

Minutes, Public Hearing of Zoning Board of Appeals Meeting held May 13, 2014

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held on Tuesday, May 13, 2014, 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 may have required Coastal Area Site Plan Reviews or exemptions.

A. PLEDGE OF ALLEGIANCE / ROLL CALL

MEMBERS PRESENT: Joseph Tuozzola (Ch), Howard Haberman (Sec), William Soda

ALTERNATES PRESENT: Gary Dubois, Robert Thomas

MEMBERS/ALTERNATES ABSENT: Richard Carey, Sarah Ferrante, John Vaccino

STAFF PRESENT: Stephen Harris, Zoning Enforcement Officer; Meg Greene, Clerk

Mr. Tuozzola called the meeting to order at 7:00 p.m. He announced that **Mr. Thomas** and **Mr. Dubois** would provide the fourth and fifth votes for the evening. He asked for known conflicts of interest for board members with any of the items on the agenda; none were raised.

B. CONSIDERATION OF AGENDA ITEMS

1. **137 Milford Point Road** (R-5) Thomas Lynch, Esq., Attorney, for Christine Timko, owner; Vary Sec. 3.1.4.1 south setback to 3' where 10' req, north setback to 2' where 5' req; 4.1.4 front proj to 3' where 8' perm, north side-yd proj to 2' where 4' perm, south side-yd proj to 5.2' where 8' perm; 3.1.1.1 density to allow 2 dwellings in single family zone. Map 6, Block 84, Parcel 43

Mr. Tuozzola announced that the item had been withdrawn.

2. **15 Mayflower Place** (R-7.5) John H. O'Connell, owner; Vary Sec. 6.3.2 expansion of nonconforming structure; 3.1.4.1 west side-yd setback to 8.6' where 10' req, and front setback to 19.45' where 20' req, and 16.05' where 20' req; 4.1.4 porch proj to 15.45' where 16' perm all to build a 2nd story plus dormer. Map 26, Block 472A, Parcel 4

Jim McElroy, 26 Hauser St, addressed the board. He described the project, noting that its aim is to convert a 1940s cape-style home to a colonial-style home. He said the hardship was a small nonconforming lot with a difficult placement of the house on the parcel.

DISCUSSION

Mr. Tuozzola confirmed that the side porch will be replaced by a garage that does not require a variance. He also confirmed that despite the front porch extending forward, the proposed footprint is almost exactly the same as the existing footprint plus a small bump-out.

BOARD DISCUSSION

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. Soda motioned in favor of the application. **Mr. Haberman** seconded. **Mr. Soda** supported his motion by reason of hardship of the small lot, exactly as stated in the record. The motion carried with **Messrs. Dubois, Haberman, Soda, Thomas** and **Tuozzola** voting **with the motion**.

3. **2 Seventh Avenue cor. Seaview Avenue** (R-10) John Wicko, architect, for John Matthesen and Frances Matthesen, owners; Vary Sec. 6.3.2 to expand nonconforming structure; 3.1.4.1 side-yd setback to 2' where 10' req, rear setback to 21' where 25' req; 4.1.4 front-yd projection to 5.7' where 4' perm for portion of 2nd fl addition over prev-granted 1st-fl variance. Map 9, Block 128, Parcel 2

John Wicko, 50 Broad Street, addressed the board. He reviewed plan drawings to provide an overview of the project. He

Minutes, Public Hearing of Zoning Board of Appeals Meeting held May 13, 2014

described the project, saying the garage would be attached to the house and converted to living space. He showed the floor plan detailing the area between the kitchen and garage. He said the benefit in enclosing this area is that it will allow the owners to stay indoors when going from the garage to the house during inclement weather. He said a poorly constructed existing porch on the 2nd floor would be converted to a bedroom. He said the new house's facade will make it more appealing and consistent with the neighborhood. He reminded the board of a previous variance granted in 1985 for the garage, which would be retained. He said the front porch would be made larger to provide more protection and safety when entering and exiting the house, allowing space for the accommodation of walking aids for the owners. He said the hardship was a small, nonconforming lot.

DISCUSSION

Mr. Tuozzola confirmed that the house was not previously connected to the garage except by a deck and reviewed the previous variance. **Mr. Haberman** confirmed that a nonconformity was being decreased near the garage.

FAVOR

Ms. Matthesen, 2 Seventh Avenue, pointed out the difficulties of the corner lot the house is on. She said she and her husband would like to sit on their porch and that their plans wouldn't impact neighboring views.

BOARD DISCUSSION

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 hardship of the narrow lot, exactly as stated in the record. The motion carried with **Messrs. Dubois, Haberman, Soda, Thomas** and **Tuozzola** voting **with the motion**.

4. **13 Cooper Avenue** (R-5) John Daley, agent, for Charlene Colucci, owner; Vary Sec. 4.1.4 rear deck proj to 8.9' where 16' perm to elev and add to an existing single family home. Map 22, Block 458, Parcel 31

John Daley, 50 Cooper Avenue, addressed the board. **Mr. Daley** stated that the house would be lifted and that the front would be made more conforming. He said the idea was to make the house more hurricane resistant.

DISCUSSION

Mr. Tuozzola confirmed that notification difficulties had occurred. He confirmed that the proposed deck was large, but already exists. **Mr. Haberman** confirmed that 1 car would fit underneath. **Mr. Harris** said that on site plan, the garage was not shown and confirmed with Mr. Daley that the garage would stay. Mr. Harris said that if the garage stays, the site plan must be revised to show it.

Olive Harbor, 9 Cooper Avenue, asked if the deck would be elevated. **Mr. Daley** said the deck would be at the level of the 1st floor. **Ms. Harbor** said it would block her view. **Mr. Tuozzola** said views could not be considered as part of the ZBA's deliberations.

BOARD DISCUSSION

Mr. Tuozzola and **Mr. Harris** discussed the apparent conflict between the placement of the stairs and the garage. **Mr. Daley** said the garage would be removed.

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 hardship of the small lot and the requirement to elevate the house, exactly as stated in the record. The motion carried with **Messrs. Dubois, Haberman, Soda, Thomas** and **Tuozzola** voting **with the motion**.

Minutes, Public Hearing of Zoning Board of Appeals Meeting held May 13, 2014

C. OLD BUSINESS

There was none.

D. NEW BUSINESS

Mr. Harris stated that the Assistant City Attorney promised the proposed ZBA Bylaws will be ready to review next month.

E. STAFF UPDATE

Ms. Greene reported that an Aldermanic vote is scheduled to take place on May 21st regarding funding for the Assistant City Planner's position.

F. ACCEPTANCE OF MINUTES FROM APRIL 8, 2014, HEARING

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

G. ACCEPTANCE OF APPLICATIONS FOR JUNE 10, 2014, HEARING

Ms. Greene reported an attorney contacted her about placing 117 Beachland Avenue on the agenda for June.

The meeting was adjourned at 7:35 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