

Zoning Board of Appeals

Minutes

(meeting taped)

Monthly meeting: Thursday, November 20, 2008 in the City Hall smaller meeting room upstairs.

The meeting was called to order at 6:35 p.m.

By roll call, members present: Mark Zeck, Richard Bartholomew, David Manley and alternate Walter Nizgorski. Angelo Dirienzo and John Kowarik were excused. Alternate Michael Dellinger was absent.

Building Official David Kopjanski were present.

The Chair explained that only four members are present this evening. An approval requires four affirmative votes. The applicant has the option to wait until another meeting where there would be the full compliment of five members or he can move forward this evening understanding that it will have to be a unanimous vote. The applicant chose to go forward.

Public portion: The Chair noted that there would be a public portion for the applications. This public portion is to satisfy section 101 of the Charter of the City of Derby. No one was present.

Approval of minutes: Motion was made by David Manley and second by Walter Nizgorski. Move to accept the minutes of the September 22, 2008 meeting, as written. Motion carried unanimously.

Application No. 286 – Applicant: Casimir Stochmal. Location of affected premises – 34 Paugassett Road, Derby, CT 06418. Requesting a 6.6 foot side yard variance and 6.5 foot rear yard variance for construction of a 16 foot by 31 foot two story addition to the house.

Mr. Stochmal presented the certified receipts (12) to the Building Official. He explained that the existing garage is in disrepair. It was originally built prior to zoning regulations and is 8 feet and 8 inches away from the side yard boundary. The request is to demolish the existing garage and construct a new garage that will be 10 feet away from the boundary and will have a new 2nd floor living space above the garage. The peak of the new structure will be slightly lower than the peak of the existing house. The new garage will be 43 feet and 5 inches away from the rear yard boundary. His mother is living at the house and he and his family intends to move into the home with her and thus the need for additional space.

Mr. Manley noted that the hardship cites handicap accessibility is required. Mr. Stochmal indicated that the variances being sought this evening are not necessary to accommodate any handicap needs. Mrs. Stochmal noted that there are stairs to the rear of the garage that may need to be changed to a ramp to accommodate their daughter's needs. The application this evening does not detail the ramp nor is there any request being put forward at this time.

Mr. Kopjanski stated that this application requires a variance; section 195-80 c2 gives the Zoning Board of Appeals the authority to grant said variance. The existing garage is non-conforming under the current regulations. The regulations require a 16 foot side yard setback and 50 foot backyard setback. The owners would be allowed to repair the existing structure without the need for the variances but being that they are adding a second floor, the variances are needed. The house was built in 1955. As per the section, the proposed cost of construction can not exceed 50% value of the house and the proposal will fall under this limit.

The public comment was opened at this time and no one came forward. The public comment was closed.

Members deliberated. They identified the hardship as being that the house was built prior to the zoning regulations. The proposed construction is actually reducing the non-conformity. The overall height of the new structure would be less than the existing house and as such does not overly tax the overall area. Mr. Nizgorski noted that he has lived on Paugassett Road for many years and is aware that at the time the houses were constructed, their placement on the lots were specific. He was aware of the condition of the existing garage and had no objection to the request. Members felt that the application was a very responsible request as it does not increase the non-conformity.

Motion was made by Walter Nizgorski and second by David Manley. Move to grant the variances requested for **Application No. 286** – Applicant: Casimir Stochmal. Location of affected premises – 34 Paugassett Road, Derby, CT 06418. Requesting a 6.6 foot side yard variance and 6.5 foot rear yard variance for construction of a 16 foot by 31 foot two story addition to the house. Motion carried unanimously.

Executive Session: No session was needed.

Motion was made by David Manley and second by Richard Bartholomew. Move to adjourn the meeting at 6:59 p.m. Motion carried unanimously.

Respectfully prepared,
Karen Kemmesies, secretary

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