

Board of Zoning Appeals – Hearing Room, Municipal Building 54 Hill Street, Shelton, CT.  
Tuesday, February 19, 2008 at 7:30pm

AGENDA:

#208-1 Vern Krill at Lot 61&62 Weybossett Street

Possible Decisions On:

#1007-3 M. Montanaro-NSHE Leechburg, LLC at 60-64 Huntington Street

#108-2 John Guedas, Broadbridge Hill Development, at 159 Long Hill 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, Linda Adanti, Jamie Jones, Ed Conklin and Phil Cavallaro.

Mr. Glover: Alright good evening everybody. I guess I don't have to say too much, we have one hearing tonight. Mr. Krill you know, because it's a repeat hearing, you know that you have to have pictures and so uh, Jamie do you want to just read the

**#208-1 Weybossett Street, Lots 61&62**, Vern Krill of 101 Cranston Avenue, Shelton, CT is seeking to waiver Section 24, Schedule B, Standard 7 by varying the setback from the street line from 25 ft. to 14 ft. for a single family dwelling 26'x44'.

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

Mr. Krill: Vern Krill

Mr. Glover: Why don't you just have a seat

Mr. Krill: 101 Cranston Avenue, Shelton, Ct

Mr. Glover: And Mr. Krill, you were here about two months or three months ago

Mr. Krill: Yes sir

Mr. Glover: And the reason you're back is that on your application you put the wrong lot numbers, right?

Mr. Krill: Exactly, yes sir

Mr. Glover: And has anything changed from the first application to this application, except the lot numbers?

Mr. Krill: No, well yes

Mr. Glover: Go ahead

Mr. Krill: This has gone before the wetland commission and they approved it with the consideration that the house be brought forward to the 14 rather than the 25 feet

Mr. Glover: Okay, so you're asking for, to go from 25 feet to 14 which is what you were asking for last time, correct?

Mr. Krill: Yes

Mr. Glover: Alright, so the last time you were here, we granted you the variance because, because of the presence of wetlands you had to bring it to the front

Mr. Krill: the hardship, right

Mr. Glover: So this month it's even better, you've been there and they've told you you can't go back there. So your hardship here is the presence of wetlands

Mr. Krill: Yes sir

Mr. Glover: And that hardship requires you to move the house closer to the street

Mr. Krill: yes

Mr. Glover: Do you know when the last hearing was?

Mr. Matto: Two months ago wasn't it?

Mr. Krill: It probably was in December

Mr. Glover: I think it may have been in

Mr. Krill: It may have even been in November, because I think I got the notice, see this, it actually would've been November because there's the letter of December 3<sup>rd</sup>

Mr. Glover: Alright, so you had a public hearing on November 20, 2007, right?

Mr. Krill: Yes

Mr. Glover: And what we're going to do is incorporate all the minutes of the meeting of November 20<sup>th</sup> into this meeting because the only difference here is that you had the wrong lots. In November you had Lots 60 and 61, what have you got now?

Mr. Krill: 61 and 62

Mr. Glover: 61 and 62

Mr. Krill: it was just out of order

Mr. Matto: And it's the same exact land

Mr. Glover: It's the exact same land, he just made mistake and put the wrong lot numbers on

Mr. Krill: and the consideration was with Corporation Counsel Welch, that it would have to be readvertised, so we would have to go through the procedure again. So he made the decision based on one number change. And of course it is incorrect, it was my fault, I take all responsibility. I did it.

Mr. Glover: But nothing's changed except now wetlands has told you you can't go back there

Mr. Krill: Exactly

Mr. Glover: Alright, does the Board have any other questions of the applicant? (no) Alright, is there anyone else in this room in favor of this application? (no response) Is there anyone in this room who is opposed to this application? (yes) Would you come forward please? Good evening. Would you give your name and address for the record please?

Mrs. Waldhaus: Yes, my name is Norel Waldhaus, I live at 35 Weybossett Street. And this is my husband Frank. And the main objection we have is the water on the land and that it's really into the middle of the land at this point. And some of the water is still coming up in the back of our property and it has eroded some of the land. And we're concerned about that, what another building back here is going to do to that water going into the back

Mr. Waldhaus: (unclear) right here, we don't want to, the thing out there, we want it there

Mrs. Waldhaus: Well, it's too close to the road

Mr. Glover: But it has to. The variance that Mr. Krill has asked for is a variance from, he's supposed to be 25 feet off the road

Mrs. Waldhaus: Right

Mr. Glover: And he wants to bring it 14 feet (unclear – someone unfolding paper over microphone) 14 feet from the road and he's been to the inland/wetlands and inland/wetlands won't let him put it back to where it's supposed to be. So he has to have a variance, it's a hardship on him because he has a registered, he has a building lot. So he's forced to bring it to the front and that's what he's asking to do.

Mrs. Waldhaus: Well, that's up to your board right?

Mr. Glover: Well, as long as he can show the board a hardship then we can grant him a variance. And his hardship is the presence of the wetlands

Mrs. Waldhaus: Well I have a hardship too because my husband is very disabled and he can't do any work like (unclear – something being moved over microphones) if we had to fill it in or, (unclear) given back to the City of Shelton? Is that my understanding? I just don't understand how that's going to benefit the city at all.

Mr. Glover: It doesn't have to have a benefit to the city. He owns a building lot and he has the right to build on the building lot. And because of the presence of wetlands on the building lot, he can't build back in the wetlands, so another board or commission in this town has told him he can't build where the zoning says he has to build.

Mr. W.: That's true, that's true

Mr. Glover: That creates a hardship for him because he has the right to build the house.

Mr. Waldhaus: No he don't, (unclear) out there, the thing out there (unclear)

Mrs. Waldhaus: moving it up in

Mr. Waldhaus: Yes he can't do it, (unclear) he wants to do that. I don't think so, no

Mr. Krill: I would like to

Mr. Glover: Hang on. Okay, thank you, I understand your point. Do you want to put anything else on the record?

Mrs. Waldhaus: Well, I'm just looking at the map here

Mr. Glover: Okay, take your time.

Mrs. Waldhaus: Is this the other, this is the side of the street that we're on right? This is across the street

Mr. Krill: This is your home right here

Mrs. Waldhaus: This is Weybossett Street, is it not? Well, I don't know. Is the City going to do anything with wetlands in back, if that has to be dredged or something? Do they have responsibility for that?

Mr. Glover: I don't know. I don't know

Mrs. Waldhaus: Well, that's important to us. If it has to be dredged or something, there's no way that we can do that. And it's already taken some of the land away from the back, in that backyard, just as it is now. I feel as though when the foundation goes in and the side walls go up, I mean that's got to displace more water from the front, because it's still a very wet lot. And it's got no place to go but back out here.

Mr. Glover: Well he will be required to submit a plot plan to the City Engineer before he gets his building permit and the City Engineer will deal with that.

Mr. Matto: And wetlands will review it, wetlands will review it

Mrs. Waldhaus: It hasn't been through wetlands yet?

Mr. Glover: It has been through wetlands

Mr. Matto: It's been through there

Mr. Waldhaus: (unclear)

Mrs. Waldhaus: How would that? Then it goes back to wetlands again for a second?

Mr. Matto: Well, it's already been through wetlands

Mrs. Waldhaus: Right

Mr. Matto: So when the city engineer checks it, before it actually goes to Planning and Zoning the city engineer checks it and he checks with wetlands, etc., and if it's all approved then it's, it's okay.

Mr. Waldhaus: (unclear) out there then, the thing I just want the thing out there

Mrs. Waldhaus: Well, this is where the house is, where he's going to put the house

Mr. Waldhaus: (unclear) that's true (unclear)

Mrs. Waldhaus: This is the driveway I guess. Alright

Mr. Glover: Thank you

Mrs. Waldhaus: We said our piece

Mr. Glover: Thank you have a nice night

Mrs. Waldhaus: Thank you.

Mr. Krill: I have some comments to make

Mr. Glover: Hang on. Alright, is there anyone else in objection to this? (no response) Mr. Krill, go ahead.

Mr. Krill: The, this would be the property here, there's a house directly across the street, is also not in conformance so it's not something that I'm doing, something that is not, that's unique to the neighborhood, again, it's done, it's there, it's existing. There is no fill on this property at all. And actually 0.01 that, you know, if that to be considered fill you know, it's less than, well it's one tenth of one percent which is a very very insignificant amount of fill. The actually property back here is, is not deeded to the city but it's forever held as wetlands. It is never to be disturbed under any circumstances. You can't go in there and cut down trees. You can't go in there and dig. You could walk on it, that's about it. There's no, that forever will be held for open space undisturbed. Another consideration is you know, I could've brought this before the board and asked, and this is a 200 foot lot here, a 200 foot frontage pre-existing 50 x 140 foot lots which would give me, which had given me the consideration of four lots. However, I thought the best consideration for the neighborhood, for the wetlands impact on the wetlands and for the stability of the neighborhood is to make it two houses instead of four. I think that was a certainly a big step on my part to do

Mr. Glover: And you don't need a variance of the other two houses

Mr. Krill: No

Mr. Glover: So this house is solely, the hardship that you're citing here is the fact that there's wetlands, an abundance of wetlands and the wetlands commission has told you that you can't put your house back where the zoning requires it.

Mr. Krill: That's exactly true. The other consideration is, and I want you to understand this, this property here probably pretty much from Golec all the way down to the Waldhaus property here was all part of property that was owned by my grandfather and grandmother when they first came to this country about 100 years ago. This is the last portions of the property. They had bought it for all of the children thinking that it would always be used for the children. This is what's left. The house here, where the Waldhaus is was part of also, part of the Krill estate and this is all filled area. And you can see here, this area does not abut up to the Waldhaus property as being wetlands. This is filled highlands right here which is adjacent to the pool and adjacent to the house. So this is a highland area. So whatever people feel is, is you know, we can only deal with reality, we can't deal with fiction. This is reality. There's no impacts at all, there's no fill in the area, and again, nothing will be disturbed at all. Nothing, ever will be disturbed. This is forever for open space. And also we'll have the, there'll be a fence along the back which I did go before zoning, I'm sorry, the wetlands and this is the original proposal. This is the original proposal I had with wetlands, but which would've been, this is the wetlands here and you can see just cut in back of the house. We've asked to have 10 feet from the back foundation of the house to the wetlands. The wetlands looked at this and they said no, we think you should have 20 feet. So they sought a little bit more, less considerative than we did ourselves. And the other consideration was part of what I was able to base this claim on, is right across the street where the house, and I did outline here, is out of conformance. This person has a catch basin on his property. That water there would of course eventually go into his house. My consideration is it's illegally going under the road and draining onto my mother's property. But what I would figure I would do for the neighborhood is to give consideration, is to give a right of way and have the pipe installed forever, so that it will, you know, mitigate any kind of flooding to that house there. So this is something I agreed to. This is something that I will do and of course, and it's in for wetlands, and all of the drains of all the house, all of the water coming off the house, and all the water coming off the road will go into one particular drainage area there. So there's not a big accumulation of water and of course you can look at this and see, the far side of Lot 62 which is the farthest corner away from the Waldhaus property.

Mr. Glover: Thank you. Any other questions from the Board? (no) Alright, Mr. Krill, we're going to have to have those now that you've showed them to us. I'm sorry. Just the maps.

Mr. Krill: The pictures and

Mr. Glover: The pictures and because you showed us the map we need them

Mr. Krill: I'll just fold them up for you

Mr. Glover: Sure, it saves us from doing it. The maps are different from last time I think. Are they the same maps that are in here? Yes, the same maps that came with the application

Mr. Krill: I think that they would be yes.

Mr. Glover: Then you can have those. We have them here.

Mr. Krill: So you need nothing from me?

Mr. Glover: No, we don't need anything from you.

Mr. Krill: You've got the pictures

Mr. Glover: We've got the receipts. Thank you.

Mr. Krill: Thank you for your time.

Mr. Glover: I'm sorry you had to come back.

Mr. Krill: It was my fault. I take full responsibility. It was my mistake. Nothing else is needed at all?

Mr. Glover: I'll declare the hearing closed.

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

**#208-1** “In the application of Vern Krill of 101 Cranston Street, Shelton, CT for a certificate of approval for a 26x44 single family dwelling to be located on the property of the applicant at Weybossett Street, Lots 61&62, R-4 zone, and which requires a variance in the setback from the street line,

The application for a variance is approved.

Inasmuch as the lot is approximately 60% wetlands and the presence of the wetlands make it necessary to place the house closer to the street, and

Inasmuch as the applicant is merging two pre-existing building lots for this one house, and

Inasmuch as other houses in the area are placed similarly, creating harmony

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance in setback from the street line from 25 ft. to 14 ft. at the above is granted (Section 24, Schedule B, Standard 7) in this instance.

This certificate of approval is contingent on the applicant providing easements and drainage as discussed and presented to the Board during the hearings.

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.”

**#1007-3** During the work session the Board upon motion by Mr. Conklin and seconded by Mr. Cavallaro, voted unanimously to deny the application for variances in the setbacks at 60-64 Huntington Street, since no hardship within the purpose and intent of the zoning regulations was demonstrated.

**#108-2** During the work session the Board, upon motion by Mr. Jones and seconded by Mr. Conklin, voted unanimously that:

“In the application of John Guedas, Broadbridge Hill Development, LLC, of 1425 Nobel Avenue, Bridgeport, CT for a certificate of approval for a proposed mixed use development consisting of commercial and residential use to located on the property of Robert Petro at 159 Long Hill Avenue, CB-2 and R-5 zone, and which requires variances to allow 5 residential units in a commercial zone, an access-way in a residential zone connecting to a commercial building, minimum lot area per dwelling unit, accessing parking in commercial zone by way of driveway through a residential zone,

The application for variances is approved.

Inasmuch as it is a reasonable use of a parcel of property which is located in both a residential and commercial zone, and

Inasmuch as both faces of the proposed building will complement and be in harmony with zone that it fronts on, and

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of variances to allow 5 residential units in a commercial zone, an access-way in a residential zone connecting to a commercial building, minimum lot area per dwelling unit from 15,000 sq. ft. to 6,584 sq. ft., accessing parking in commercial zone by way of driveway through a residential zone – no part of residential setback can be used for parking or loading, at the above is granted (Section 23.1, Schedule A/2B, Section 24.1, Schedule B and Section 24.8.3) in this instance.

Stipulations: This certificate of approval is contingent on the following: 1. The portion of the proposed building facing Long Hill Avenue shall be used for residential only. 2. No commercial vehicles shall be allowed to use the driveway from Long Hill Avenue or park in the parking area facing Long Hill Avenue. 3. The residential portion of the building shall never be used for commercial or professional office or business space.

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.”

### **Approval of Minutes**

During the work session the Board upon motion by Commissioner Adanti and seconded by Commissioner Conklin, unanimously voted to approve the minutes of the January 15, 2008 hearing as submitted by the clerk.

Respectfully submitted,

Loreen Michalak, Clerk