

Minutes, Public Hearing of Zoning Board of Appeals Meeting held March 12, 2013

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held on Tuesday, March 12, 2013, beginning at 7:00 p.m. in CITY HALL AUDITORIUM, 110 RIVER STREET, Milford, CT, to hear all parties concerning the following applications, some of which required Coastal Area Site Plan Reviews or exemptions.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

MEMBERS PRESENT: Joseph Tuozzola (ch), Howard Haberman (s), John Vaccino

ALTERNATES PRESENT: Gary Dubois, William Soda, Robert Thomas

MEMBERS/ALTERNATES ABSENT: Richard Carey, John Collins

STAFF PRESENT: Stephen Harris, Zoning Enforcement Officer

Mr. Tuozzola called the meeting to order at 7:00 p.m.

Mr. Tuozzola announced that **Mr. Carey** and **Mr. Collins** were unable to attend the meeting and that **Mr. Dubois** and **Mr. Thomas** would vote in their absence for the evening. **Mr. Tuozzola** then asked for known conflict of interests for board members with any of the items on the agenda; none were raised.

C. CONSIDERATION OF AGENDA ITEMS

1. **12 Norwood Avenue.** (R-10) Charlotte Bell, owner; Vary Sec. 3.1.4.1 side-yd setback to 2.6' where 10' is required to convert porch to 4-season room. Map 49, Block 605, Parcel 2

Dr. Charlotte Bell, 12 Norwood Avenue, Milford, owner, addressed the board. **Dr. Bell** explained that the enclosed sunroom would be smaller than the current deck. She said the hardship is that with the recent bad weather, enclosing the space increases the use of the home's current area while reducing the overall footprint. **Mr. Haberman** noted that the lot was significantly smaller than the zoned 10,000 square feet.

FAVOR

Ms. Alberta Jagoe, 1 Morningside Drive, noted that her property abuts **Dr. Bell's**. **Ms. Jagoe** said she supports the project and that **Dr. Bell** maintains the house and property well.

Mr. Tuozzola asked if anyone wished to speak in opposition to the application. Hearing none, he closed the hearing. After a short discussion, there were no issues in dispute, so he asked for a motion.

Mr. Haberman motioned in favor of application. **Mr. Vaccino** seconded. **Mr. Haberman** supported his motion by reason of narrowness of the small lot. The motion carried with **Messrs. Dubois, Haberman, Thomas, Vaccino** and **Tuozzola** voting **with the motion**.

2. **113 Hillside Avenue cor. Burwell Court** (R-5) Brian Szor, agent, for Lucretia Benet, owner; Vary Sec. 3.1.4.1 side-yd setback to 2' where 5' is required to add a portion to north side. Map 49, Block 724, Parcel 16.

Mr. Brian Szor, 5 Short Hill Road, Newtown, CT, addressed the board. **Mr. Szor** noted that the request was to bump out the second floor and that the extension won't exceed the current footprint of the house. The intent was to enlarge a bedroom and add a private bath to accommodate a family member moving in. He provided a photograph of the house with the bump-out sketched in.

FAVOR

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Mr. Tuozzola noted a letter of support from a neighbor at 119 Hillside Avenue that had been submitted prior to the hearing.

Mr. Tuozzola asked if anyone wished to speak in opposition to the application. Hearing none, he closed the hearing. After a short discussion, there were no issues in dispute, so he asked for a motion.

Mr. Vaccino motioned in favor of application. **Mr. Haberman** seconded. **Mr. Vaccino** supported his motion by reason of the narrowness and size of the lot. The motion carried with **Messrs. Dubois, Haberman, Thomas, Vaccino** and **Tuozzola** voting **with the motion**.

3. **749 East Broadway** (R-5) Michael Mecca, owner; Vary Sec. 3.1.4.1; average height of building to 39.8' where 35' is permitted and 4 stories where 3 stories are permitted to raise an existing 3-story house; Map 22, Block 474, Parcel 22.

Mr. Michael Mecca, 749 East Broadway, addressed the board. Mr. Mecca noted that Robert Vercellone and Mary Mecca, who also own the house, were present. He said the last two storms resulted in \$400,000 worth of damage and that the structure has substantial damage that mandates compliance with elevation requirements for the VE flood zone. He said he wants to elevate the structure 7.5', causing an encroachment into the height restriction of a little over 4'. He said he wants to keep the home in the family far into the future and is worried that sea levels will continue to rise. He noted that raising the structure also would provide off-street parking.

DISCUSSION

Mr. Tuozzola confirmed that current height of the house is 31' and noted that the house already has 3 stories. **Mr. Mecca** said the 3rd floor is an unfinished attic. **Mr. Tuozzola** confirmed that the 1st floor would be about 20' off the ground. He expressed concern about the potential height of the raised home and asked Mr. Mecca to restate his hardship. **Mr. Mecca** said the hardship is that the home sustained substantial damage and thus he has to elevate. **Mr. Tuozzola** asked Mr. Harris if a lower elevation level could be used to comply with the flood zone requirements. **Mr. Harris** described the 50% compliance requirement and said Mr. Mecca would have to elevate at least half a foot to be compliant. A discussion of the finished floor elevation followed. **Mr. Mecca** said that even if he had elevated to the new FEMA flood levels before Storm Sandy, the home would have sustained just as much damage as it did at its current elevation. **Mr. Haberman** speculated that all the houses in that area might request a similar variance. **Mr. Mecca** said there are already many homes of this height in the neighborhood. **Mr. Vaccino** recapped Mr. Mecca's expressed hardship and said that while the flood risk might in fact be higher in the future, it might not be within the board's power to act on a perceived future hardship. **Mr. Mecca** emphasized the amount of damage he sustained in the last storm and that reiterated that raising the home 2' would not have prevented it.

FAVOR

Mr. Leonard Addario, a contractor and family friend, spoke in favor of the project. He compared the much-lower amount of damage experienced by another home he elevated on the same street. He also reviewed the damage the house had experienced in Sandy. He said the family had explored razing and creating a new flood-compliant structure, but that much living space would be lost with that plan.

Mr. Robert Vercellone, 715 East Broadway, Milford, described elevating his cottage and spoke of what a good decision it had been to do so. He supported the plan.

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Mr. Tuozzola asked if anyone wished to speak in opposition to the application. Hearing none, he closed the hearing.

Mr. Tuozzola again expressed concern about creating a home that is almost 40' high. **Mr. Vaccino** said the house could be raised above the new FEMA guideline and still be under the city's height regulation. **Mr. Haberman** agreed.

Mr. Vaccino motioned to deny the application. **Mr. Haberman** seconded. **Mr. Vaccino** supported his motion by reason of the applicant's ability to raise the house above the flood elevation while still complying with the city's height restrictions. The motion carried with **Messrs. Dubois, Haberman, Thomas, Vaccino** and **Tuozzola** voting **with the motion**.

4. **119 Shell Avenue** (R-7.5) Hiram Peck III, agent, for Richard Sawitzke, Patricia Sawitzke, John Smallwood, Donna Smallwood, owners; Vary Sec. 3.1.4.1 western side-ym setback to 2.7' where 5' is required; eastern side-ym setback to 5' where 10' is required; vary Sec. 4.1.4 porch projection to within 6.5' where 8' is permitted; Map 27, Block 475, Parcel 24

Mr. Hiram Peck, III, Plan Three, PO Box 741, Woodbury, CT, addressed the board. Mr. Peck said the request was for a variance to allow existing side-yard setbacks. He said the house is one of the oldest in the area and has not been weatherized. The owners want to upgrade the structure due to storm damage and their plan represents a substantial improvement. The owners want to raise it to elevation 14' but noted that there will be no additional setback encroachment beyond what exists now. He said the lot lines in the neighborhood are all at angles, creating an unusual lot shape. He said the structure's style would remain in keeping with the surrounding neighborhood. He shared a letter of support.

DISCUSSION

Mr. Tuozzola confirmed that the porch would be expanded but did require a variance. He noted that the structure is being raised without impacting existing nonconformities.

FAVOR

Mr. Peck provided a letter of support from next-door neighbors **Robert and Helen Hall** at 123 Shell Avenue.

Mr. Tuozzola asked if anyone wished to speak in favor of or opposition to the application. Hearing none, he closed the hearing. After a short discussion, there were no issues in dispute, so he asked for a motion.

Mr. Haberman motioned in favor of application. **Mr. Thomas** seconded. **Mr. Haberman** supported his motion by reason of the shape of the lot and because pre-existing nonconformities would not be increased. The motion carried with **Messrs. Dubois, Haberman, Thomas, Vaccino** and **Tuozzola** voting **with the motion**.

D. OLD BUSINESS

Mr. Harris researched a question posed by Mr. Carey about 36 Hawley Avenue having a shed in the wrong location. Mr. Harris was recently informed that the garage may have been converted to a dwelling unit and he will investigate the claim shortly.

E. NEW BUSINESS

There was none.

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F. STAFF UPDATE

Mr. Tuozzola advised that he will not be at the April meeting. He asked Mr. Haberman to act as chairman and Mr. Vaccino to act as secretary in his absence.

G. ACCEPTANCE OF MINUTES FROM FEBRUARY 26, 2013, HEARING

Mr. Haberman moved they be accepted; the motion carried unanimously.

H. ACCEPTANCE OF APPLICATIONS FOR APRIL 9, 2013, HEARING

Mr. Harris reported that two or three potential applicants had contacted him.

The meeting was adjourned at 7:36 p.m.

Any other business not on the agenda, to be considered upon two-third's vote of those present and voting.

ANY INDIVIDUAL WITH A DISABILITY WHO NEEDS SPECIAL ASSISTANCE TO PARTICIPATE IN THE MEETING SHOULD CONTACT THE DIRECTOR OF COMMUNITY DEVELOPMENT, 203-783-3230, PRIOR TO THE MEETING IF POSSIBLE.

Attest:

Meg Greene
Clerk, ZBA