

**ZONING BOARD OF APPEALS
AGENDA OF BUSINESS MEETING TO BE HELD
NOVEMBER 9, 2011, 7:00 P.M.
CITY HALL AUDITORIUM
110 RIVER STREET, MILFORD, CT**

Second Amended

The Regular Meeting of the Zoning Board of Appeals of Milford, CT will be held on Wednesday, November 9, 2011, beginning at 7:00 p.m. in the auditorium of CITY HALL, 110 River Street, Milford, CT, to hear all parties concerning the following applications, some of which required Coastal Area Site Plan Reviews or exemptions, as indicated below:

A. CONSIDERATION OF AGENDA ITEMS

1. **354 Woodmont Road cor. Quarry Road** (Zone ID) Discuss and act, if appropriate, on the following issues as set forth in the remand by the Superior Court in the matter of Side Step, Inc., et al vs. Board of Zoning Appeals, Superior Court, Judicial District of Ansonia/Milford, Docket No. CV 10-60045835:
 - a. Determine the continued validity of the 2010 variance, based upon the finding that the action of May 11, 2010 is “voidable”, not “void”;
 - b. Determine whether the principals or agents or ATGCKG Real Estate, LLC, had actual knowledge of the meeting of May 11, 2010, and, if so, whether actual notice constituted a waiver of the municipal notice requirement;
 - c. Determine whether the issuance of the zoning permit on June 30, 2010, or the recording of both variances on the Milford Land Records, affects the ability of the board of Zoning Appeals to act upon any rescission motion; and
 - d. Consider, assuming it follows the dictates of Roberts Rules of Order in its deliberations, the application of Parliamentary Procedure specifically with regard to the distinct meaning of the terms “rescind” and “reconsider.”
2. **12 Harborside Drive cor. George Street** (Zone SFA-10) Charles Kreidler, owner – request to vary Sec. 11.2 “Accessory Building” to construct 912 sq. ft. garage in lieu of 622 sq. ft. allowed. CAM required. Map 55, Block 502, Parcel 1.
3. **701 North Street** (Zone RA) John Knuff, attorney, for Harris Stone, owner – request to vary Sec. 3.1.4.1 rear yard setback to 5’ in lieu of 50’ required and side yard setback to 10’ in lieu of 25’ required to create Lot #4 of proposed subdivision. Map 107, Block 801, Parcel 27.
4. **5 Gulf Pond Lane** (Zone R-10) Bruce Blake, owner – request to vary Sec. 3.1.4.1 rear yard setback to 10.4’ in lieu of 25’ required for existing residence to remain and construction of addition. CAM required. Map 37, Block 588, Parcel 10.
5. **21 Richard Street** (Zone R-5) Philip Y. Zaichuk & Elizabeth L. Stocker, owners – request to vary Sec. 3.1.4.1 side yard setback to 2.15’ in lieu of 4’ required to repair or replace existing garage. CAM received. Map 30, Block 638, Parcel 8.
6. **99 Melba Street** (Zone R-5) Thomas B. Lynch, attorney, for James A. and Denise A. Secondi, owners - request to vary Sec. 3.1.4.1 side yard setback to .8’ in lieu of 4’ and front yard setback to

1.5' in lieu of 10' required to repair existing garage. Vary Sec. 3.1.4.1 to 1.5' in lieu of 4' required to repair existing shed. CAM required. Map 29, Block 587, Parcel 33.

7. **29 Baldwin Street cor. Lenox Avenue** (Zone R-7.5) Andrew J. Flanagan, appellant, for Leszek and Joanna Lewczak, owners – request to vary Sec. 3.1.4.1 front yard setback to 16.9' in lieu of 20' required and vary Sec. 11.2 to 728 sq. ft. in lieu of 355.8 sq. ft. allowed to replace existing garage. CAM required. Map 19, Block 11, Parcel 1.

Postponed to December 13, 2011

B. TABLED ITEMS

C. OLD BUSINESS

D. NEW BUSINESS

E. STAFF UPDATE

F. ACCEPTANCE OF MINUTES FROM OCTOBER 11, 2011 HEARING

G. ACCEPTANCE OF APPLICATIONS FOR DECEMBER 13, 2011 HEARING

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.

Amended 11/4/11