

Zoning Board of Appeals

Minutes

(meeting taped)

Monthly meeting: Thursday, July 21, 2011 in the City Hall Aldermanic Chambers.

The meeting was called to order at 6:30 p.m. The chair called for a brief recess to await the arrival of members of the board. The meeting reconvened at 6:42 p.m.

By roll call, members present: Mark Zeck, Angelo Dirienzo, Richard Bartholomew, Sam Pollastro Jr and Earl Robinson. John Kowarik was excused.

Building Official David Kopjanski was present.

Public portion: This public portion is to satisfy section 101 of the Charter of the City of Derby. No one came forward.

Approval of minutes: Motion was made by Angelo Dirienzo and second by Sam Pollastro Jr. Move to accept the minutes of the January 20, 2011 meeting, as written. Motion carried unanimously.

Application No. 337 - Applicant: Erik Guerra. Location of affected premises – 131 Dirienzo Heights, Derby, CT 06418. Appealing Section 195-13 E (2) of the Derby Zoning Regulations, requesting a lot area variance of 538 square feet in order to convert a one family house into a two family house in the R-5 zone.

Mr. Guerra was present this evening. He submitted the certified receipts to Mr. Kopjanski. Mr. Guerra explained that the house was originally built as a two family house, consistent with the other houses in the neighborhood. At some time, the previous owner converted the house to a single family dwelling. He is seeking to restore the building to its original two family status.

Mr. Kopjanski stated that in the early fifties the neighborhood homes were built for public housing. The buildings were all two family dwellings and they complied with the zoning regulations of that time. In 2000 zoning regulations were changed and the zone, an R-5 zone, was changed from 7,500 square feet to 10,000 square feet for a dwelling. This house was converted to a single family dwelling in 1997 with the belief that it could be reverted back to a two-family at some time in the future as per the zoning regulations of that time. With the change in zoning regulations in 2000, it was no longer possible without seeking a variance. The current proposal being presented this evening does satisfy the parking requirements under the current zoning which requires two parking spaces per unit with said spaces not located in the front yard setback.

Members asked questions. They confirmed that the single family house as it currently exists does satisfy the zoning requirements for the R-5 zone. They acknowledged that the area does consist primarily of two family dwellings and that this neighborhood was originally public housing. Said housing was later sold to individual residents and over time some dwellings were converted to single family but primarily the neighborhood continues to maintain the duplex setting with the square footage being grandfathered as pre-existing. It was noted that previously the parking for this dwelling was likely on-street parking and with this proposal there is the necessary spaces needed for the current zoning regulations. Members discussed the hardship noting that the hardship can not be merely for financial reasons. They understood that this dwelling was changed to a single family house in 1997 and then when the area was rezoned in 2000 the change in square footage requirements created a hardship for reverting the house. The new owner purchased the house recently with the understanding that the house could be reverted.

Public comment on this application was opened. No one came forward.

The board deliberated on the application. They weighed the presented hardship. It was noted that the house was purchased approximately six months ago. The purchase was of a single family dwelling, the new owner stating that he understood that the property could be reverted to the original duplex design. Mr. Kopjanski indicated that a single family dwelling can have multiple kitchens, bathrooms, bedrooms, living rooms etc. allowing for a large family dynamic but the key is that said dwelling must remain open in design to all the occupants. In situations where extended families reside together this multiple layout satisfies the family need. In a duplex, the design is different being that there is a constructed wall that divides the units and each unit has its own entry and exit.

Motion made by Richard Bartholomew and second by Sam Pollastro Jr. Move to deny the variance for application #337 Applicant: Erik Guerra. Location of affected premises – 131 Dirienzo Heights, Derby, CT 06418. Appealing Section 195-13 E (2) of the Derby Zoning Regulations, requesting a lot area variance of 538 square feet in order to convert a one family house into a two family house in the R-5 zone. Motion carried with Earl Robinson opposed.

Motion was made by Richard Bartholomew and second by Angelo Dirienzo. Move to adjourn the meeting at 7:15 p.m. Motion carried unanimously.

Respectfully prepared,

Karen Kemmesies, secretary

These minutes are subject to Board approval at their next scheduled meeting.