

**ZONING BOARD OF APPEALS  
REGULAR MEETING, MONDAY, July 9, 2012  
ALDERMANIC CHAMBERS 7:00 PM**

The Ansonia Zoning Board of Appeals held its organizational meeting on Monday, July 9, 2012. The meeting began at 7:06 p.m. and the following applications were acted upon.

Roll Call:

Peter Marcinko	Present
Claudia Degnan	Present
Laura Gagnon	Present
Joseph Jaumann	Present
Nicolas Gentile III	Absent
John Sanza	Absent
John Erlingheuser	Present

5 Present, 2 Absent  
A quorum was present.

Mr. Marcinko declared the meeting open at 7:06. The meeting began with the pledge of allegiance.

Mrs. Gagnon made a motion to approve the May minutes. The motion was seconded by Mrs. Degnan. All were in favor of the motion.

Mrs. Degnan made a motion to approve the June minutes. The motion was seconded by Mrs. Gagnon. All were in favor of the motion.

1. Richard Kastens and Bradlee Argraves, c/o Atty. Dominick Thomas 315 Main Street, Derby, for property located at 262 Wakelee Avenue, Ansonia, seeking relief from the Zoning Regulations, Section 316, Maximum residential density from 32, 670 square feet allowed to 16, 658 square feet and Section 310, Schedule B to allow 3 residential units on a single lot in a B zone, where only up to 2 family residential units are permitted on a single lot.

Attny. Thomas, 315 Main Street, Derby is present to represent the applicants. He asked if the board received copies of the letter from P & Z dated June 5, 2012. He was told that they had gotten this correspondence. He then stated that this is a proposal the basis of which for the variance is the removal of an existing non-conformity. That non-conformity being the commercial property, which had been various businesses in the area. He further stated that Dwight Street extension is actually a right of way that is part of the property in question as is the driveway on the other side. He further stated that there are various court cases that he presented to the board at the last meeting sum up that the basis of the granting of a variance can be the removal of non-conformity. He then stated that this is obviously a residential zone. He said that they are removing a commercial use and establish that use as a residential use. He stated that they would record on the land records a notice that the non-

conforming use is forever abandoned. He then added that they decided that there would be no further expansion of the building except to build a doorway flush with the existing exterior. The intent is to remove the awning and make the front to look more residential in keeping with the rest of the houses in the area. He further stated that they are also going to put onto the land records that two spaces in the rear of the property will be assigned to the building located at 262 Wakelee Avenue. The original letter from P & Z stated that they did not want the existing rear deck enclosed. They made it clear that they did not want it to turn into a room. P & Z did clarify that the applicant can add a railing to the rear of the building to enable rear entry. He then stated with respect to the sidewalks, that they would replace it in the future when it is in need of replacement, that they will replace the bituminous sidewalks with concrete to be consistent with the rest of the neighborhood. He then stated that in regard to the pitched roof that P & Z is requesting, they have no problem with that request. He then stated that the resulting space under the roof would not be used for human occupancy. It will just be used as a crawl space. He further agreed that the property would never be subdivided. This will be recorded in the land records. The landscaping will be improved as well. At this point, Planning and Zoning is supportive of this request. Mr. Jauman stated that at the May meeting he indicated that in the front you are going to remove the commercial windows and replacing them with residential windows. He then asked if they were going to replace the siding as well. Mr. Argraves stated that they are planning to do that as well. Mrs. Gagnon asked when the store was last used as a store. She was told that they were using it as storage and a showroom as recently as a few months ago. She was told that the former owners did do business out of the location. He further stated that it has never been abandoned.

Mr. Marcinko then asked Mr. Marcinko asked three times if there was anyone else that wished to speak in favor of the application. There was no one that wished to speak.

Mr. Marcinko then asked if there was anyone that wished to speak against the application. There was no one that wished to speak against the application. He then closed the session to the public.

Mr. Marcinko asked to have the May and June communications from P & Z read into the record.

Mrs. Gagnon was unsure which area of the building was not to be residential. She was told that the area in the space that is created by making the roof pitched is the area that is not to be used as residential. There was a long discussion regarding what the applicant is looking to do.

Mr. Erlingheuser made a motion to approve the variance based on the conditions stipulated in the May 2<sup>nd</sup> and June 5<sup>th</sup> letters from Planning and Zoning. The motion was seconded by Mr. Jaumann.

Roll Call:

Peter Marcinko	Yes
Claudia Degnan	Yes
Laura Gagnon	No
Joseph Jaumann	Yes
Nicolas Gentile III	Absent
John Sanza	Absent
John Erlingheuser	Yes

The variance was approved.

(tape ended)

2. Aileen O'Connell, 42-44 Jackson Street, Ansonia for property located at the same address, seeking relief from the Zoning Regulations, Section 310, Schedule of Permitted Uses to allow a third apartment in a B zone.

(From the secretary's notes)

Mrs. Degnan stated that she is recusing herself from this hearing.

Attny. Tim Dillon, 303 Wakelee Avenue, Ansonia is here representing the applicant. He stated that his client has owned the building for quite some time. It is approximately 600 square footage on the third floor. It includes a bathroom and kitchen area. They would like to continue to rent out the third floor, as they were unaware that it was not allowed.

Mr. Marcinko asked if there was anyone that wished to speak in favor of the application. William Walsh, 580 Shepard Avenue, Hamden stated that he and his sister used to play with a young girl named "Patty" that lived in the third floor of the house next door, which was 42-44 Jackson Street. He further stated that she and her family were not related to the families that lived on the second floor or the first floor. He stated that this family lived on the third floor in the late 70's early 80's.

Mr. Marcinko then asked if there was anyone else that wished to speak in favor of the application.

Deborah Debiase, 36 Day Street stated that she also lived in the area. She lived at 151 Jackson Street. She stated that she also would play with the same young girl named Patty. She further stated that Patty lived on the third floor with her parents. Mr. Jaumann asked if she remembered about when this was. She stated that she believes it was in the late 70's.

Mr. Marcinko then asked if there was anyone else that wished to speak in favor of the application. There was no one else that wished to speak in favor of the application.

Mr. Marcinko asked three times if there was anyone that wished to speak against the application. There was no one that wished to speak against the application.

Mr. Marcinko closed this portion of the meeting to the public. The Secretary then read the correspondence from Planning and Zoning.

Mr. Marcinko stated that apparently this is a situation where the building has been taxed as a two family for "as far back as we can go, and being used as a three family. The last permits that had been pulled were in 1983. He then stated that it sounds like someone converted it to a three family without letting anyone know. Mr. Tanner stated that during the 2002 field review it was shown as a one room, to now being a fully finished attic. No one had been told that this was going on.

Mr. Jaumann made a motion to deny the application due to the fact that there is no hardship. The motion was seconded by Mrs. Gagnon.

Roll Call:

Peter Marcinko	Yes to deny
Claudia Degnan	recused

Laura Gagnon	Yes to deny
Joseph Jaumann	Yes to deny
Nicolas Gentile III	Absent
John Sanza	Absent
John Erlingheuser	No

The variance was denied.

Mr. Marcinko asked if there was anything else to come before the board. He was told there was nothing else.

Mr. Erlingheuser made a motion to adjourn. The motion was seconded by Mr. Jaumann.

The meeting ended at 8:00.

Respectfully submitted,

Carol Sardinha  
Secretary