

Board of Zoning Appeals Public Hearing and Administrative Meeting

March 1, 2016

The Board of Zoning Appeals held a Public Hearing and Administrative Meeting on Tuesday, March 1, 2016 in Council Chambers of Stratford Town Hall, Main Street, Stratford, CT per notice duly posted.

Members Present: Mr. Fredette sitting for Chairman Dempsey, Mr. Grega sitting for Ms. Brooks, Ms. Young sitting for Ms. Collier, Mr. Dausilio

Alternates Present: Mr. Fredette, Mr. Grega, Ms. Young

Members Absent: Ms. Collier, Ms. Brooks, Chairman Dempsey

Others: Mr. Habansky, Planning and Zoning Administrator

Call to Order: Mr. Fredette called the Public Hearing to order at 7:00 p.m.

Petition 1

1601 South Avenue

Gary Taylor

Waive: Height of Fence

Petition of Gary Taylor to waive the maximum height of a fence from 4ft. to 6ft. on property located in an RM-1 District. Hardship: Odd shape of lot next to I-95 need privacy.

Gary Taylor, petitioner, submitted Certificates of Mailings, discussed proposed fencing and need for fencing for privacy. Commissioners discussed placement of fencing in conjunction with sidewalk and line of sight. Ms. Young addressed comments from Mr. Habansky that addressed issues regarding line-of-sight issues and public safety. Attorney Knott spoke in favor of this petition. **Seeing no other members of the public speaking in favor or opposition of this petition, Mr. Hojdich made a motion to close 1601 South Avenue. The motion was seconded by Mr. Grega. The motion carried unanimously.**

Petition 2

112 Victory Street (Lot 159-160)

Diane Diedrich

Waive: Lot width and area

Petition of Diane Diedrich to waive lot width of 60ft. to 50ft. and lot area of 7,500 sq. ft. to 5,000 sq. ft. in order to allow an existing single family residence on property located in an

RM-1 District. Hardship: Size and shape of lot is consistent with other properties in neighboring area.

Petition 3

112 Victory Street (lot 157-158)

Diane Diedrich

Waive: Lot width and area

Petition of Diane Diedrich to waive lot width of 60ft. to 50ft. and lot area of 7,500 sq. ft. to 5,000 sq. ft. in order to construct a single family residence on property located in an RM-1 District. Hardship: Size and shape of lot is consistent with other properties in neighboring area.

Commissioners will hear Petition 2 and 3 together. Mr. Dausilio recused himself from this petition. Attorney Knott, representing petitioner, submitted Certificates of Mailings, distributed and reviewed photographs of property, site plan, assessor's map, assessor's card, Certificate of Descent from Probate Court, 1898 map of Hollister Height's, sewer map, map of proposed screening buffer and driveway, assessor's map for Hollister Height's in vicinity of Victory Street and architectural rendering of proposed house. Attorney Knott addressed comments from Mr. Habansky and noted each lot is referenced independently, pays separate taxes and sewer services are available to both lots. He also mentioned that a duplex could be built on this property but feels two (2) single family homes would be a better fit for the area. Being there are only four (4) Commissioners available to vote, Attorney Knott requested if votes are not in affirmative this petition be tabled and the Commissioners agreed.

Ms. Young questioned duplex vs. single family homes, undersized lots and hardship.

Seeing no members of the public speaking in favor or opposition of this petition, Mr. Hojdich made a motion to close 112 Victory Street Lots 157-160. The motion was seconded by Mr. Grega. The motion carried unanimously.

Petition 4

10 Hancock Street

Gary Salce

Waive: Height of fence

Petition of Gary Salce to waive the maximum height of a fence from 6ft. to 8ft. on property located in an MA District. Hardship: Vandalism of property and building.

Mark Swansiger, representing petitioner, submitted Certificates of Mailings and photographs of the area. Mr. Hojdich questioned line-of-sight.

Seeing no members of the public speaking in favor or opposition of this petition, Mr. Hojdich made a motion to close 10 Hancock Street. The motion was seconded by Mr. Grega. The motion carried unanimously.

Petition 5

7365 Main Street

ABC Sign Corporation/St. Vincent Health Check Clinic

Waive: Size of free standing sign

Petition of ABC Sign Corporation/St. Vincent Health Check Clinic to waive the maximum size of a free standing sign on property located in an LBB District. Hardship: Store front is not easily visible from Main Street and sign is critical to clinic.

G. Borch, representing petitioner, submitted Certificates of Mailings and noted it is important that clinic have signage. Commissioners discussed placement of signage and lighting.

Seeing no members of the public speaking in favor or opposition of this petition, Mr. Hojdich made a motion to close 7365 Main Street. The motion was seconded by Mr. Dausilio. The motion carried unanimously.

Petition 6

1262 West Broad Street

Cumberland Farms, Inc.

Waive: Size of sign and Section 16.7.3

Petition of Cumberland Farms, Inc. to waive maximum size of a free standing sign from 36 sq. ft. to 63 sq. ft. and to waive Section 16.7.3 in order to allow a changeable message sign on pumps on property located in a CA District. Hardship: Need additional message on pumps.

Ms. Parker, representing petitioner, discussed Smart Pay signage, illustrated illumination and discussed intervals of lighting, and need to have 63 sq. ft. sign. Ms. Young questioned the hardship in this case, to which Ms. Parker explained that, "hardships for signs are difficult."

Seeing no members of the public speaking in favor or opposition of this petition, Mr. Dausilio made a motion to close 1262 West Broad Street. The motion was seconded by Mr. Grega. The motion carried unanimously.

Petition 7

1623 & 1625 Stratford Avenue

Declan Mahar

Waive: Required parking spaces

Petition of Declan Mahar to waive required parking from 34 spaces to 8 spaces in order to convert building into a restaurant on property located in a CA District. Hardship: Pre-existing non-conforming lot – structure built before current zoning regulation.

Mr. Gardner, architect, Mr. J. Bochnias and Mr. D. Mahar were unaware that Certificates of Mailings would need to be submitted. **Mr. Hojdich made a motion to table 1623 & 1625**

Stratford Avenue until the April meeting of the Board of Zoning Appeals. The motion was seconded by Mr. Grega. The motion carried unanimously. Mr. Grega made a motion to close the Public Hearing at 8:02 p.m. The motion was seconded by Mr. Hojdich. The motion carried unanimously.

Administrative Session

Petition 1

1601 South Avenue

Gary Taylor

Waive: Height of Fence

Petition of Gary Taylor to waive the maximum height of a fence from 4ft. to 6ft. on property located in an RM-1 District. Hardship: Odd shape of lot next to I-95 need privacy. Mr. Hojdich made a motion to take 1601 Stratford Avenue off the table. The motion was seconded by Mr. Grega. The motion carried unanimously. Commissioners discussed sight line and type and height of fencing to be installed. Mr. Hojdich made a motion to approve either a see-through fence 6' all around property OR a solid fence which would be adjusted to 4' on the corner of South Avenue and Spada Street (15' on both corners). Mr. Dausilio seconded the motion. The motion carried unanimously.

Petition 2

112 Victory Street (Lot 159-160)

Diane Diedrich

Waive: Lot width and area

Petition of Diane Diedrich to waive lot width of 60ft. to 50ft. and lot area of 7,500 sq. ft. to 5,000 sq. ft. in order to allow an existing single family residence on property located in an RM-1 District. Hardship: Size and shape of lot is consistent with other properties in neighboring area.

Petition 3

112 Victory Street (lot 157-158)

Diane Diedrich

Waive: Lot width and area

Petition of Diane Diedrich to waive lot width of 60ft. to 50ft. and lot area of 7,500 sq. ft. to 5,000 sq. ft. in order to construct a single family residence on property located in an RM-1 District. Hardship: Size and shape of lot is consistent with other properties in neighboring area. Mr. Hojdich made a motion to take 112 Victory Street (lots 157-160) off the table. The motion was seconded by Mr. Grega. The motion carried unanimously. Being that Ms. Young will not vote in favor of this petition, Mr. Hojdich made a motion to leave 112 Victory Street

(Lots 157-160) on the table. The motion was seconded by Mr. Grega. The motion carried unanimously.

Petition 4

10 Hancock Street

Gary Salce

Waive: Height of fence

Petition of Gary Salce to waive the maximum height of a fence from 6ft. to 8ft. on property located in an MA District. Hardship: Vandalism of property and building. Mr. Grega made a motion to take 10 Hancock Street off the table. The motion was seconded by Mr. Dausilio. The motion carried unanimously. Mr. Grega noted this is a commercial area and existing properties have 8' fencing. Commissioners viewed this petition as a matter of public safety.

Mr. Grega made a motion to approve 10 Hancock Street. The motion was seconded by Mr. Hojdich. The motion carried unanimously.

Petition 5

7265 Main Street

ABC Sign Corporation/St. Vincent Health Check Clinic

Waive: Size of free standing sign

Petition of ABC Sign Corporation/St. Vincent Health Check Clinic to waive the maximum size of a free standing sign on property located in an LBB District. Hardship: Store front is not easily visible from Main Street and sign is critical to clinic. Mr. Hojdich made a motion to take 7265 Main Street off the table. The motion was seconded by Mr. Dausilio. The motion carried unanimously. Commissioners discussed the need for signage due to the topography of the area and the consistency with existing signage. **Mr. Dausilio made a motion to approve 7265 Main Street. The motion was seconded by Ms. Young. The motion carried unanimously.**

Petition 6

1262 West Broad Street

Cumberland Farms, Inc.

Waive: Size of sign and Section 16.7.3

Petition of Cumberland Farms, Inc. to waive maximum size of a free standing sign from 36 sq. ft. to 63 sq. ft. and to waive Section 16.7.3 in order to allow a changeable message sign on pumps on property located in a CA District. Hardship: Need additional message on pumps. Mr. Hojdich made a motion to take 1262 West Broad Street off the table. The motion was seconded by Mr. Grega. The motion carried unanimously. **Ms. Young made a motion to deny 1262 Broad Street. The motion was seconded by Mr. Dausilio.** Commissioners discussed financial hardship, existing regulations and square footage of signage. **Ms. Young made a motion to rescind her previous denial. Mr. Dausilio made a motion to rescind his seconding of denial.**

Mr. Dausilio made a motion to approve 63 sq. ft. free-standing signage for public safety but deny LED pump toppers. The motion was seconded by Ms. Young. The motion carried unanimously.

Petition 7

1623 & 1625 Stratford Avenue

Declan Mahar

Waive: Required parking spaces

Petition of Declan Mahar to waive required parking from 34 spaces to 8 spaces in order to convert building into a restaurant on property located in a CA District. Hardship: Pre-existing non-conforming lot – structure built before current zoning regulation. Tabled

Approval of Minutes - Mr. Grega made a motion to approve January 5th Organizational Minutes. The motion was seconded by Mr. Hojdich.

Mr. Hojdich made a motion to approve January 5th Minutes of the Public Hearing and Administrative Session. The motion was seconded by Mr. Grega.

Motions carried unanimously with Ms. Young abstaining from the vote.

C.A.M Site Plan – None

Notice of Appeal – Re: Gorlo, West Beach Drive – Court document included for informational purposes.

Members Concerns/Comments – Ms. Young congratulated Mr. Habansky for joining Stratford.

Adjournment – There being no further items to discuss, Mr. Dausilio made a motion to adjourn the meeting. The motion was seconded by Mr. Hojdich. The meeting was adjourned at 8:34 p.m.

Respectively Submitted,

Gail Decilio

Recording Secretary

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