

Minutes, Public Hearing of Zoning Board of Appeals Meeting held 11 August 2020

The Regular Meeting of the Zoning Board of Appeals of Milford, CT, was held remotely on Tuesday, 11 August 2020, beginning at 7:00 p.m. via ZOOM®, to hear all parties concerning the following applications, some of which require Coastal Area Site Plan Reviews or exemptions.

A. PLEDGE OF ALLEGIANCE / ROLL CALL

Mr. Tuozzola called the meeting to order at 7:03 pm. He reviewed guidelines for online public meetings. **Mr. Harris** noted that the first item had been withdrawn. He asked **Mr. Hirsch** to vote for Mr. Soda. **Mr. Casey** was asked to vote for Ms. Ferrante for Item 4.

MEMBERS PRESENT: Sarah Ferrante, Etan Hirsch, Christine Valiquette, Chris Wolfe, Joseph Tuozzola (Ch)

ALTERNATES PRESENT: Michael Casey, Gary Dubois

MEMBERS/ALTERNATES ABSENT: William Soda

STAFF PRESENT: Joe Griffith, Director DPLU, Stephen Harris, Zoning Enforcement Officer; Meg Greene, Clerk

B. CONSIDERATION OF AGENDA ITEMS

- 1) **40 Lawrence Avenue**, MBP 28/578/20, R-5, Kevin Curseaden, Esq., for Kevin Tilton, owner; Appeal the Decision of the Zoning Enforcement Office, Sec 9.2.1 regarding Notice of Violation dated June 12, 2020, re: concrete in front yard, and determination of violation of Sec. 4.1.5 of the MZR. **WITHDRAWN**
- 2) **52 Canterbury Lane** MBP 37/520/52, R-10, Nick Vicino and Delaney Smith, owners; Vary 4.1.4 setback of 16' where 21' permitted to construct covered front porch.

Mr. Vicino and **Ms. Smith** addressed the board. Mr. Vicino said he did not realize the house was so close to the setback when they bought it. He said the new porch would be helpful in bad weather and the proposed porch's footprint would match the current front edge of the front stairs; that it would be the new proposed stairway that now protruded further.

BOARD DISCUSSION

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

Mr. Hirsch said that he did not see a hardship. **Mr. Tuozzola** asked for a motion.

Mr. Ferrante motioned to **approve**. **Ms. Valiquette** seconded. The motion carried with **Mss. Ferrante** and **Valiquette**, and **Messrs. Casey** (for Mr. Wolfe who abruptly dropped due to technical issues) and **Mr. Tuozzola** voting **with the motion**. **Mr. Hirsch** voted **against the motion**.

- 3) **766 East Broadway** MBP 22/456/3, R-5, Thaddeus Stewart, architect, for Ceasar Irby, owner; Vary sec. 3.1.4.1 side-yard setback to 5.1' where 10' required; front-yard setback to 4.9 where 10' required; 6.3.2 expansion of nonconforming structure; all to relocate and expand nonconforming single family home.

Technical issues with Architect Stewart's audio prompted property owner **Ceasar Irby**, 3 Crescent Dr., to begin describing the project. He said the plan was to remove the current structure and replace it with a new one.

Mr. Stewart, 1 Monroe Street, Hamden, was able to adjust his audio and began to review the architectural drawings in detail. He said the house would be raised and moved away from the street. He discussed the proposed changes and resulting variance requests. He said the existing home was in the front yard setback and would be moved out of it. He displayed the front and side elevations. He noted a proposed patio with a 4' deck above. He said at ground level, there would be a 2-car garage with storage. He reviewed the living space floor plans. He said the design features a green, undulating roof. He said projections were within the setbacks.

DISCUSSION

Mr. Tuozzola asked how the garage would be accessed and clarified that off-street parking would be added. **Mr. Hirsch** asked if the current non-conformity would be reduced. **Ms. Ferrante** clarified that the planned size is 2400 sf. She said she understood the need for side-yard setbacks but asked if the length of the house could be reduced. **Mr. Tuozzola** asked for a hardship; **Mr. Stewart** noted that a neighboring house had a similar length. **Ms. Valiquette** asked Mr. Harris for height clarification using the ground elevation.

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FAVOR

Mr. Irby said he researched the surrounding neighborhood and tried to make the design comparable.

OPPOSED

Dawn Rankine and **Tony Trimboli**, 764 East Broadway, asked about the setback near their driveway. **Mr. Trimboli** and **Mr. Stewart** discussed where the lot line is on the survey.

REBUTTAL

Mr. Stewart said the structure would be parallel to the lot line and create a consistent buffer between the 2 properties. He said privacy would be enhanced by suppressing windows and having no projections other than the roof overhang.

Ms. Ferrante asked for sf of original, which was 882 sf. **Mr. Irby** said the next house had a similar nonconformity.

BOARD DISCUSSION

Mr. Tuozzola closed the hearing. **Ms. Ferrante**, **Mr. Hirsch** and **Mr. Wolfe** said they were inclined to deny without prejudice in order to reduce the front setback. **Mr. Tuozzola** asked for a motion.

Ms. Ferrante motioned to **deny without prejudice**. **Mr. Wolfe** seconded. The motion carried with **Mss. Ferrante** and **Valiquette**, and **Messrs. Hirsch**, **Wolfe** and **Tuozzola** voting **with the motion**.

- 4) **41 James Street** MBP 27/520/52, R-5, John and Kathleen Mortimer, owners; Vary 4.1.4 setback of 1' where 4' permitted to construct outdoor stairway.

Ms. Mortimer addressed the board. She said the goal was to access to the house from the side of the house, but this required projecting the stairs into the side yard setback. She said coming through the garage is confusing for deliveries and guests. She said bringing large items into the house, such as furniture, is very difficult. **Mr. Mortimer** said the neighbor's driveway is near the proposed stairway and that the stairway would not be disruptive. **Ms. Mortimer** said that the neighbor most impacted had no trouble with the problem. She said the hardship is difficulty in accessing the house.

BOARD DISCUSSION

Mr. Tuozzola asked if anyone wished to speak in favor of or in opposition to the application. **Mr. Hirsch** wondered if the hardship was self-created due to a design flaw in the house that was built quite recently. **Ms. Valiquette** said when she viewed the house prior to the meeting, she understood why the owners wanted to put the stairway on that side as the interior stairway would be parallel. **Mr. Wolfe** asked for clarification of projections. **Mr. Tuozzola** asked for a motion.

Mr. Hirsch motioned to **deny without prejudice**. **Mr. Wolfe** seconded. **Mr. Hirsch** based his motion on creating a delay for the applicant to submit a letter of support from the neighbor most affected. The motion carried with **Ms. Valiquette** and **Messrs. Casey**, **Hirsch**, **Wolfe** and **Tuozzola** voting **with the motion**.

- 5) **781 East Broadway** MBP 22/474/35, R-5, James McElroy, architect, for Grace Willison, owner; Vary sec. 3.1.4.1 side-yard setback to 1.8' where 10' required; 4.1.4 eave projection to 0.8' where 8' permitted, stair projection to 1.8' where 8' permitted, rear deck projection to 2.1' where 8' permitted; 6.3.2 expansion of nonconforming structure; all to construct a single family home.

Mr. McElroy, architect, 26 Hauser Street, addressed the board. He described the plan to remove the existing home and replace it with a new elevated house that is pushed away from the street such that extra parking is created. He described the owner's involvement with the house and her desire to pass the house along to her family. He described the proposed design as a Nantucket style in keeping with the neighborhood. The original plan to raise the old house was scrapped to allow for a structurally stronger house with an elevator. He noted that the house is conforming on the front where it had not previously been. He said a goal was to create as much parking as possible.

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DISCUSSION

Mr. Tuozzola, Mr. McElroy and Mr. Hirsch discussed neighboring frontages, as well as the depth of the proposed structure. **Ms. Ferrante** asked for deck dimensions and to confirm that the total sf is approx. 2400.

QUESTION FROM ABUTTER

Rob Pursell, 779 East Broadway, asked for clarification about the proposed house's dimensions; **Mr. McElroy** said Mr. Purcell's home is about even in the rear with the proposed house and clarified where the deck would be.

BOARD DISCUSSION

Mr. Tuozzola asked if anyone wished to speak in favor of or in opposition to the application. He closed the hearing. **Ms. Ferrante** said she had the same concerns she expressed about item 3. **Mr. Hirsch** expressed concern that if these types of variances continued to be granted, many houses in the area will end up sitting on top of each other. **Ms. Valiquette** was concerned about the neighbors' awareness of the plans. **Mr. Tuozzola** asked for a motion.

Mr. Ferrante motioned to **deny without prejudice**. **Ms. Valiquette** seconded. The motion carried with **Mss. Ferrante and Valiquette**, and **Messrs. Hirsch, Wolfe and Tuozzola** voting **with the motion**.

- C. NEW BUSINESS-**
- D. OLD BUSINESS-**None.
- E. STAFF UPDATE-**None.
- F. ACCEPTANCE OF MINUTES** 14 July 2020: Approved unanimously.
- G. ACCEPTANCE OF APPLICATIONS** for 8 September 2020 hearing.

Adjournment was at 8:49 PM.

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