



TOWN OF MIDDLEBURY

Zoning Board of Appeals

MINUTES

ZONING BOARD OF APPEALS REGULAR MEETING

Wednesday, October 8, 2020 – 7:30 p.m.

Shepardson Community Center Auditorium

Via Zoom Meeting #861 3971 4591

Present: Ken Long, Chairman
Joe Mancini
Candice Graziano
Brian Proulx
Tom Ford, Alternate
Linda Herrmann, Alternate

Also Present: Curt Bosco, ZEO
Rachel Primus, Recording Clerk

Excused

Absent: Ray Caruso

Call to Order with the Pledge of Allegiance

The meeting was called to order by Ken Long at 7:36 P.M.

Seating with Regular Members

The regular members present were seated and Ken appointed Linda Herrmann a regular voting member in place of Ray Caruso.

Approval of September 2, 2020 Regular Meeting Minutes

VOTED: Unanimously on a motion by Candice Graziano and seconded by Linda Herrmann to **APPROVE** the September 2, 2020 regular meeting minutes as presented.

Approval of September 2, 2020 Special Meeting Minutes

VOTED: Unanimously on a motion by Brian Proulx and seconded by Joe Mancini to **APPROVE** the September 2, 2020 special meeting minutes as presented.

Public Hearing:

Application #3189 – Anthony Gonzalez, 120 Yale Avenue – Seeking 2 variances from Section 11 of the Middlebury Zoning Regulations in the front yard setback from the required 35 feet to 7 feet and north side yard from the required 25 feet to 22.11 feet.

Ken Long read the public hearing notice into the record. Anthony Gonzalez, 120 Yale Avenue, explained they purchased this home from a family member and they are trying to bring the house back to life. He explained that it is currently in disarray. He is planning on adding to the garage and to extend the wall on the house to create a bigger kitchen. Ken Long pointed out the north setback is the only difference from the original application submitted last month.

Scott Meyers, Meyers Associates, explained that he highlighted the areas on the plans to show the additions onto the existing home. They are seeking 2 variances: one on the east side of the proposed garage addition and the other on the existing old well house enclosure which is a 22.11

setback to the property line on the north side of the property. He explained the hardship is that the lot has 2 frontages and that the existing house is already too close to the road. He said that the additions will be an improvement to the house and esthetically it will be better. Ken Long noted that the dimensions on the plans do not include the existing fence and is missing the square footage of the house. Mr. Meyers said he did an overlay on the architecture plans and told them not to exceed 10%. A discussion ensued regarding the square footage of the house and was determined the north side section is included in the square footage of the house. If it wasn't included it would have exceeded the 10% coverage. The board agreed to change the setback to 17.8 ft. Brian Proulx reviewed the stakes that were on the property line. All members stated they visited the property. Mr. Gonzalez submitted a letter into the record from his neighbor signifying he had no issue with the variance. Brian Proulx read the letter from Rich Engle into the record. Ken Long noted that while looking at the property there is no backyard due to the topography of the lot. Moving the additions back would not work as an alternative because of this. He felt that the house fits the property. He noted that at least 3 houses on the street are all within the 27-30 feet setback and there are some that are very close to the road. Mr. Long said the lot is very non-conforming. Brian Proulx said he is concerned over the 7 ft setback and the size of the garage and addition. Ken Long showed the board pictures of the property he took while out looking at it. Tom Ford asked if the garage would cause any visual obstruction. Mr. Gonzalez said it wouldn't. A discussion ensued regarding the resolution. Mr. Meyers suggested putting the resolution on the plans that are filed on the land record.

At this time the board took a 5-minute break at 8:25 PM.

Ken Long resumed the meeting at 8:34 PM.

Brian Proulx asked how close to the slope would the proposed addition to the southwest corner would be. Ken Long showed him on the photos of the property.

VOTED: Unanimously on a motion by Joe Mancini and seconded by Linda Herrmann to **CLOSE** the public hearing at 8:43 PM

Old Business

None

New Business

Discussion/Decision regarding Appeal #3189

At this time no members of the board had any further questions or any additional discussions.

VOTED: 4:1:0 to **APPROVE** Appeal #3189 on a motion by Joe Mancini and seconded by Candice Graziano. Roll call vote:

Joe Mancini voted in favor of the appeal stating he felt it would improve the property, saying it is a tough lot.

Brian Proulx voted against the appeal saying he was on the fence and that he understands they are trying to improve the property but he is concerned it is too close to the street line and feels there are other options to reduce the closeness to the road.

Linda Herrmann voted in favor of the appeal saying it is a tough lot but the street has a number of non-conforming lots already. She feels they do have a hardship.

Candice Graziano voted in favor of the appeal stating she feels it is in line with the other properties on the street and the hardship lies with the lot shape and the location on the streets.

Ken Long voted in favor of the appeal saying the hardship is having 2 setback issues because of the lot and the topography. He said the house is in a pre-dated zone and is not out of character for the street.

Appeal #3189 passed.

Ken Long read the resolution into the record.

WHEREAS: The Middlebury Zoning Board of Appeals has received a request for Two (2) Variances from Section 11 (Setback) of the Middlebury Zoning Regulations to allow an addition to the home at 120 Yale Avenue with a resulting 7 foot setback from the Street in comparison to the required Thirty Five 35 foot setback and 17.8 foot side yard setback in comparison to the required Twenty Five (25) foot setback.

WHEREAS: On Wednesday, October 7, 2020 at the Shepardson Community Center, 1172 Whittemore Road, Middlebury, CT at 7:30 p.m. a properly noticed Public Hearing was held to receive and consider information from the Public.

WHEREAS: The Zoning Board of Appeals considered the proposed activity, application and all documents submitted by the applicant.

WHEREAS: The Board Members conducted field inspections.

WHEREAS: The Zoning Board of Appeals finds that a feasible and viable alternative does not exist and therefore meets the statutory definition of a Hardship.

NOW THEREFORE BE IT RESOLVED that the Middlebury Zoning Board of Appeals APPROVES the above Application # 3189 with the following conditions:

1. The applicant shall notify the Zoning Enforcement Officer forty-eight (48) hours prior to the commencement of work and upon substantial completion.
2. Any field changes that are necessary are immediately reported to the Zoning Enforcement Officer.
3. The Applicant shall file a CERTIFICATE OF VARIANCE with the Middlebury Town Clerk prior to the commencement of work.
4. Property Survey showing proposed addition prepared for Anthony Gonzalez, 120 Yale Avenue, Middlebury, CT Scale: 1=20' Date: 7-31-20, by Meyers Associates, P.C. to be recorded on the Middlebury Land Records.

Roll call vote on the resolution: Joe Mancini, Brian Proulx, Candice Graziano, Linda Herrmann, and Ken Long **Approve** the resolution.

Correspondence

None

Adjournment

VOTED: Unanimously on a motion by Linda Herrmann and seconded by Joe Mancini to **ADJOURN** the meeting at 8:58 P.M.

These minutes are submitted subject to approval.

Respectfully submitted,
Rachel Primus
Recording Clerk

ZBA Members

CC: Town Clerk, Barbara Whitaker, Z.E.O.