

## **Minutes, Public Hearing of Zoning Board of Appeals Meeting held September 11, 2012**

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held on Tuesday, September 11, 2012, 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.

**Mr. Tuozzola** called the meeting to order at 7:00 p.m. and said that **Mr. Thomas** would fill in for **Mr. Carey**.

### **A. PLEDGE OF ALLEGIANCE**

**Mr. Tuozzola** asked for a moment of silence after the pledge in remembrance of the victims and the families of the victims of the September 11, 2001, attacks.

### **B. ROLL CALL**

**MEMBERS PRESENT:** Joseph Tuozzola (Chmn.) Howard Haberman (Sec.), William Evasick, John Vaccino

**ALTERNATES PRESENT:** Gary Dubois, Robert Thomas

**MEMBERS/ALTERNATES ABSENT:** Richard Carey, John Collins

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

### **C. CONSIDERATION OF AGENDA ITEMS**

1. **27 Atwater Street** (R-7.5) **Jessica Gregory**, owner. Vary Sec. 3.1.4.1 side-yard setback to 0.7' where 5' is required to construct garage. Map 30, Block 631, Parcel 16

**Ms. Gregory** and her husband, **Mr. Matthew Hunt**, of 27 Atwater Street, noted that there had been a lot split in 1989 that affected the property by creating 2 oddly-shaped lots. They were requesting a setback adjustment to build a garage.

**Mr. Haberman** asked if Ms. Gregory had any part in the lot split. **Ms. Gregory** said she had not, but grew up in neighborhood and remembered the split. They discussed the physical layout of the property and location of the potential variance, confirming that the driveway would not end up being too close to the house.

**Mr. Haberman** asked if the garage would be 1 story high. **Ms. Gregory** said the house was 1 story high and that the garage would be 1 ½ stories high for storage, but that there would be no obstruction of neighbor's views due to the position of the structures on the lot.

#### **IN FAVOR OF**

None.

#### **OPPOSITION**

None.

Mr. Tuozzola closed the hearing.

#### **DISCUSSION**

**Mr. Vaccino** stated that he had visited the site and had no problem with the request.

**Mr. Tuozzola** asked for a motion. **Mr. Haberman** motioned to approve the variance. **Mr. Vaccino** seconded. **Mr. Haberman** supported his motion by reason of the lot's shape and the house's placement on it. The motion carried, with **Messrs. Tuozzola, Haberman, Evasick, Thomas, and Vaccino** voting with the motion.

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2. **156 Fourth Avenue** (R-10) **Colin Healy**, applicant, for **John Purvis** and **Tracy Purvis**, owners.

**1<sup>st</sup> fl:** Vary Sec. 3.1.4.1: **Side-yd** fm 10' to 6.0'; **Rear-yd** fm 25' to 12.7'

**2<sup>nd</sup> fl:** Vary Sec. 3.1.4.1: **Side-yd** fm 10' to 4.4'

**Condenser:** Vary Sec. 3.1.4.1: **Side-yd** fm 10' to 3.6'

**Steps:** Vary Sec. 4.1.1: **Front-yd** fm 25' to 16.1'

CAM received. Map 9, Block 80, Parcel 6

**Mr. Purvis** and **Ms. Purvis**, 156 Fourth Ave, and designer **Colin Healy**, of 107 Floral Way, Stratford, introduced themselves to the board. **Mr. Healy** distributed packets with the submitted proposals, plus updated drawings. He stated that in planning the addition the Purvises specifically asked him to consider the needs of their neighbors. Their lot was created by combining two adjacent lots several years ago and a walkway which was once on a property edge is now in the center of the property. He noted the positions of the dwelling and walkway, plus a garage constructed by the previous owner. He stated that restrictions from the garage variance prevent the garage from becoming part of the dwelling. Also, the walkway restricts potential additions to the dwelling; therefore any additions must be done on the dwelling-side of the lot. He noted that the house is existing nonconforming.

**Mr. Healy** stated that the Purvises wanted to add a family room on 1<sup>st</sup> floor to add privacy as the floor plan is now entirely open. They also wanted to add TV/guestroom. He said the deck and chimney will be removed. He stated that it was very important to the Purvises to move the front door from the side to the front of the house to create a more welcoming effect. He presented the site plan proposal, indicating a portico in front, another portico in the back, and a patio to be built later. He noted changes to windows to better insulate for an additional bedroom planned over the existing kitchen.

**Mr. Haberman** asked if the basic idea was to come out 6 feet in back, extending to where the deck used to end. **Mr. Healy** said the extension would only be 4 feet and would have been allowed by right. He said the Purvises chose not to build there because of sightlines for neighbors. **Mr. Healy** showed 3-dimensional drawings featuring the garage, where the Purvises could have extended by right, but where they opted for a more open feeling with less obstruction that the current deck creates. He shared photographs that show minimal impact to current street views and noted that the design also maximizes light in the new family room. He said that a large air conditioning condenser now on the deck will be moved 3 feet closer to the lot line, where it will barely be visible from the street. He referenced front porticos built by neighbors which are closer to the street than that proposed. He said the Purvises had consulted all their neighbors and that their southern neighbors actually prefer that the front door be moved.

**Mr. Tuozzola** asked for a hardship statement. **Mr. Healy** noted these: a restrictive covenant for Laurel Beach requires preservation of the center walkway; the existing building is nonconforming; and the lot has an odd and restrictive shape. **Mr. Haberman** commented that because the Purvises can't build wider, it followed that they would need to make the structure longer. He and Mr. Healy discussed how the nonconformity is increased in the back of the house, but the future patio there will be done with pavers just 4 feet from property line. **Mr. Tuozzola** asked if there is a house behind the lot, to which **Mr. Healy** answered yes. *[NOTE: Mr. Purvis later revised this answer, noting that no structure is directly behind the home; there are homes at an offset.]* **Mr. Tuozzola** asked how much closer condenser would be to the property line; **Mr. Healy** said it would be no closer than the existing kitchen. **Mr. Vaccino** conformed that there would be 9 feet to the back property line, and the encroachment is just short of 3.5 feet in front.

### IN FAVOR OF

**Mr. Peter Wall** and **Ms. Judy Wall**, 153 4<sup>th</sup> Avenue, think the plans will enhance the neighborhood.

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### **OPPOSITION**

None.

**Mr. Tuozzola** closed the hearing.

### **DISCUSSION**

**Mr. Haberman** said he might find the addition problematic if it had 2 stories or if a house was directly behind, but he noted the care taken to reduce the impact on neighbors. **Mr. Evasick** commended Mr. Healy and the owners for providing such a detailed, complete, professional, and easily interpreted presentation.

**Mr. Haberman** said the hardship was clear due to the pathway. **Mr. Tuozzola** also commended Mr. Healy and the Purvises for their level of preparation and the efforts they made to consult their neighbors.

**Mr. Evasick** motioned to approve the variance. **Mr. Haberman** seconded it. **Mr. Evasick** supported his motion by reason of odd lot size and existing nonconformity. The motion carried with **Messrs. Carey, Evasick, Haberman, Vaccino** and **Tuozzola** voting with the motion.

### **D. OLD BUSINESS**

Per Mr. Evasick's request to Mr. Harris at the August meeting, Ms. Greene forwarded reports prepared by Assistant City Planner Emmeline Harrigan on the status of properties reviewed by the Planning and Zoning Office due to Tropical Storm Irene damage.

### **E. NEW BUSINESS**

None was raised.

### **F. STAFF UPDATE**

None to report.

### **G. ACCEPTANCE OF MINUTES FROM AUGUST 14, 2012 HEARING**

**Mr. Haberman** moved that minutes of the last meeting be accepted; **Mr. Vaccino** seconded, and the motion carried unanimously.

### **H. ACCEPTANCE OF APPLICATIONS FOR OCTOBER 9, 2012 HEARING**

Mr. Harris said an appeal had been filed on the partial rescinding of a Cease and Desist Order at 216 Buckingham Avenue.

The meeting was adjourned at 7:31 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