

**Board of Zoning Appeals Public Hearing and Administrative Meeting**

**July 5, 2016**

The Board of Zoning Appeals held a Public Hearing and Administrative Meeting on Tuesday, July 5, 2016 in Council Chambers of Stratford Town Hall, Main Street, Stratford, CT per notice duly posted.

Mr. Habansky distributed Town Attorneys' opinion "Re: Whether Reduction or Elimination of a Non-conformity Provides an Independent Basis to the Granting of a Variance"

**Members Present:** Chairman Dempsey, Mr. Fredette sitting for Ms. Young, Mr. Dausilio, Mr. Hojdich,

**Alternates Present:** Mr. Fredette, Ms. Anderson

**Members Absent:** Ms. Young

**Others:** Mr. Habansky, Planning and Zoning Administrator

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

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**Petition 1**

**900 Access Road**

**Burns Family Limited Partnership**

**Waive: Sections 3.14 and 10.2.2A**

**900 Access Road – Petition of Burns Family Limited Partnership to waive the distance from a tidal wetland from 75' to 15' as required by Section 3.14 and to waive the front yard pervious surface buffer from 10' to 4' as required by Section 10.2.2A to construct a restaurant, parking lot and drive through in an MA District - Hardship: Size and shape of the property topographical limitation and proximity to tidal wetlands.**

Attorney Knott, representing the petitioner, submitted Certificates of Mailings, distributed and reviewed previous petitions, photographs, site plan, interior floor plan and noted petitioner wants to recreate Cricket Car Hop. There will be approximately six (6) employees, hours of operation 6:00 a.m.-8:00 p.m. six days per week. He noted the hardship is the size and shape of property and also noted property received variance of 3.14 in 1995. Commissioners questioned berm closest to the tidal wetland, crosswalks and stop signs for pedestrians.

Seeing no members of the public speaking in favor or opposition of the application, Mr. Fredette made a motion to close Petition #1. The motion was seconded by Mr. Hojdich. The motion carried unanimously.

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**Petition 2**

**45 North Parade & 245 King Street  
Stratford Building Needs Committee**

**Waive: Sections 4.2, 12.5, 12.11 and 3.14**

**45 North Parade & 245 King Street – Petition of Stratford Building Needs Committee to waive Sections 4.2 (lot area, dimensions, yards, coverage and height), 12.5 (parking space requirements), 12.11 (parking facilities in RS District) and 3.14 (parking area proximity to wetlands), to construct a new high school in an RS-4 District.**

**Hardship: Parcel size is too small to support modern high school structure, size too small to support modern school, compliance with design/interior clearance requirements, site too small to accommodate current parking demand, current parking is not sufficient, existing building size and locations in relation to site circulation – G. Perham, Antinozzi Associates, gave an overview of the project referring to site plans. RFP was sent out inquiring on other properties suitable for building.**

Representative from Stantec submitted Certificates of Mailings and reviewed site plans and variances needed. Discussed variances needed for span of bridge, building coverage, building height, parking and watercourse. He discussed landscaping and fencing plan.

Attorney Knott, representing 311, 341 King Street and 1189 Barnum Avenue, spoke in opposition of the petition. Discussed lack of communication between Town, Board of Education and his client, variances and Inland Wetland approval. He feels this is a self-created hardship.

Seeing no other members of the public speaking in favor or opposition of this application, Mr. Fredette made a motion to close Petition #2. The motion was seconded by Mr. Dausilio. The motion carried unanimously.

**Petition 3**

**Michael Hamilton  
1400 James Farm Road**

**Waive: Section 3.11**

**1400 James Farm Road – Petition of Michael Hamilton to waive the maximum allowable height of 12' to 18'3" for a garage and to allow a garage to be built outside the rear yard as required by Section 3.11 in an RS-1 District.**

**Hardship: Regulation does not allow a taller detached garage**

Mr. Hamilton, petitioner, submitted certificates of mailings and discussed proposed project. Commissioners questioned 2<sup>nd</sup> floor of building and position of garage.

Resident of 75 North Pasture Lane was assured by petitioner that trees would be planted as a buffer.

Seeing no other members of the public speaking in favor or opposition of this application, Mr. Fredette made a motion to close Petition #3. The motion was seconded by Mr. Hojdich. The motion carried unanimously.

Petition 4

Dominick Fuel Inc.  
365 Benton Street

Waive: Section 3.18

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365 Benton Street – Petition of Dominick Fuel Inc to waive the maximum allowable height for a fence in the first 25’ from the front lot line from 4’ to 7’ and to allow barbed wire as required by Section 3.18 in an MA District.

Hardship: Vandalism at 365 Benton Street – also people leave garbage all over property ever since dumpster has been removed.

Representative of Dominick Fuel Inc. submitted Certificates of Mailings and discussed proposed project. Commissioners questioned height of fence and liability to Town with barbed wire.

See no members of the public speaking in favor or opposition of the petition, Mr. Fredette made a motion to close Petition #4. The motion was seconded by Mr. Hojdich. The motion carried unanimously.

Mr. Fredette made a motion to close the Public Hearing. The motion was seconded by Mr. Hojdich. The motion carried unanimously.

**Administrative Session**

Petition 1

900 Access Road

Burns Family Limited Partnership

Waive: Sections 3.14 and 10.2.2A

900 Access Road – Petition of Burns Family Limited Partnership to waive the distance from a tidal wetland from 75’ to 15’ as required by Section 3.14 and to waive the front yard pervious surface buffer from 10’ to 4’ as required by Section 10.2.2A to construct a restaurant, parking lot and drive through in an MA District.

Hardship: Size and shape of the property topographical limitation and proximity to tidal wetlands.

Mr. Fredette made a motion to take Petition #1 off the table. The motion was seconded by Mr. Dausilio. The motion carried unanimously. Commissioners agreed the size of the lot and tidal wetlands created a hardship.

Mr. Fredette made a motion to approve 900 Access Road. The motion was seconded by Mr. Dausilio. The motion carried unanimously.

Petition 2

45 North Parade & 245 King Street

Stratford Building Needs Committee

Waive: Sections 4.2, 12.5, 12.11 and 3.14

45 North Parade & 245 King Street – Petition of Stratford Building Needs Committee to waive Sections 4.2 (lot area, dimensions, yards, coverage and height), 12.5 (parking space requirements), 12.11 (parking facilities in RS District) and 3.14 (parking area proximity to wetlands), to construct a new high school in an RS-4 District.

Hardship: Parcel size is too small to support modern high school structure, size too small to support modern school, compliance with design/interior clearance requirements, site too small to accommodate current parking demand, current parking is not sufficient, existing building size and locations in relation to site circulation.

Mr. Dausilio made a motion to take Petition #2 off the table. The motion was seconded by Mr. Hojdich. The motion carried unanimously.

Mr. Fredette made a motion to approve 45 North Parade & 245 King Street because Parcel size is too small to support modern high school structure, size too small to support modern school, compliance with design/interior clearance requirements, site too small to accommodate current parking demand, current parking is not sufficient, existing building size and locations in relation to site circulation. The motion was seconded by Mr. Hojdich. The motion carried unanimously.

Petition 3

Michael Hamilton

1400 James Farm Road

Waive: Section 3.11

1400 James Farm Road – Petition of Michael Hamilton to waive the maximum allowable height of 12' to 18'3" for a garage and to allow a garage to be built outside the rear yard as required by Section 3.11 in an RS-1 District.

Hardship: Regulation does not allow a taller detached garage

Mr. Hojdich made a motion to take Petition #3 off the table. The motion was seconded by Mr. Fredette. The motion carried unanimously. Mr. Hojdich referred to staff comments noting garage exceeds height for area. Mr. Dausilio feels the hardship is size and location of the property.

Mr. Fredette made a motion to approve 1400 James Farm Road with the stipulations that garage never be used for commercial purposes or as a living quarters and trees be planted on premises. The motion was seconded by Ms. Andersen. The motion carried 4-1 with Mr. Hojdich voting in opposition.

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**Petition 4  
Dominick Fuel Inc.  
365 Benton Street  
Waive: Section 3.18**

**365 Benton Street – Petition of Dominick Fuel Inc to waive the maximum allowable height for a fence in the first 25’ from the front lot line from 4’ to 7’ and to allow barbed wire as required by Section 3.18 in an MA District.**

**Hardship: Vandalism at 365 Benton Street – also people leave garbage all over property ever since dumpster has been removed.**

Ms. Andersen made a motion to take Petition #4 off the table. The motion was seconded by Mr. Fredette. The motion carried unanimously. Commissioners agreed because of location of property higher fence would be appropriate.

Mr. Fredette made a motion to approve 365 Benton Street. The motion was seconded by Ms. Andersen. The motion carried unanimously.

**Approval of Minutes** - Mr. Hojdich made a motion to approve the minutes of June 7<sup>th</sup> with the correction that 1525 Broadbridge Avenue was a denial. The motion was seconded by Mr. Dausilio. The motion carried unanimously.

**C.A.M Site Plan – None**

**Members Concerns/Comments – None**

**Adjournment** – There being no further items to discuss, Mr. Fredette made a motion to adjourn the meeting. The motion was seconded by Mr. Dausilio. The meeting was adjourned at 7:59 p.m.

Respectively Submitted,

Gail Decilio  
Recording Secretary

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