

ZONING BOARD OF APPEALS
REGULAR MONTHLY MEETING, MONDAY, October 4, 2010
ALDERMANIC CHAMBERS 7:00 PM

The Ansonia Zoning Board of Appeals held its regular monthly meeting on Monday, October 4, 2010. The meeting began at 7:05 p.m. and the following applications were acted upon.

Roll Call:

Peter Marcinko	Present
Claudia Degnan	Present
Laura Gagnon	Present
Jason St. Jacques	Absent
Nicolas Gentile III	Present
John Sanza	Absent
John Erlingheuser	Present

5 Present, 2 Absent

A quorum was present.

Also present: James Tanner, Zoning Enforcement Officer

Mr. Marcinko declared the meeting open at 7:05. The meeting began with the pledge of allegiance.

Mr. Marcinko explained that since there is a five-member board, the applicants need to only have four yes votes to approve a variance.

Mr. Erlinghauser made a motion to approve the February minutes. The motion was seconded by Mr. Gentile. All were in favor of the motion. The motion was approved.

Mrs. Degnan made a motion to approve the April minutes. The motion was seconded by Mr. Erlinghauser. All were in favor of the motion. The motion was approved.

Mr. Erlinghauser made a motion to approve the June minutes. The motion was seconded by Mr. Gentile. All were in favor of the motion. The motion was approved.

Mrs. Degnan made a motion to approve the July minutes. The motion was seconded by Mr. Erlinghauser. All were in favor of the motion. The motion was approved.

1. Steven Kulas, 12 Bank Street, Seymour, for property located at 133 South Cliff Street, Ansonia, seeking relief from the Zoning Regulations, Section 410.4.1 to allow conversion of a two family home to a three family home with five off street parking spaces instead of 6 off street parking spaces.

The applicant was present. He is representing the owner, Peter Efthymiou. He stated that the building had been previously recognized as a three family home, however, he cannot find a record of this. This building has been taxed as a three family since 1988. A building permit was issued in 1992 to install in the kitchen of the third floor a refrigerator outlet and a few other items. He then stated that there are numerous buildings that are multifamily in the immediate area. He submitted a number of photos of surrounding homes that are more than two families. He stated that the previous owner advertized the building as being a three family back in the 1980's. Mrs. Degnan asked when the owner bought the house. She was told that it was in 1988. At that time it was sold as a three family home.

Mr. Marcinko asked if anyone wished to speak in favor of the application.

Alderman John Marini, 6 South Cliff Street, stated that he wished to speak in favor of the application. He stated that he lives about two blocks from the applicant's house. He stated that his house is exemplary and well maintained. He stated that he has no problem with the application. He wants to make sure that everyone is treated fairly. He was told that there were many multifamily buildings in the area years ago and they were pre-zoning. They would have been grandfathered in.

Mr. Marcinko asked if anyone wished to speak in favor of the application.

Mr. Terry Burns, 79 South Cliff Street, stated that he would like to support this application. He stated that his building is always kept up and the owner is always encouraging the neighbors to keep up the maintenance of the buildings.

Mr. Marcinko asked if anyone wished to speak in favor of the application.

Mr. Jim Boulay, 28 William Street, stated that he is also in favor of the application.

Mr. Marcinko asked three times if there was anyone else that wished to speak in favor of the application. There was none. He then asked three times if there was anyone that wished to speak against the application. There was none. He then closed the public session.

Mr. Marcinko asked the Secretary to read the correspondence from the Planning and Zoning Commission.

Planning and Zoning stated that the regulations do not allow a three family home in a two family zone. They recommended to deny the application as the property is currently in conformance, and to allow the application would make it non-compliant. There is also no hardship. The other homes in the area were pre-existing.

Mr. Marcinko then stated that the question is whether or not the home was pre-existing. There was a long discussion regarding this issue. Mr. Tanner stated that there is case law that states that should not be any connection between the assessors' office and the zoning office. A three

family house can be taxed as such, but it could be used illegally. Just because the assessors card says that it's a three family doesn't mean that it's legally a three family.

Mr. Gentile made a motion to approve the application. The motion was seconded by Mr. Erlinghauser.

Roll Call:

Peter Marcinko	Yes
Claudia Degnan	Yes
Laura Gagnon	No
Jason St. Jacques	Absent
Nicolas Gentile III	Yes
John Sanza	Absent
John Erlingheuser	Yes

The application was approved.

2. Michael Dainiak, 225 Pershing Drive, for property located at the same address, seeking an approval of location for a Motorcycle repair and used motorcycle dealership.

The applicant is present. He stated that he is not a dealership. He will just be doing repairs. He stated that he's been in business in Ansonia for the past seven years at a different location. He is just looking to be able to do business at the new location. He needs his form signed so that the DMV will look at his property and recognize it.

Mr. Marcinko asked three times if there was anyone else that wished to speak in favor of the application. There was none. He then asked three times if there was anyone that wished to speak against the application. There was none. He then closed the public session.

All of the members were in favor of accepting the application.

The motion was approved.

3. Pension Services LLC Trustee, P.O. Box 15, Easton, seeking relief from the Zoning Regulations, Section 315, Schedule C to divide a 10, 442 square foot parcel as follows: first piece AKA 10 North Street, a 5,643 square foot lot with an existing single family dwelling. Vary the lot width area requirement 1,857 plus or minus, Vary the lot width requirement 26 foot plus or minus in the front and 16 foot plus or minus in the rear, vary the east side yard requirement 6.6 feet plus or minus. Second piece corner of Eagle and North Streets, vary the lot area requirement 2,701 feet plus or minus to erect a single family home, vary the lot width requirement in the front 29 feet plus or minus and vary lot density requirement per section 316 to allow two (2) single family dwelling units where .92 are permitted.

The Secretary received correspondence from the applicant's representative indicating that he will not be able to attend the meeting and requesting that the application be postponed until the November meeting. Mr. Gentile made a motion to postpone the application. The motion was seconded by Mrs. Degnan. All were in favor of the motion.

4. Ansonia M & L Properties, 1 Chestnut Street, Ansonia, for property located at 420 Main Street, Ansonia, seeking an appeal of the cease and desist order issued by the Zoning Enforcement Officer dated August 24, 2010.

The applicant was present and requested to postpone the application until the next meeting. Mrs. Gagnon made a motion to postpone the application until the November meeting. Mrs. Degnan seconded the motion. All were in favor of the motion.

There was no other business to come before the board.

Mr. Erlinghauser made a motion to adjourn. The motion was seconded by Mr. Gentile. All were in favor of the motion.

The meeting ended at 8:05.

Respectfully submitted,

Carol Sardinha
Secretary