

Board of Zoning Appeals Public Hearing and Administrative Meeting

September 6, 2016

The Board of Zoning Appeals held a Public Hearing and Administrative Meeting on Tuesday, September 6, 2016 in Council Chambers of Stratford Town Hall, Main Street, Stratford, CT per notice duly posted.

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

Alternates Present: Mr. Fredette, Mr. Grega

Members Absent: Mr. Dausilio

Others: Mr. Habansky, Planning and Zoning Administrator

Call to Order: Mr. Dempsey called the Public Hearing to order at 7:04 p.m.

Petition 1

101 Ryegate Terrace

Mark Fritz

Waive: Front Setback

Petition of Mark Fritz to waive the allowable front setback from 25' to 23.2' as required by Section 4.2 to construct a covered front porch in an RS-3 District - Hardship: Existing location of home prohibits properly sized useful front covered porch – M. Fritz, architect, submitted Certificates of Mailings and discussed porch referring to site plan noting only asking for an 18" variance. He referred to similar variances which were granted in the past. Commissioners discussed building permit and alternative plan. Petitioner noted porch would help with shading while enhancing homes appearance. **Seeing no members of the public speaking in favor or opposition of the project, Mr. Fredette made a motion to close 101 Ryegate Terrace. The motion was seconded by Mr. Hojdich. The motion carried unanimously.**

Petition 2

55 Washington Parkway

DPD Realty LLC

Waive: Front setback, coverage, building height

Petition of DPD Realty LLC to waive the allowable front setback from 20' to 14.8', lot coverage from 25% to 47.4% & maximum building height from 30' to 36' per Section 4.2, waive the minimum lot size for residence apartments from 30,000 sq. ft. to 19,803 sq. ft. & to waive the prohibition that no structural changes can be made when changing from one nonconforming use to another per Section 14.2.2 to construct a nine unit residence apartment building in an RS-4 District – Hardship: Proposed use represents an upgrade in use from the previously existing nonconforming commercial use, and the proposed use eliminates three zoning non-conformities which currently exist on site. Attorney Knott, representing the petitioner,

submitted Certificates of Mailings and distributed and reviewed photos of the property, assessors map, assessors card, current site plan, proposed site plan, zoning regulation 14.2.2, public input and transparency, Nextdoor.com postings. Attorney Knott referred to “Whether the Reduction or Elimination of a Non-conformity Provides an Independent Basis to the Granting of a Variance” and Connecticut Land Use Law and Practice.

Pat Rose, Rose Tiso and Company, reviewed the architectural plan and site plan and discussed flood elevation.

Ms. Young discussed parking, refuse containers, elevation, third level, air conditioning units and case laws. Mr. Hojdich questioned impervious areas and lack of Police and Fire Department comments. Ms. Young would also like comments from the Police and Fire Department and would like to keep the public hearing open.

Resident of 320 Ryegate Terrace spoke in favor of the project.

Resident of 1030 Stratford Road questioned nostalgia aspect of the project.

Resident of 24 Curtis Avenue questioned if this exception would set a precedent.

Mr. Habansky read into record comments from C. Szymanski, DEEP, Attorney Knott discussed FEMA compliance.

Seeing no other members of the public speaking in favor or opposition to the project, Mr. Hojdich made a motion to leave 55 Washington Parkway on the table until next meeting to obtain comments from Police and Fire Departments. The motion was seconded by Mr. Fredette. The motion carried unanimously.

Petition 3

57 Cedar Street Lots 1 & 2

Jeffrey & Aimee Pinckney

Waive: Side Setback and Area

Petition of Jeffrey & Aimee Pinckney to waive the side setback from 10’ to 2’ and the minimum lot area from 7,500 sq. ft. to 7,200 sq. ft. per Section 4.2 to allow for a lot line revision in an RS-4 District – Hardship: Size and shape of lot parcel had been separately taxed as an independent non-conforming lot since 1915. Will be heard together.

Petition 4

Cedar Street Lots 2 & 3

Jeffrey & Aimee Pinckney

Waive: Lot Area

Petition of Jeffrey & Aimee Pinckney to waive the minimum lot area from 7,500 sq. ft. to 7,200 sq. ft. per Section 4.2 to construct a single family dwelling in an RS-4 District – Hardship: Size and shape of lot parcel had been separately taxed as an independent non-conforming lot since 1915. Mr. Knott, representing petitioner, submitted Certificates of Mailings, distributed and reviewed photos, proposed site plan, 1916 map, deeds from 1916-2010, assessors map, sewer map, petition, and letters in favor of project. He discussed hardship. Ms. Young discussed the size of the lot.

Resident of 206 Margarita Lawn spoke in favor of the project and discussed prior approvals in the area.

Mr. Habansky read into record letter from C. Szymanski, DEEP, in opposition.

Seeing no other members of the public speaking in favor or opposition to the project, Mr. Fredette made a motion to close 57 Cedar Street Lots 1-3. 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. Tavaris. The motion carried unanimously.

Administrative Session

Petition 1

101 Ryegate Terrace

Mark Fritz

Waive: Front Setback

Petition of Mark Fritz to waive the allowable front setback from 25' to 23.2' as required by Section 4.2 to construct a covered front porch in an RS-3 District - Hardship: Existing location of home prohibits properly sized useful front covered porch – Mr. Fredette made a motion to take 101 Ryegate Terrace off the table. The motion was seconded by Mr. Hojdich. The motion carried unanimously. Mr. Hojdich noted they are only asking for an 18" waiver and porch cannot be located in another area. Ms. Young feels public safety is also an issue. **Mr. Hojdich made a motion to approve 101 Ryegate Terrace. The motion was seconded by Mr. Fredette. The motion carried unanimously.**

Petition 2

55 Washington Parkway

DPD Realty LLC

Waive: Front setback, coverage, building height

Petition of DPD Realty LLC to waive the allowable front setback from 20' to 14.8', lot coverage from 25% to 47.4% & maximum building height from 30' to 36' per Section 4.2, waive the minimum lot size for residence apartments from 30,000 sq. ft. to 19,803 sq. ft. & to waive the prohibition that no structural changes can be made when changing from one nonconforming use to another per Section 14.2.2 to construct a nine unit residence apartment building in an RS-4 District – Hardship: Proposed use represents an upgrade in use from the previously existing nonconforming commercial use, and the proposed use eliminates three zoning non-conformities which currently exist on site. Left on table.

Petition 3
57 Cedar Street Lots 1 & 2
Jeffrey & Aimee Pinckney
Waive: Side Setback and Area

Petition of Jeffrey & Aimee Pinckney to waive the side setback from 10' to 2' and the minimum lot area from 7,500 sq. ft. to 7,200 sq. ft. per Section 4.2 to allow for a lot line revision in an RS-4 District – Hardship: Size and shape of lot parcel had been separately taxed as an independent non-conforming lot since 1915.

Petition 4
Cedar Street Lots 2 & 3
Jeffrey & Aimee Pinckney
Waive: Lot Area

Petition of Jeffrey & Aimee Pinckney to waive the minimum lot area from 7,500 sq. ft. to 7,200 sq. ft. per Section 4.2 to construct a single family dwelling in an RS-4 District – Hardship: Size and shape of lot parcel had been separately taxed as an independent non-conforming lot since 1915. Mr. Fredette made a motion to take Petition #3 and #4 off the table. The motion was seconded by Mr. Hojdich. The motion carried unanimously. Mr. Fredette noted the age of the property line causes a hardship. **Mr. Fredette made a motion to approve 57 Cedar Street Lots 1-3. The motion was seconded by Mr. Tavaris. The motion carried 4-1 with Ms. Young in opposition.**

Approval of Minutes - Mr. Hojdich made a motion to approve the minutes of July 5th. The motion was seconded by Mr. Fredette. The motion carried 3-0.

C.A.M Site Plan –

55 Washington Parkway – tabled

57 Cedar Street Lots 1-3 – Mr. Fredette made a motion to approve 57 Cedar Street Lots 1-3. The motion was seconded by Mr. Hojdich. The motion carried 4-1 with Ms. Young in opposition.

Members Concerns/Comments – Ms. Young questioned procedure for seeking variances after the fact. Mr. Habansky will check with Town Attorney.

Mr. Habansky noted he does seek comments from other Town agencies but sometimes are not forthcoming.

Commissioners welcomed Mr. Tavaris to the Commission.

Adjournment – There being no further items to discuss, Mr. Tavaris made a motion to adjourn the meeting. The motion was seconded by Mr. Hojdich. The meeting was adjourned at 8:44 p.m.

Respectively Submitted,

Gail Decilio
Recording Secretary