

ZONING BOARD OF APPEALS
August 7, 2013

A regularly scheduled meeting of the Zoning Board of Appeals of the Town of Trumbull was held in the Council Chambers of the Trumbull Town Hall on Wednesday, August 7, 2013.

Members Present: Michael Muir, Chairman
David Preusch, Richard Puskar, Carl Scarpelli, Joseph Vitrella and alternates
Richard Mayo and Dennis Miko

Also Present: Douglas Wenz, Zoning Enforcement Officer

The following is a brief summary of the meeting; a complete record is on tape, on file in the office of the Zoning Board of Appeals located in the Trumbull Town Hall.

A quorum being present, the Chairman called the meeting to order at 7:30 p.m.

PUBLIC HEARING

A request for a continuance of the Public Hearing for Application #13-20 (Domestic & Import Repairs, LLC) was read for the record.

MOTION MADE (Vitrella), seconded (Puskar) and unanimously carried (Muir, Preusch, Puskar, Scarpelli, Vitrella) to continue the Public Hearing for Application #13-20 until the September 4, 2013 regular meeting.

Application #13-12 – Nichols Farm Burial Grounds Association
Parcel 156, Cemetery Drive

Variance of Art. II, Sec. 1.2.4.3 to permit interment 18' from N/S (Cemetery Drive) and the E/S property lines.

The Association's president, Herbert Wry, came forward. The application is a re-submittal of a previous proposal, which was denied without prejudice by this Board.

The application being presented tonight has reduced the required setback to 18' from the street side and E/S property lines. The newly submitted plan maintains the required 100' setback in the rear, which abuts the residential homes located on Hilltop Drive. Mr. Wry advised that if the 100' setback was maintained for all property lines, only 11% of the property could be developed for cemetery use. Approval of the revised application will allow for 68% utilization of the additional property purchased from St. John's Church.

Public Comment

Gary Bean of 163 Hilltop Circle, the abutting property owner to the S/S, spoke in support of the application. Mr. Bean found the proposal to be a reasonable compromise for all concerned parties.

Application #13-13 – Eugene Bertanza
1 Rebecca Street

Variance of Art. III, Sec. 7 to approve existing 23'x17' in-ground swimming pool, located on a corner lot (Forestview Street), 7.5' from the S/S property line and 7.5' from the rear property line (25' setback required).

Attorney Raymond Rizio conducted the presentation on behalf of the applicant.

The pool was installed in 2008 without the required permits. Mr. Rizio informed that the applicant was under the assumption that permits were not required, as the pool was not a standing structure. Photographs of the site area were submitted into the record indicating the existing fencing and landscaping surrounding the pool area. The applicant's representative advised that due to the on-site buffering the pool creates no negative impact to any adjoining property.

The stated hardship was the nature of the undersized 76'x100' corner lot making the existing location the only feasible area for the pool's installation. A petition, signed by the two most effected neighbors, in support of the application was submitted for the record.

A letter from the Town's Building Officer advising that the pool will require electrical and safety inspections was read for the record.

Attorney Rizio provided assurances that the applicant would be applying for all required permits.

Application #13-14 – Christopher Gavlick
69 October Lane

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to insufficient yard requirements to expand existing non-conforming use, on a corner lot (Stonehouse Road) to construct a 23'x6' front porch (existing front landing to be removed) 38.8 ft. from the front property line, including stairs.

The applicant, Christopher Gavlick, came forward.

The submitted plans for the proposed front porch were reviewed. Mr. Gavlick advised that the existing 4'x9' front landing is in disrepair and in need of replacement. The proposal was to remove the current entryway and replace it with a covered front porch expanding the existing 43.7' non-conforming setback to 38.8'.

Mr. Gavlick informed that all adjacent property owners were advised of the pending application and that no negative feedback has been received. The applicant believed the project to be aesthetically pleasing and in keeping with the character of the neighborhood.

Application #13-15 – Kathleen Kellet
77 Oschner Place

Variance of Art. III, Sec. 1 with respect to insufficient yard requirements to construct a 12'x16' deck 39' from the rear property line.

Kathleen Kellet presented the application.

The submitted plans indicated the lot to be undersized making it difficult to comply with the regulated setbacks.

Ms. Kellet indicated that there has been no opposition expressed from any property owners within the immediate area.

Application #13-16 – Paul and Irene Varszegi
28 Hillston Road

Variance of Art. III, Sec. 1 and Art. II, Sec. 1.2.2.1 with respect to insufficient yard requirements to construct a 26'6"x31'8" addition to an existing detached garage, measuring 480 sq. ft. for a total of 4 garage spaces (maximum of 3 allowed) and 1,306 sq. ft., 16.2' from the E/S property line, at its closest point.

The applicant Paul Varszegi conducted the presentation.

Revised plans were submitted, which showed the added two car garage and a driveway situated along the rear property line. A pitched roof design instead of the original flat roof proposal was also indicated. Photographs of the site area were also presented for the Commission's review.

Mr. Varszegi requested relief from the maximum three garage space requirement to allow for the storage of a collector vehicle and other various types of costly equipment away from the elements. The applicant indicated he would be amenable to shield the adjacent property owner with landscaped buffering.

Upon inquiry, the applicant acknowledged that the foundation for the proposed structure was poured, 16.2' from the E/S property line, without the proper permits being applied for.

The following spoke in opposition: Mark Ryan, 47 Oakridge Road, the abutting homeowner to the rear, was opposed to the proposed location of the driveway, which would create a negative impact to his property. Mr. Ryan submitted photographs indicating his proximity to the applicant's property line.

Richard Scinto of 57 Oakridge Road commented that the proposal, as presented, was inconsistent with the character of the neighborhood and needs to be revised.

Application #13-17 – Sunder and Sadhana Desai
69 Beech Street

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to insufficient yard requirements to expand existing non-conforming use to construct 24.2'x22' two-car garage, measuring 531 sq. ft., with attached 7'x24.2' breezeway 33.7' from the rear property line and 37' from the front property line.

Sunder Desai and the project contractor, Bill Burdio, appeared. The submitted plans indicated a shallow lot, which would require variances for any additional construction. Upon inquiry, the applicant advised that the proposed structure would correspond to the existing roofline.

Application #13-18 – Eugene F. Gorton
15 Peters Road

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to insufficient yard requirements to expand existing non-conforming use to construct 35.4'x8' front porch 29.9' from the front property line, including stairs.

The applicant stepped forward. The submitted plans indicated a farmer's porch with no railings. Mr. Gorton advised that the proposed project would be a visual improvement to his home and the surrounding residential area.

Application #13-19 – Alison Kozar and Zaque Meyers
20 Pequonnock Road

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to insufficient yard requirements to expand existing non-conforming use to construct 10'x22' deck 28.8' from the rear property line, including stairs.

Alison Kozar was the presenter.

The submitted plans indicated a ¼ acre pre-existing non-conforming parcel. The site plan showed that any alteration to the existing home would require variances, as the regulated setbacks cannot be met at any location. Photographs were submitted, which showed that the proposed location was well screened having very little impact to the adjoining property owners.

Upon inquiry, Ms. Kozar informed that the proposed deck would be level with the first floor of the house.

This concluded the public hearing.

REGULAR MEETING

Tonight's applications were reviewed and the Commission took action, as follows:

Application #13-12 – Nichols Farm Burial Grounds Association
Parcel 156, Cemetery Drive

MOTION MADE (Vitrella), seconded (Scarpelli) and unanimously carried (Muir, Preusch, Puskar, Scarpelli, Vitrella), to approve Application #13-12, as presented and plans submitted.

The amended proposal provides a satisfactory compromise for both the applicant and the adjacent residential property owners.

Application #13-13 – Eugene Bertanza
1 Rebecca Street

MOTION MADE (Vitrella), seconded (Scarpelli) and unanimously carried (Muir, Preusch, Puskar, Scarpelli, Vitrella), to approve Application #13-13, as presented and plans submitted.

All required permits should be sought by the applicant to ensure that building and safety codes have been met.

Application #13-14 – Christopher Gavlick
69 October Lane

MOTION MADE (Vitrella), seconded (Scarpelli) and unanimously carried (Muir, Preusch, Puskar, Scarpelli, Vitrella), to approve Application #13-14, as presented and plans submitted.

The proposal was deemed minor with no negative impact indicated.

Application #13-15 – Kathleen Kellet
77 Oschner Place

MOTION MADE (Scarpelli), seconded (Vitrella) and unanimously carried (Muir, Preusch, Puskar, Scarpelli, Vitrella), to approve Application #13-15, as presented and plans submitted.

The proposed construction was minor in nature with ample screening provided.

Application #13-16 – Paul and Irene Varszegi
28 Hillston Road

MOTION MADE (Vitrella) and seconded (Scarpelli) to approve Application #13-16.

Vote: In Favor – 0 - Opposed (5): Muir, Preusch, Puskar, Scarpelli, Vitrella
Application #13-16 DENIED for the following reasons.

1. Applicant failed to identify a legal hardship as defined under CGS 8-6 and Art. VI, Sec. 1.2 of the Zoning Regulations of the Town of Trumbull.
2. The proposal, as submitted, is not in keeping with the character of the neighborhood.

Application #13-17 – Sunder and Sadhana Desai
69 Beech Street

MOTION MADE (Scarpelli), seconded (Vitrella) and unanimously carried (Muir, Preusch, Puskar, Scarpelli, Vitrella), to approve Application #13-17, as presented and plans submitted.

The proposal, as presented, was considered minor in nature with no negative impact indicated.

Application #13-18 – Eugene Gorton
15 Peters Road

MOTION MADE (Vitrella), seconded (Scarpelli) and unanimously carried (Muir, Preusch, Puskar, Scarpelli, Vitrella), to approve Application #13-18, as presented and plans submitted.

No negative impact to the character of the neighborhood.

Application #13-19 – Alison Kozar and Zaque Meyers
20 Pequonnock Road

MOTION MADE (Vitrella), seconded (Scarpelli) and unanimously carried (Muir, Preusch, Puskar, Scarpelli, Vitrella), to approve Application #13-19, as presented and plans submitted.

Sufficient screening has been provided.

There being no further business to discuss a motion was made by Commissioner Vitrella and seconded by Commissioner Scarpelli to adjourn. The August 7, 2013 meeting of the Zoning Board of Appeals adjourned at 9:00 p.m. with unanimous consent.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Wednesday, September 4, 2013 at 7:30 p.m. in the Council Chambers of the Trumbull Town Hall.

Respectfully submitted,

Helen Granskog
Clerk