

Minutes of Public Hearings of Zoning Board of Appeals August 12, 2008

MEMBERS PRESENT: Howard Haberman, Fred Katen, Ed Mead, Nanci Seltzer

ALTERNATES PRESENT: Charles Montalbano

STAFF PRESENT: Linda Stock, Zoning Enforcement Officer; Rose Elliott, Clerk

The meeting was called to order at 7:00 p.m.

A. CONSIDERATION OF AGENDA ITEMS

1. **180 Melba Street** (RMF-16) Stephen W. Studer, attorney, for Milford Arms, LLC, owner – appeal the decision of the City Planner in correspondence sent dated April 15, 2008. Map 38, Block 533, Parcel 1.

Withdrawn.

2. **103 Hillside Avenue** (Zone R-5) Gail DuBoys, owner – request to vary Sec. 3.1.4.1 side yard setback from 5' to 4.3' to structure and 3.3' to overhang to reconstruct single family dwelling. CAM received. Map 49, Block 724, Parcel 13.

Gail DuBoys, 25 Edgefield Avenue, said she purchased the property in December of 2007. They were originally going to renovate the home until it was determined that it was not as structurally sound as first thought. They took down more of the structure than they should have by mistake and they now have to apply for a new house permit. A variance is needed to keep the garage where it is, as it is too close to the property line at 4.3'.

Mr. Haberman asked if it is an existing non-conformity to which Ms. DuBoys said yes. The garage is still there, the house is almost all taken down.

Mr. Mead asked if when the garage was added on in 1985, if it had a permit.

Ms. DuBoys answered she didn't know as she just bought the house last year. She then added she didn't think there was a permit for it.

Ms. Stock informed the Board the problem was the site plan showed the garage as being 5' away. When Ms. DuBoys had a survey done, it showed the garage was actually only 4.3' away.

Mr. Haberman noted the house was not set squarely on the lot.

FAVOR:

Caroline Jacobs, 105 Hillside Avenue, said she has seen the plans and they are beautiful. She did have a question regarding the overhang. In the case of a major rain or snowstorm, she wanted to be sure there would be gutters in place to direct the water onto the DuBoys' property and not hers.

Ms. DuBoys said there would be gutters on that side of the house.

There being no one to speak in opposition the hearing was closed.

DISCUSSION:

Chrmn. Katen said the garage is existing and now that they are going for a new house permit, they have to make the garage legal.

Mr. Haberman made a motion to approve with Ms. Seltzer seconding. The reason for approval is the garage is pre-existing, non-conforming and is not being increased in size. The location of the house on the lot is the hardship. The motion passed unanimously with Ms. Seltzer, Messrs. Haberman, Mead, Montalbano and Katen voting.

3. **38 Loomis Street** (Zone R-10) Kathy & Robert Inzitari, owners – request to vary Sec. 3.1.4.1 side yard setback from 10' to 8' to construct one story 3 season sunroom. CAM required. Map 19, Block 203, Parcel 15A.

Kathy and Robert Inzitari, 38 Loomis Street, wish to construct a 12'X17', one story, three season sunroom. The hardship is the placement of the house on the lot. It is difficult to place it on the other side because there is a garage under the house and he is afraid the piers may get hit. The existing deck is unable to support the sunroom. He only needs two more feet.

Mr. Mead confirmed the proposed sunroom would be inside the back of the house.

Mr. Inzitari answered he was not going to the end of the house with the sunroom.

Chrmn. Katen asked why it had to be 17' wide and not 15' wide.

Mr. Inzitari said he has to clear the kitchen window. If it is built at 15', it will be right in the center of the kitchen window.

Mr. Mead asked if the window was located over the kitchen sink or could it be opened up to which Mr. Inzitari answered it was located over the kitchen sink.

There being no one to speak in favor or opposition the hearing was closed.

DISCUSSION:

Chrmn. Katen said it is a big lot and they can go back but he understands the window is an issue. Mr. Haberman added it would be more conforming than the house.

Ms. Seltzer made a motion to approve with Mr. Haberman seconding. The reason for approval is without the variance the proposed sunroom would block a portion of the kitchen window. The motion carried unanimously with Ms. Seltzer, Messrs. Haberman, Mead, Montalbano and Katen voting.

4. **153 Chapel Street cor. Merwin Avenue** (Zone R-7.5) Edward Stehlik, owner – request to vary Sec. 4.1.4 Projections from 4' allowed to 12' to construct open deck. Map 70, Block 748, Parcel 8.

Edward Stehlik, 153 Chapel Street, said he wishes to construct a deck behind the house. It will run along the side of the house and be no closer to the property line

than the house already is. The house is built on a slant. The hardship is they are on a corner lot.

Chrmn. Katen asked what would happen to the stairs to which Mr. Stehlik answered there are two sets of stairs going to two doors. They would remove both sets of stairs and make the deck accessible to both doors. A new set of stairs would come out towards the garage in the back.

There being no one to speak in favor or opposition the hearing was closed.

DISCUSSION:

Chrmn. Katen said the deck would be an extension of the house and it is a house that was not placed squarely on the lot.

Ms. Seltzer made a motion to approve with Mr. Haberman seconding. The hardship is the shape of the lot and the placement of the house on the lot. Chrmn. Katen added the house was built in 1913 and not placed parallel on the lot. The motion carried unanimously with Ms. Seltzer, Messrs. Haberman, Mead, Montalbano and Katen voting.

B. TABLED BUSINESS

C. OLD BUSINESS

Chrmn. Katen asked about the Ziebel property to which Ms. Stock answered it was still in court. Mr. Mead discussed a problem with Ms. Stock regarding the Ganim house on Melba Street. Ms. Stock said she would check on it.

D. NEW BUSINESS

E. STAFF UPDATE

F. ACCEPTANCE OF MINUTES FROM JULY 8, 2008 MEETING.

The minutes were approved unanimously.

G. ACCEPTANCE OF APPLICATIONS FOR SEPTEMBER 9, 2008 MEETING.

Ms. Stock said there are 3 or 4 applications so far for the September hearing.

The meeting was adjourned at 7:24 p.m.

Attest:

Rose M. Elliott
Clerk - ZBA