



# City of Ansonia

253 Main Street

Ansonia, Connecticut 06401

## ZONING BOARD OF APPEALS REGULAR MONTHLY MEETING MONDAY, MARCH 14, 2016 ALDERMANIC CHAMBERS 7:00 PM

The Ansonia Zoning Board of Appeals held its organizational meeting on Monday, March 14, 2016. The meeting began at 7:05 p.m.

### Roll Call:

Claudia Degnan	Present
Jeff Gould	Absent
Robert Brown	Absent
Diana Maurice	Present
Elizabeth Gaudet	Present
David Williams	Present
Ken Moffat	Present

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David Williams  
CITY CLERK  
ANSONIA, CONNECTICUT

5 Present, 2 Absent

Also present: City Planner David Elder  
ZEO David Blackwell

A quorum was present.

Mrs. Degnan declared the meeting open at 7:05. The meeting began with the pledge of allegiance to the flag.

Mrs. Degnan asked for motions to approve the minutes of the previous meeting. Mr. Moffat made a motion to approve the January minutes. The motion was seconded by Mr. Williams. All were in favor of the motion.

1. John, Robert and Mark Motto, 300 Wakelee Avenue, for property located at the same address seeking relief from the Zoning Regulations, Section 315, Schedule C, side yard setback from 10' required to 6 inches provided.

Mark and John Motto are present. Mark Motto addressed the board and stated that he believed that the board had the A2 surveys that the board requested in December. Mrs. Degnan stated that the A2 surveys are supposed to have a surveyors stamp imprinted on them and they are stamped. Mark Motto stated that his neighbor, Mr. Pawlak gave the applicant written permission to allow the carport to remain, that if it is on his property line, he doesn't care. He further indicated that Mr. Pawlak stated that he didn't care if the "roof (for the carport) was attached to his building. He then questioned who the board was protecting. Mrs. Degnan stated that they are protecting the rest of the population of Ansonia. She explained that if it happens once, it's going to continue. She stated that there are rules set down so that it doesn't violate everyone else's rights. Mr. Motto, stated that he doesn't understand why he can't have the carport if both neighbors are okay with allowing it to remain. Mrs. Degnan stated that it's illegal. The Board has to pass the variance in order for allow it to stay. She further explained that even if it's illegal and the Board feels that he has a very large hardship, they can make it legal. However, he just built it without notifying anyone. Mr. Motto explained that he spoke to the neighbor and he was okay with it. He just doesn't see a problem.

Mrs. Degnan stated that the board does see a problem with it because it's illegal. Mr. Blackwell stated that he knows that there is a side yard encroachment. He then stated that this is actually a state highway. He asked if anyone checked the setback for that. Mrs. Degnan stated that the applicant told the board that he didn't enlarge the area. However, at the last meeting he admitted that he brought it further forward. It doesn't matter if the neighbor gave him permission to encroach on the side yard, its still illegal. Mr. Blackwell stated that he still has a front yard issue.

Ms. Gaudette stated that Mr. Pawlak's address is in Bridgeport. She asked if this was a rental home. She was told that it was not. Mr. Pawlak is just the owner of the building and doesn't live there.

Mrs. Degnan asked if the applicant had anything further to state. He said that there was nothing further. Mrs. Degnan stated that he has stated that his hardship is that he doesn't want his mother out in the snow. He explained that his mother is 83 years old. Mrs. Degnan asked why did he expand the carport so much towards the road. He stated that the expansion to the road wasn't very much.

Mr. Moffat asked about the gutter. He was told that it overhangs onto his property. He further stated that the water runoff runs into his backyard. Mr. Motto stated that they first replaced the carport because the roof was buckling.

Mr. Blackwell asked if they had gotten a building permit prior to the construction. He was told that they did not. Mr. John Motto stated that they had a contractor that was responsible for pulling the permits. Then they (the Motto's) did the work themselves. They were under the impression that they were just replacing the old structure. They felt that they were dealing with inferior materials. Mr. Blackwell asked if the posts were buried directly into the ground. He was told that they were not. They are on the original footings that were there. Mr. Blackwell then asked if there was any uplift protection. He was told that the footings are four foot down. Mr. Blackwell asked how they were anchored. He was told that they used cement sauna tubes.

Mrs. Degnan asked three times if there was anyone that wished to speak in favor of the application. No one wished to speak. Mrs. Degnan then 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. Mrs. Degnan then closed the session to the public.

Ms. Maurice asked if the board were to grant this variance, what would happen when they sell their properties? She was told that the variance goes with the property. Mr. Elder stated that the board can not grant a variance that would encroach on any properties at all. He further explained that they couldn't grant a six inch variance even if the board wanted to do so.

There was a long discussion regarding the fact that this is encroaching on a state highway and the applicant would need to have their surveyor locate the state highway line and then find what the setback should be. The applicant stated that in regard to the gutter/overhang, they could just cut it six inches or a foot shorter so that they wouldn't need that variance.

Mr. Moffat made a motion to deny the application without prejudice. Ms. Maurice seconded the motion.

Roll Call:

Claudia Degnan	Yes to deny
Jeff Gould	Absent
Robert Brown	Absent
Diana Maurice	Yes to deny

Elizabeth Gaudet	Yes to deny
David Williams	Yes to deny
Ken Moffat	Yes to deny

The motion was passed to deny the application.

2. DSR Properties, LLC, 177 Wakelee Avenue, Ansonia for property located at 26 South Street, Ansonia, seeking relief from the Zoning Regulations, Section 315, Schedule C, rear yard setback from 25' required to 10' provided.

Attorney Dominic Thomas is present representing the applicant. He stated that this is a relatively simple hardship application. He stated that this property has a double rear yard. Mr. Blackwell asked if they could determine which is the rear yard. Mrs. Degnan stated that there are three front yards. It's a triangular lot. She further explained that in the applicant's original presentation, there were no dimensions on the map.

Mrs. Degnan asked three times if there was anyone that wished to speak in favor of the application. No one wished to speak. Mrs. Degnan then 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. Mrs. Degnan then closed the session to the public.

Mr. Moffat made a motion to approve a 15' rear yard set back on the southern property line recognizing the eastern property line as the required side yard as shown on the map dated 7/11/15 prepared by D'Amico Associated, entitled David McDermott, 26 South Street, Ansonia, CT. The motion was seconded by Ms. Maurice.

Roll Call:

Claudia Degnan	Yes
Jeff Gould	Absent
Robert Brown	Absent
Diana Maurice	Yes
Elizabeth Gaudet	Yes
David Williams	Abstain
Ken Moffat	Yes

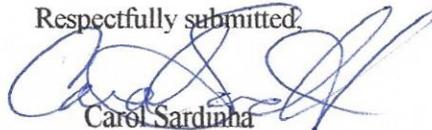
The motion was approved.

Mrs. Degnan asked for the correspondence be read into the record. The correspondence stated that in regard to M & L Properties, the applicant withdrew his application. Mrs. Degnan stated that there are a number of zoning violations that are present at this time on the property. Mr. Blackwell stated that he would review them and proceed accordingly.

Mr. Moffat made a motion to adjourn. The motion was seconded by Ms. Maurice. All were in favor of the application.

The meeting ended at 8:27.

Respectfully submitted,



Carol Sardinha  
Secretary