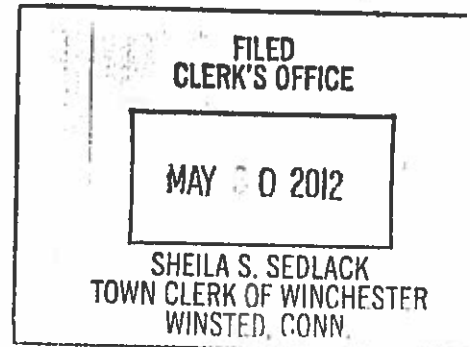




TOWN OF WINCHESTER
CITY OF WINSTED
ZONING BOARD OF APPEALS
MINUTES MAY 22, 2012
Town Hall, 338 Main Street
WINSTED, CONNECTICUT 06098



The Zoning Board of Appeals met in the P. Francis Hicks Room.

The meeting was called to order by Chairman Richard Nalette at 7:15 p.m. The following members answered roll call: Richard Nalette – Chairman, John Massicotte, Ron Dew and Alternate Michael DeClement. Susan Lange and Ray Winn were absent. Zoning Enforcement Officer Marc Melanson was absent excused.

- Item 3. Explanation of Procedure
- Item 4. 7:00 P.M. Public Hearings – Variance Applications & Decisions

Held over from last month:

11-5106 – Request for variance from, section 4a.2 for a front-yard setback, a North side-yard setback and a South side-yard setback at 535 West Wakefield Blvd.

- Representing applicant-George Cotter-this lot originated in 1909, lot dimensions are 50 feet by 200 feet.
- G. Cotter-we are looking for two variances, the hardship is the shape of the lot it is only 50 feet wide, therefore we need a side yard variance.
- G. Cotter-the front yard variance we have a depth on the lot as if it was a level lot that we could push the house back and would meet the minimum front yard setback, however the topography of this lot, because it is only 50 feet wide creates a hardship. The hardship is that the lot rises 40 feet than 80 feet and with a significant portion of it at 1 to 1 slope. The adjacent lot was granted three variances in 2002, 2006 and 2011 which is the same shape as this lot.
- G. Cotter-the reasons these were granted according to the record was because of topography consisting of steep slopes with ledge. Which is the same criteria that we are coming before you for.
- M. DeClement-I would like to address this to the chairman, that I have in front of me two applications date 11/11 and 12/11 which are pretty much the same application. If I am not mistaken the applicant must come back no sooner than six months unless he has considerably changed the application.
- G. Cotter-we change our variance request from 5.75 feet to 10 feet.
- M. DeClement-read dimensions of each application which were the same.
- G. Cutter-we removed the side stairs on the map.

- M. DeClement-the date on the most current application is 12/11, which is only five months ago.
- R. Nalette-so are you saying the change isn't significant enough or that it has only been five months?
- G. Cotter-we only came before the board once.
- R. Dawson-you don't feel that taking off the porch and side stairs a significant change?
- M. DeClement-I see that it is missing on the new application.
- R. Nalette-this missing staircase in my mind would be significant.
- R. Nalette-I make a motion to rule that the application is a significant difference and we can go ahead and hear the application, second by All in favor.
- G. Cotter-the first hardship is because of the zone change and the second is that are lots of houses in this area located at the top of the hill on wide lots where you have the ability to construct a driveway to get to the upper level if there is flatter land. The topography becomes a hardship on this lot and that you can't access or build on a one to one slope.
- No public comment.
- J. Massicotte-the second floor balcony is coming off the house four feet is that accounted for which would make the variance closer to the property line. The front porch you want a 41 foot variance, which would leave you nine feet but that doesn't taken into account the concrete front porch. Do you know what the front porch is?
- G. Cotter-it is not a front porch, it is a step.
- J. Massicotte-ok so do you know what the step is?
- G. Cotter-one foot.
- J. Massicotte-on the drawing it looks like you have multiple steps.
- R. Nalette-anything less than a foot is allowed.
- Public Hearing closed.
- M. DeClement-regarding Mr. Cotter's statement about what was approved next door, I believe that parcel had an existing structure. The difference being that there is no existing structure on this lot. Also Mr. Cotter mentioned that it predates the zoning which he is correct however Mr. Dawson's purchase of the property is after the zoning and there is no hardship.

Motion: by R. Dew to grant variance application number 11-5106, from section 4a.2, for a front yard setback variance of 45 feet, a north side yard setback variance of 25 feet, and a South sideyard setback variance of 20.5 feet, for the purpose of removing the existing structure and building a 24' x 28' 1/2", 2 story house with a walkout basement, a 4' x 6' deck on the front and a 4' x 5' landing, with stairs, on the back, per the submitted drawings, for the property located at 535 West Wakefield Blvd, second by J. Massicotte. All in favor: RN, JM, RD, And Opposed: MD. **DENIED**

New application:

12 -5111 Request for variance from section 4a2.2.(a) encroachment east side yard set-back, 4a2.2 (b) Lot coverage at 200 Perch Rock Trail for Alan P. Gravel.

- Applicant Alan Gravel present, I purchased the property about a year ago, the current deck is not safe, and it is missing a carrier. The stairs going down off the front of the deck I believe they are not up to code. Provided pictures.
- J. Massicotte-can you explain why you need to sets of stairs off the deck?
- A. Gravel-I thought it would be easier to access the deck from both sides of the house.
- J. Massicotte-you already have a set of steps so the second set would b encroaching on the sideyard and from what I see you don't need them.
- R. Nalette-is the existing deck what is shown on the print?
- A. Gravel-yes it is.
- No public comment. Public hearing closed.

Motion: by J. Massicotte to grant variance application number 12-5111, from section 4a.2.2(a), for an East sideyard encroaching variance of 2.8 feet and from section 4a2.2(B) for a lot coverage variance of 2.6%, for the squaring off the existing deck and putting stairs on the east side, per the submitted drawings, for the property located at 200 Perch Rock Trail, second by M. DeClement. All in favor-RN, MD, JM, RD. **GRANTED.**

Item 5. Approval of Minutes for April 24th, 2012.

Motion: by M. DeClement to approve minutes, second R. Dew. Vote: all in favor-Motion carries unanimously.

Item 6. Old Business -None

Item 7. New Business-None

Item 8. Bills Presented-None

Item 9. Correspondence-None

Item 10. Discussion w/ZEO, if any

Item 11. Adjournment

Motion: to adjourn at 8:05 p.m. by R. Nalette. Second by M. DeClement. M
Vote: all in favor - **Motion carried unanimous.**

Respectfully Submitted,

Rhonda Roy
Minutes Secretary, Zoning Board of Appeals