

**ZONING BOARD OF APPEALS
Monroe, Connecticut**

**MEETING MINUTES
August 2, 2016**

Meetings are Audio and Video Recorded

Meeting: Zoning Board of Appeals
Regular Meeting – August 2, 2016
7 Fan Hill Road, Town Hall, Council Chambers

Present: James Wendt, Chairman
Marion Callo, Secretary
Dominic Paniccia
Michael Pinto (alternate) – Seated
Ryan Condon (alternate)
Ben Maini (alternate) – Seated

Absent Robert Saraco, Jr.
Vacant Board Member Seat

Also Present: William Agresta, Planning and Zoning Administrator
Rebecca Wood, Recording Secretary

OPENING OF MEETING

- **Call to Order** – Chairman Wendt called the meeting to order at 7:33 p.m.
- **Roll Call & Seating of Alternates (if required)** – Board members were seated on a roll call with the seating of alternates Pinto and Maini for the vacant full member seat and absent Saraco.
- **Election of Officers** – The election of new officers was tabled.

PUBLIC HEARINGS

Secretary Callo read the Public Hearing Notice

- **ZBA-2016-04 File #1384– 92 Pepper Street, Assessor Map 46, Lot 39.02**
Application of property owner Joseph Schoenberg for an area variance of § 1.9.6 of the Zoning Regulations for a property consisting of 2.9250 acres located in a Residential and Farming District 2 (RF-2). The area variance seeks to permit a minimum lot width, at its narrowest point of 116.09 feet, in lieu of a minimum lot width equal to the minimum required street frontage of 200 feet (extending parallel to said street frontage from the street line / front property line to the back side of the also required minimum 175 feet by 175 feet square).

David Quatrella, with Law Offices at 2 Corporate Drive in Shelton, CT, representing the applicants, Joseph and Barbara Schoenberg, summarized the application:

- In March of 2010, the applicant inherited this property and appeared before the Zoning Board of Appeals with approximately six acres of land in June of 2010 to create one legal lot which included the family home originally built in 1949.
- The property was divided based on a first time free cut, having never been subdivided before, but in order to gain the “first cut,” a variance on road frontage was obtained as one of the lots only had 143 feet of street frontage.
- In 2010, Lot #2 was a conforming lot, however in 2013 the zoning regulations were amended, and now require a lot maintain a lot width equal to the lot frontage to the back side of the otherwise required minimum square, and that does not now exist on this lot being only 116’ in width at a certain distance from the street line.
- The applicant lives out of state and did not realize that the zoning regulations had changed, entered into a contract with a building contractor to build a one family home, and only during that process found that his lot was no longer in compliance.
- This variance is based on a hardship created by a change in zoning regulations that occurred after the lot was created. A variance to permit a lot width less than required 116 feet verse 200 feet is requested.

Mr. Quatrella then reviewed with the Board, the requirements or thresholds for the granting of an area variance as follows:

- Without the variance the parcel would not be buildable and could not get a building permit, thus would not provide a reasonable return.
- The variance is unique to the lot given the Town’s action rezoning the bulk standards.
- The variance will not alter the essential single-family residential character of the locality and neighborhood and its use as a single-family residence is consistent with the underlying zoning and the Town’s POCD.
- The hardship is a result from a change in the zoning regulations, not by any action taken by the landowner

Commissioner Callo asked for clarification as to why the first cut/division of this lot does not provide grandfathering of the lot. Planner Agresta explained that the owner created the lot from a first cut map recording; it was not subdivided or approved by the Town Planning and Zoning Commission.

Hearing no further comments, Chairman Wendt closed the Public Hearing.

DELIBERATIONS

- **Meeting Minutes**

July 5, 2016 Minutes

MOTION: Callo – To approve the meeting minutes for July 5, 2016 as amended.

SECOND: Paniccia

VOTE: 5-0-0 Approved

Ayes: Wendt, Callo, Paniccia, Pinto, Maini

Nays: None

Abstain: None

- **Area Variance Applications**

ZBA-2016-04, File #1384– 92 Pepper Street, Assessor Map 46, Lot 39.02

APPLICANT: Joseph Schoenberg

OWNER: Joseph Schoenberg

MOTION: Callo – To approve the area variances per application ZBA-2016-04.

SECOND: Paniccia

VOTE: 5-0-0 – Approved

Ayes Wendt, Callo, Paniccia, Pinto, Maini

Nays None

Abstain None

CLOSING OF MEETING

- **Correspondence / General Discussion**

None

- **Meeting Adjournment**

Polling the Board and hearing no objections, Chairman Wendt adjourned the meeting at 8:00 pm.

Respectfully submitted,
Rebecca Wood, Recording Clerk