

**Beacon Falls Zoning Board of Appeals
10 Maple Avenue
Beacon Falls, CT 06403**



**BEACON FALLS ZONING BOARD OF APPEALS
Monthly Meeting**

July 12, 2018

**MINUTES
(Subject to Revision)**

1. Call to Order/Pledge of Alliance

Present: Bill Mis, Benjamin Smith, Tony Smith, Bob Doiron, and Alternate Eva Newell

Not Present: Brian Horgan, Alternate Nancy King, and Alternate Doug Bousquet

Others Present: Atty. Steve Byrnes; Manny Silva; Michael Mormile, ZEO; and Catherine & Phillip Giaquinto

Chairman B. Mis called the Monthly Meeting to order at 7:30 P.M. Alternate Eva Newell was not appointed to be Board since there was a quorum of Members.

2. Discussion and Possible Vote on Public Hearing Held for Taveira Properties, Property Owners of 144 Blackberry Hill Road, on June 7, 2018 (continued from the June 7, 2018 Special Meeting)

B. Doiron noted that there are a couple of issues that are cause for concern. B. Doiron indicated that typically, applicants are looking for a variance when they do not meet a side yard variance and the applicants are looking for a specific variance in order to construct. B. Doiron also indicated that in this case, the applicant is looking for a lot reduction in order to build a house. B. Doiron mentioned that this would be setting a precedence for future applicants looking for a lot reduction and it does not create a hardship for the applicant. B. Smith agreed with B. Doiron regarding the issues. B. Mis noted that there was a house on this lot which burnt down. If the owner wanted to rebuild the house, there would be no problem. Unfortunately, the foundation is no longer there and the applicant was denied.

B. Smith noted that if the applicant was looking to replace what was existing, it would be a different discussion. The applicant is looking to build something that changes the previous footprint to a larger size.

Atty. Byrne provided copies of a letter dated 07/06/2018 to the Zoning Board of Appeals for the Members. Atty. Byrne noted that there are 2 issues here with the application. One is that the ZEO did not issue the zoning permits based on the lot size not meeting the regulations. The other is whether there is a hardship for the applicant.

Atty. Byrnes indicated that the lot's nonconforming size is not a valid hardship because Section 10.5 of the Zoning Regulations provides adequate relief, allowing the lot to be put to a reasonable use. Section 10.5 et seq. permits the proposed building, even though it is larger than the prior dwelling that was destroyed by fire. Atty. Byrne also indicated that by applying the regulations to the application, the proposed dwelling can be built on this lot which is only nonconforming as to size as long as the proposed building will comply with all other requirements in the zoning regulations, such as setback and building height.

T. Smith asked if Inland Wetlands gave their approval to the applicant. Manny Silva, representing Taveira Properties, indicated that Inland Wetlands approved the plan for the dwelling with the stormwater controls and sediment controls during construction. There would be a limited amount of disturbance to the wetlands. M. Silva provided aerial photos of the properties per the request of one of the Members at the previous meeting. M. Silva indicated that the aerial photo is from 2012 and the overlay shows that the proposed dwelling will be smaller in the footprint than the previous structure.

The Members reviewed the aerial photos and after a brief discussion, B. Mis asked for a motion regarding the application submitted by Taveira Properties.

Motion to grant the variance request to be modified referencing Section 10.5 of the Zoning Regulations as the reason for the approval: Doiron/T. Smith; discussion was by B. Smith suggesting that the motion is reworded to include Section 10.5. B. Doiron amended the motion.

Motion to grant the variance to build the proposed structure on the existing, nonconforming lot based on Section 10.5 of the Zoning Regulations and that the footprint is at or less than the previous structure: Doiron/B. Smith; no further discussion; all ayes.

Atty. Byrnes provided copies of the Connecticut Federation of Planning & Zoning Agencies Workshop for Zoning Boards of Appeal, Amended June 2014, to the Members.

3. Approval of Minutes

Motion to approve the minutes from the Public Hearing and the Special Meeting held on June 7, 2018 as submitted by the clerk for tonight's meeting: B. Smith/T. Smith; no discussion; ayes by B Mis, T. Smith, and B. Smith; and an abstention by B. Doiron since he did not receive the email.

4. Correspondence

a. Zoning Board of Appeals Clerk's Invoices

Motion to accept and pay the June 7, 2018 invoice in the amount \$143.25 as submitted by the clerk:Doiron/B. Smith;no discussion; all ayes.

b. Other Correspondence

B. Mis noted that there was an invoice from Atty. Steve Byrnes dated 06/20/2018, Invoice #18-07-002C, in the amount of \$1,172.50.

Motion to accept and pay the June 20, 2018, invoice from Atty. Byrnes in the amount of \$1,172.50 as submitted for tonight's meeting: Doiron/T. Smith;no discussion; all ayes.

5. New Business

There was no new business discussed at tonight's meeting.

a. Open Session for the Purpose of Hearing Appeals

There was an application received at tonight's meeting. Cathy and Phillip Giaquinto, 351 Rimmon Hill Road, submitted an application seeking a variance of 8ft. from the rear yard boundary and 5 ft. from the right-side side yard in order to build a shed. The dimensions of the proposed shed are 40 ft. x 12 ft. Mike Mormile, ZEO, had sent a letter dated 07/06/2018 to the Giaquinto's denying their request since the 20 ft. setbacks for the rear and side yards are no met, noting that the property is located in a R-1 Zone.

After reviewing the proposed plan and a brief discussion, the Members decided to hold a Public Hearing.

Motion to schedule a Public Hearing on Thursday, August 9, 2018, at 7:00 PM for the purpose of discussing the application submitted by Catherine and Phillip Giaquinto for a variance: B. Smith/Doiron;no discussion; all ayes.

6. Old Business

There was no old business discussed at tonight's meeting.

7. **Adjournment**

B. Misasked the Members if there were any other discussions for tonight's meeting and there were none.

Motion to adjourn the meeting at 8:15P.M.: Doiron/B. Smith; no discussion; all ayes.

The next monthly meeting for the Zoning Board of Appeals is scheduled for Thursday, August 9, 2018, starting at 7:30 PM.

Respectfully submitted,

Marla Scirpo
Clerk, Zoning Board of Appeals

Since the meeting held on Thursday, July 12, 2018, the applicants – Catherine and Phillip Giaquinto – have revoked their application. Mike Mormile was instructed to return the application payment of \$375.00 to the Giaquinto's since the Public Hearing had not be posted as a Legal Notice in the Waterbury Republican.