention and consideration of my concerns.

Mr. Glover: Thank you, Mrs. Powell. Anything else?

Ms. Powell: Well, the last thing that I would say, just kind of as a last resort and I hope it doesn't come to this, if the Board decides in their favor, I, I was going to request at least an evergreen screening between the properties. But to be honest with you, if you've got a house that tall it's really, it would only cover the lower floor anyway, but I hope that the Board doesn't decide in their favor.

Mr. Glover: Thank you, may I have a copy of that?

Mr. Conklin: How close is your house to the property

Ms. Powell: It's very close, I don't think my house is further than, I'd only be guessing, 20, 25, or 30 feet. I'm not the original owner. It was that way when I bought it. It's pretty close, you can see where the stone wall is, it's pretty close

several talking at once

Ms. Powell: I don't know if they have, if they showed it in the picture

Mr. Lewis: We have the Assessor's map, I'd say it's about

Mr. Sojka: it's about 55 feet from

Ms. Powell: But trust me, it's close. I have a deck on that side as well

Mr. Lewis: That's her house there

Mr. Glover: Do you have a scale?

Mr. Lewis: Let's see, 50, I would say it's about 30 feet

Mr. Sojka: About 55 feet to our house, our proposed house

Mr. Glover: But she's 30 feet?

Mr. Lewis: 30 feet approximately, yeah

Mr. Conklin: (unclear) setback

Mr. Glover: Alright, anything else ma'am?

Ms. Powell: No, I guess not. If anyone has any questions?

Mr. Glover: You did a much better job than if we read it.

Ms. Powell: You're very kind

Mr. Glover: Any other, anyone else in this room in, is opposed, that is opposed to this application? (no response) Questions from the Board?

Mr. Cavallaro: I have one question. So your only reason for pushing it so far to the right is to not have a dual tax situation for the new property, correct?

Mr. Lewis: Not necessarily. The reason that we pushed, that we put the house, and believe me we wanted to put the house, we would have rather had the house, you know, meet, meet the setback on, on Ms. Powell's property line. The reason we did it is there's a pretty high hill here right next to her property and if we could bring the driveway in that way on that side we're going to do a lot of excavation along her property. Right now there's not much grading at all along her property. And in, it's better with the driveway on the low side rather than this, this upper side where there's going to be more grading against her property. Plus she's not going to see garage doors. She's not going to have, she's going to have a better view of this house if it sits the way we have it. It's going to be low in the ground, you know, it's going to be a much, more receptive to the lot. As far as the width of the house, right now the width of the house is 54 feet. It's not a wide house, so in order to meet the setback we would be down around 43 or 44 feet. So we would be a narrow house so we would be forced to turn, we might have to turn the house you know, sideways, which would have the front door maybe facing that way, or facing her way, which would be kind of lousy. You know, we would rather have the house facing this way. Believe me, we would have rather done the variance so that it was facing on our side. If the

Board feels that that's something that, that, that they need to have we can work with that. But, but we would rather, we think it's better for Ms. Powell to have the house where we have it.

Mr. Cavallaro: I agree with that, but my question is, this property isn't officially split yet from the property you own on the Trumbull side

Mr. Lewis: How do you officially split it? You can't, you can't, you

Mr. Cavallaro: It's one parcel right now

Mr. Lewis: I know, but how do you officially split it. You have to create a subdivision. There is no subdivision if there's

Mr. Cavallaro: but you have no other lot. There's more than one situation where people have a driveway in one town and their house in another

Mr. Lewis: Yes, that's right and that's

Mr. Cavallaro: so if this whole thing was slid this way and the new property line was actually in Trumbull then you can keep the orientation the same way it is and not need that side setback. And I'm not convinced that the frontage wouldn't count if it was in two towns.

Mr. Glover: I'm no lawyer

Mr. Cavallaro: No, I'm not either, but I'm just saying, but it would make it more, especially if your other lot would still be conforming in Trumbull, it would be nothing lost, other than these people would get two tax bills

Mr. Glover: What is the frontage they need in Trumbull?

Mr. Lewis: I believe it's 120, but I'm not exactly sure

Mr. Cavallaro: and what do you have in, what's this lot in Trumbull

Mr. Sojka: It's 160

Mr. Cavallaro: Certainly you can peel off a piece of that. I mean, the only hardship is two tax bills for these people when they buy this house.

Mr. Sojka: Well, I think that that wasn't, not really the issue though, the issue was that we were being told that we couldn't use Trumbull frontage

Mr. Lewis: And we would be here anyway

Mr. Sojka: So, we obviously wouldn't have went, you know, through all that trouble to design this thing to work on this lot if we could've just easily added 10 feet, you know, I just made it all comply

Mr. Cavallaro: Well, I'd be more in favor of granting it if, if the frontage was an issue, being you know, if they couldn't use the Trumbull frontage, I'd be more in favor of granting that type of waiver than pushing the house closer to the right side. And he'd still have the same orientation

Mr. Glover: Alright, Tracy um, do you have, would you like to rebut anything that Mrs. Powell said?

Mr. Lewis: Yes, you know, the location of the house we feel is the best way that least affects her property. I know that she may not understand grading and how it works, but having the driveway come in on, on the low side of the lot makes this house sit lower. It's, it's going to make the lot work better. As far as drainage goes, the engineer has designed the drainage. There's roof drains, a footing drain, outlets for the, for the storm water runoff

Mr. Glover: As far as, as far as drainage, the topography is such that it's going away from her property

Mr. Lewis: That's right

Mr. Glover: so that's not an issue

Mr. Lewis: That's right, that's not an issue

Mr. Fitzgerald: Where is, where is the drainage going to, a catch basin?

Mr. Lewis: The drainage is, no, the drainage is, is ultimately ending up in the wetland that's on the property. Roof drains and footing drains will go around the septic, you know the proper dimension from the septic and then down to the low area in the back. And there is city water so

Mr. Fitzgerald: Would you have any objection to lining the property line with trees as

Mr. Lewis: We would be receptive to that, yes, that's not a problem. We would be able to do that sure

Mr. Glover: Any other questions from the Board? (no)

Mr. Sojka: One question I have, does anybody know about this town line situation?

Mr. Glover: I'll bet I'll find out.

Mr. Sojka: Because I just spent a lot of money designing this based around information received

Mr. Glover: I understand, your implication as received from Mr. Schultz and Mr. Schultz is not an attorney and you could have hired one

Mr. Sojka: Well, no, no, no, I'm just saying in general, we're going to come back, you know, whatever

Mr. Glover: We're going to, before the end of the night, vote to hold this and to refer it to Corporation Counsel for a decision. That's the direction that this Chairman's going to take.

Mr. Sojka: So, if that is, hypothetically the case how does that work out

Mr. Glover: Hypothetically, if they don't have anymore questions, I'm going to in a few minutes say I'm going to declare this hearing closed and then we're going to wrap this all up and I'll bring it to the Corporation Counsel and we'll vote on it next month. This that the question?

Mr. Sojka: Yes

Mr. Glover: Because of that, it's a big factor in this equation, you know, it's a big legal factor in this equation. But Mr. Schultz's opinion, he's not closer to a lawyer than I am, a law degree than I am. You guys almost done down there?

Several members discussion map – unclear

Mr. Glover: Guys you think that I can, if you don't have anymore questions, can we close the hearing and talk about this afterwards?

Mr. Fitzgerald: Well, we have about 10 questions

Mr. Glover: You do, well start with your first

Mr. Fitzgerald: Well, the first one and only one is, that if this building was moved down

Mr. Glover: Jack, we can't hear, nobody down here can hear you

Mr. Fitzgerald: If this building was moved down and the two garage doors were facing the front, he'd be further away from Ms. Powell's property and she wouldn't be seeing the garage doors anyway

Mr. Harbinson: Why wouldn't you move it toward your own property instead of putting it over here?

Mr. Sojka: We can do that right, Tracy?

Mr. Lewis: We can do that,

Mr. Matto: That will give the 30 foot required on that side

Mr. Lewis: We can do that if that's

Mr. Harbinson: If that's the case then why are you here?

Mr. Lewis: Well, because of the frontage. We wanted to get, we wanted to, you know, we wanted to get all the variances that we needed, because of the frontage and the square

Mr. Harbinson: I wouldn't have a problem if you hadn't taken the, the distance off of her side, if you take it off your own side then no problem, in my mind.

****Several talking at once****

Mr. Harbinson: Are the garages currently underneath the house?

Mr. Lewis; What's that?

Mr. Harbinson: The garages are currently underneath the house?

Mr. Lewis: Yes

Mr. Harbinson: Why take them in from the side? Why don't you take them in from the front?

Mr. Matto: Well, even if you take them in from the side you can move it

Mr. Harbinson: Yeah, you've still got plenty of room

Mr. Glover: May I have that map Jack?

Mr. Lewis: I mean we can, I mean, I don't know if we can take the 30 foot to 20 foot variance off the table, we can, you know we can do that

Mr. Glover: Well, first of all,

Mr. Sojka: Where's the 30 foot setback line on the right side of the property, that's what I want to know?

Mr. Glover: First of all, first of all, we've got a question from Commissioner Harbinson that says why couldn't you slide this closer to your property?

Mr. Sojka: We'd be happy to

Mr. Glover: The respond is, we can, we don't have a problem, we'd be happy to do that

Mr. Sojka: Correct

Mr. Glover: Your hardship for the 20, 30 to 20 just flew out the window with that statement, so the 30 to 20 is off the table, it can't be there, because in order for it to be there you have to tell me that it's the only place it can be and you just told me I don't have any problem, we can move it over there no problem. So your hardship for the 30 to 20 just, is gone. I don't care where the garage doors are any more, I don't care which way we turn it, the 30 to 20 is gone.

Mr. Sojka: So now it's frontage

Mr. Glover: Okay? The only issue that's on the table really is the frontage

Mr. Matto: Right, yeah

Mr. Glover: And we are not in a position to answer the question about frontage because we're not attorneys and it will have to go to the Corporation Counsel for him to make a determination as to whether in fact we can count the land that's in Trumbull or we cannot count the land that's in Trumbull. Whether it's just out of convenience that you've selected the town line as the property line or whether it's of necessity, we don't know that. But we can stop talking about the 30 to 20 because that got kicked out of the record a few minutes ago when you said we have no problem moving it. Okay? Well, that part of it's gone

Mr. Lewis: It's not going to help Mrs. Powell I don't think as well

Mr. Glover: Well, it may not hurt Mrs. Powell, it may not help or hurt Mrs. Powell, but you're here for a hardship and when you tell me I've got no problem moving that over, the hardship disappeared, we can't give it to you now.

Mr. Cavallaro: Question, if the house is moved down to put the garage in the front, then doesn't this side become a problem because it's under 30 feet

Mr. Lewis: That's correct, yes

Mr. Fitzgerald: but it's their problem

Mr. Cavallaro: It's a new problem

Mr. Glover: a different problem

Mr. Matto: Well, what's there now? Doesn't it show what's there now? On that side, to the city line what's there now?

Mr. Glover: There's 31 feet

Mr. Matto: Oh, it's 31, oh okay

Mr. Glover: It's 31 to the Trumbull town line. Okay? Alright, so not anticipating any further questions from the applicant or from the Board, or from the hall, I will declare the hearing closed. We'll refer to the Corporation Counsel, we'll vote to refer it to the Corporation Counsel at the end of the meeting. We'll get a decision from him and we'll decide about the 135 to 101 next month.

Mr. Lewis: Thanks

Mr. Glover: Thank you.

Later that evening during the work session the Board, upon motion by Mr. Matto and seconded by Mr. Conklin, unanimously voted to table a decision with regard to #607-5.

#607-6 54 Mohegan Road, Charles & Donna Drabek of 54 Mohegan Road, Shelton, CT are seeking to waiver Section 45.6.1 to allow an in-law/accessory dwelling unit in a dwelling that's less than 5 years old.

Mr. Glover: Alright, would you give your name and address for the record?

Mr. Hayes: My name is Neil Hayes, Mingolello and Hayes Architects, 90 Huntington Street. Here's receipts

Mr. Glover: And these are your abutting neighbors?

Mr. Hayes: Yes

Mr. Glover: And those are your pictures? Now, I'm assuming you're going to be the one to talk, right?

Mr. Hayes: I think we're all going to talk. Donna Drabek is here and Mr. Drabek is here as well, the applicants.

Mr. Glover: Let me ask some questions and you can follow along and maybe you won't make any fatal errors like the last guy did saying we have no problem we don't need that variance. You're also in for an in-law apartment

Mr. Hayes: Accessory dwelling unit, yes

Mr. Glover: Accessory dwelling unit on a house that is less than 5 years old because you haven't even started to build it yet

Mr. Hayes: That's correct

Mr. Glover: Like that other woman that was here, that ordinance was made so that houses

****tape had to be changed****

Mr. Glover: so that houses when they're constructed don't look like two family houses in a one family zone. The genesis of that regulation was that a builder in this town put up one and it looks like a duplex house in a single family house, and as a knee-jerk reaction the Planning and Zoning Commission decided that they're going to say you can't have one until the house has been there for 5 years. It's a silly rule because you can design in an apartment, an accessory apartment and make it look like it fits in the neighborhood better than you can take a house that's been there for 5 years and add an in-law apartment to it and make it not look like it belonged there. So the, the whole question of in-law apartments before 5 years really becomes down to does it conform in every other way square footage-wise, does it have additional doors in the front and does it look like a single family house? And if, if you can tell us that it looks like a single family house and it complies square footage in every way, then there's no reason why you can't have your variance because it becomes kind of discriminating that your neighbor who may live there 5 years can have his in-laws with him, but you because you just moved in there cannot. So, does your design look like a single family house and like it fits in the neighborhood?

Mr. Hayes: We are currently underway with the elevations of the home and I have a floor plan that I can show you how it spread out on the lot. This is an interior lot and if you're familiar with Mohegan Road, the entrance to the lot would be right across from the Nike Site driveway

Mr. Glover: Okay, is that where Schuyler Wells

Mr. Hayes: Pardon?

Mr. Glover: Is that where the Wells' property was?

Mr. Hayes: Yes

Mr. Glover: Okay

Mr. Hayes: so the home conforms in every way, square footage-wise, fits behind the setbacks, as a matter of fact, tonight we were having a discussion that the home may actually be getting smaller than what we are proposing right now. So the only reason that we're here is for the 5 year problem. This came up because the Drabek's currently enjoy an accessory dwelling unit at their home now at 36 Cloverdale. The problem is that the home existing is two stories

Mr. Glover: That's all we, we don't need to know anymore than, you know, really we just need to know that it's not going to look like a two family house

Mr. Hayes: Correct

Mr. Matto: And is it in a brand new subdivision or is it in one that's existed

Mr. Hayes: Right, the idea is not to create a two family home in an R-1 zone

Mr. Glover: The idea is to not create a two family home in an R-1 zone and not to create a two family appearing

Mr. Hayes: Right. So what we have here is when you drive up to the home you'll have a front entrance on the front as you approach the home, and that the other entrance would be on the side of the home, the side yard, so when you drive up to this home it will not look like

Mr. Glover: So the front façade does not have an extra door on it

Mr. Matto: He can't anyway Gerr, that's written in the book

Mr. Glover: I know that, but it doesn't for the record. And it's not more than 900 sq. ft.?

Mr. Hayes: That's exactly right. The garages are teamed up over on the same side as the zoning regs states, to keep the garages coupled together if we can

Mr. Glover: So it looks like a single family house

Mr. Hayes: It really does

Mr. Glover: Alright

Mr. Hayes: I think it's better

Mr. Conklin: Whereabouts in location is the in-law apartment, whereabouts

Mr. Hayes: It's right over here

Mr. Conklin: Okay

Mr. Hayes: front door, this is the meat of the home in here and the 900 sq. ft. is here, garages are on the side over here. Her door is actually to the rear yard, so you won't have two front doors ever

Mr. Glover: Alright, so we've established that it looks like a one family house

Mr. Matto: Can I get an answer on that, is this a new subdivision or is it an existing for years?

Mr. Glover: It's an existing lot, Ralph.

Mr. Matto: Existing lot for over 5 years, alright

Mr. Glover: Alright, does the Board have any other questions? (no) Is there anyone in this room who is in favor of this application, other than?

Mr. Pavone: I would just like to ask some questions, can I ask questions?

Mr. Glover: You can ask me questions and I'll ask them questions

Mr. Pavone: Thank you.

Mr. Glover: Would you give your name and address?

Mr. Pavone: I'm sorry, my name is Peter Pavone, 18 Coachman's Lane

Mr. Glover: And are you in favor of this Mr. Pavone?

Mr. Pavone: At this point, yes I am. I just got a couple of questions as to overall plot plan in reference to Coachman's Lane property, my property? Where, where are we looking at here? Okay, so Mohegan Road is right there, alright where's Coachman's Lane? Do you have plot, overall plot plan of all the area?

Mr. Hayes: I think Coachman's is over here. This is Hamilton

Mr. Pavone: Hamilton, right, okay

Mr. Glover: Your house is, is right where the

Mr. Pavone: Right there, okay I'm in favor of it then, very much in favor, I think this will be a welcome to the community

Mr. Glover; You sir?

Mr. Leggett: I'm in favor

Mr. Glover: Would you give your name and address please?

Mr. Leggett: Sure, Steve Leggett, L-E-G-G-E-T-T, 50 Mohegan Road

Mr. Glover: Alright, and you're in favor

Mr. Leggett: Yes

Mr. Glover: Anyone else in favor? (no response) Anyone opposed? (unclear) Any final questions? (no) Then I'll declare the hearing closed. Unfortunately we have to keep these because we saw them

Later that evening during the work session the Board, upon motion by Mr. Conklin and seconded by Mr. Cavallaro, unanimously voted that:

#607-6 "In the application of Charles and Donna Drabek of 54 Mohegan Road, Shelton, CT for a certificate of approval for an in-law/accessory dwelling unit on the property of the applicant at 54 Mohegan Road, R-1 zone, and which requires a variance to allow an in-law/accessory dwelling unit in a structure that is less than five years old,

The application for variance is approved.

Inasmuch as the accessory dwelling unit meets all other regulations pertaining to in-law/accessory dwelling units, and

Inasmuch as the Board feels that subjecting new home owners to a five year wait is discriminatory in nature, and

Inasmuch as it conforms with the rest of the neighborhood,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval for a variance to allow an in-law/accessory dwelling unit in a home that is less than 5 years old at the above is granted (Section 45.6.1) in this instance.

This certificate of approval shall take effect on the date following the publication of the statutory notice in a newspaper having circulation in the City of Shelton, provided that a copy thereof has been recorded by the petitioner in the land records of the City of Shelton.”

#607-7 18 Beverly Lane, Paul Fazzino of 18 Beverly Lane, Shelton, CT is seeking to waiver Section 24, Schedule B, Standard 9 by varying the setback from the left side yard from 30 ft. to 10 ft. for a 16x30 in-ground pool.

Mr. Glover: Hang on a second. Sir, alright, your name and address for the record please?

Mr. Fazzino: Paul Fazzino, 18 Beverly Lane, Shelton

Mr. Glover: And Mr. Fazzino, do you have some receipts and some pictures for me please?

Mr. Fazzino: Yes, I do.

Mr. Glover: These are your only neighbors?

Mr. Fazzino: Yes

Mr. Glover: Okay, and you want to put a swimming pool in?

Mr. Fazzino: Correct. I've got a problem with this initial, I've got my left and rights mixed up on the map

Mr. Glover: Well, if you have your left and rights mixed up on the map you have to come back next month because it's advertised wrong. Is it the left and right wrong?

Mr. Fazzino: I believe so

Mr. Glover: Alright, if this is Beverly Hill

Mr. Fazzino: Beverly Lane

Mr. Glover: Beverly Lane, this is your house

Mr. Fazzino: Correct

Mr. Glover: Where is the pool going?

Mr. Fazzino: Here

Mr. Glover: That would be the left side

Clerk: right side, facing the street

Mr. Glover: You're right, facing the street it would be the right side. We have to re-advertise

Mr. Fazzino: I don't know

Mr. Glover: We do, I'm telling you we have to re-advertise it

Mr. Fazzino: I don't know how they advertised it, but I spoke with both neighbors

Clerk: Yeah, it's left

Mr. Glover: It's what?

Clerk: It's left, it's advertised as left

Mr. Glover: It's advertised as left and it's actually the right. Okay. You don't have to

Mr. Fazzino: It's drawn on the left on this one

Mr. Glover: Yeah, but it's as it's advertised

Mr. Fazzino: They helped me upstairs put it together

Mr. Glover: On the front of the application, right and left are defined as if you are standing on the property facing the street. So if you're standing on your front porch, your pool I understand is on the right

Mr. Fazzino: Correct

Mr. Glover: And we've advertised it as the left, so we're going to have to re-advertise it which means you're going to have to come back next month

Mr. Fazzino: Thank you

Mr. Glover: I'm sorry, and the reason for that is it's a legal thing. The guy who's on your right may not care if it's on the left, but he may care if it's on the right

Mr. Fazzino: The guys that's on the right knows it's going on the right.

Mr. Glover: But we don't know that. So you'll be first on the list for next month.

Mr. Fazzino: I have a copy of the

Mr. Glover: It doesn't make any different, it's how it appears in the paper.

Mr. Fazzino: Okay, alright

Mr. Glover: I'm sorry.

Mr. Fazzino: I'll have to reapply, is that how it goes?

Mr. Glover: No, we'll just re-advertise it. You don't have to do anything except come next month.

Mr. Fazzino: Okay. I'll leave all that with you?

Mr. Glover: Yes

Mr. Fazzino: Okay

Mr. Glover: I'm sorry.

Mr. Fazino: That's okay, thank you

Mr. Matto: Gerry, Southport Holdings, the Shelton/Trumbull deal

Mr. Glover: Yes?

Mr. Matto: on the left is Arline Powell, do you remember the map you were looking at

Mr. Glover: It's actually on the right. Yeah, but how was it advertised

Mr. Matto: Oh, I don't know, I was just reading what it says here?

Clerk: right side

Mr. Glover: It was advertised correctly

Mr. Matto: Oh, it was?

Mr. Glover: Yeah

#607-8 37 Fanny Street, James & Melissa Klepacky of 37 Fanny Street, Shelton, CT are seeking to waiver Section 24, Schedule B, Standard 8 by varying the setback from the rear property line from 30 ft. to 26 ft. for a 22x32 two story addition.

Mr. Glover: We have receipts and we have some pictures. Would you give your name and address for the record please?

Ms. Klepacky: Sure, Melissa Klepacky, 37 Fanny Street

Mr. Glover: And are you going to speak?

Mr. Klepacky: probably not

Mr. Glover: Okay, and are you going to speak sir, or you're just going to watch?

Unidentified voice: I'll watch for now, I'm a neighbor

Mr. Glover: Okay. Can you tell us what you want to do?

Ms. Klepacky: I want to put an addition on the side of my house and I'd like to keep the property, the line of the house the same along the back and I need a variance to do that

Mr. Glover: And when you do this, you need a reduction on the rear from 30 to 26?

Ms. Klepacky: Yes

Mr. Glover: Okay, you're okay on the side, just the rear

Ms. Klepacky: That's correct

Mr. Glover: Okay. Alright, what's the addition going to be used for?

Ms. Klepacky: The addition will be an additional family room for my family and a large master bedroom with a closet

Mr. Glover: One story or two stories?

Ms. Klepacky: Two stories

Mr. Glover: Okay. You're on a cul de sac

Ms. Klepacky: correct

Mr. Glover: the cul de sac has got a 50 foot radius on the end of it, which if the house went right through your property would come straight and this would probably be closer to the, to the street, it's the cul de sac is pushing you back

Ms. Klepacky: correct

Mr. Glover: And if you weren't pushed back so far because of that cul de sac, you would be conforming

Ms. Klepacky: yes

Mr. Glover: So we're blaming it on the cul de sac, is that right?

Ms. Klepacky: That's correct

Mr. Glover: There's no other place on this lot

Ms. Klepacky: no

Mr. Glover: And the lot is a very unique shape

Ms. Klepacky: yes it is

Mr. Glover: because it comes to a point

Ms. Klepacky: this is the least variance we would have to ask for to put an addition

Mr. Glover: Right, and it's the only place that it can be placed

Ms. Klepacky: that's correct

Mr. Glover: You have city water or city sewers?

Ms. Klepacky: We have septic and city water

Mr. Glover: And neither of them are over in that area

Ms. Klepacky: that's correct

Mr. Glover: Does the Board have any other questions of the applicant?

Mr. Cavallaro: Has this been through Valley Health yet?

Ms. Klepacky: I'll actually refer that to Sal, my next door neighbor, if he can speak for me

Mr. Sal Matto: Yes, they have been out, they feel comfortable with it, it's the best gravel in town and they're not adding any bedrooms. They're going to be eliminating or combining two bedrooms in the house, so it's going to stay a 3 bedroom and they won't have to make any changes or additions to the septic system

Mr. Glover: And they're not encroaching on the septic system

Mr. Sal Matto: They are not

Mr. Glover: or the reserve

Mr. Sal Matto: That's the reason they're staying back there

Mr. Glover: Okay, so it's the septic system that's pushing you back

Mr. Sal Matto: Yes

Mr. Glover: So there is no other place to put this

Mr. Sal Matto: No place else.

Mr. Glover: That would be neighbor, Sal Matto and his address is 41 Fanny Street according to this map

Mr. Sal Matto: Yes

Mr. Glover: Any other questions? (no) Anyone else in this room in favor of this application? (no response)

Mr. Sal Matto: I am

Mr. Glover: Mr. Matto is

Clerk: Mr. Matto of 41 Fanny Street

Mr. Glover: 41 Fanny Street. Anyone opposed to this application? (no response) Any final questions? (no) Then I'll declare the hearing closed, thank you.

Later that evening during the work session the Board, upon motion by Mr. Conklin and seconded by Mr. Harbinson, unanimously voted that:

#607-8 "In the application of James and Melissa Klepacky of 37 Fanny Street, Shelton, CT for a certificate of approval for a 22x32 two story addition to be located on the property of the applicants at 37 Fanny Street, R-3 zone, and which requires a variance in setback from the rear property line,

The application for variance is approved.

Inasmuch as it is a minor variance caused by an irregularly shaped lot, and

Inasmuch as the house is located on a cul de sac which caused the structure to be placed further back on the lot,

Inasmuch as it is the only place the addition can be built on the property, and

Therefore, with due consideration for the public health, safety, welfare and property values, the approval for a variance in setback from the rear property line from 30 ft. to 26 ft. at the above is granted (Section 24, Schedule B, Standard 8) in this instance.

This certificate of approval shall take effect on the date following the publication of the statutory notice in a newspaper having circulation in the City of Shelton, provided that a copy thereof has been recorded by the petitioner in the land records of the City of Shelton."

#307-1 37 Edgewood Avenue, Alan Tyma, for a variance in minimum lot frontage from 60 ft. to 35.46 ft. (Section 24, Schedule B, Standard 4) for a lot split.

During the work session the Board, upon motion by Mr. Conkin and seconded by Mr. Cavallaro, voted unanimously to deny the application without prejudice since no hardship within the purpose and intent of the zoning regulations was demonstrated.

Approval of Minutes

During the work session the Board, upon motion by Mr. Conklin and seconded by Mr. Matto, unanimously voted to approve the minutes of the May 15, 2007 hearing as submitted by the clerk.

Respectfully submitted,
Loreen Michalak, Clerk