



Town of Hamden
Planning and Zoning Department

**Hamden Government
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January 22, 2019, revised 3/5/19 per Commission review at the 2/21/19 meeting

MINUTES: THE ZONING BOARD OF APPEALS, Town of Hamden, held a Public Hearing and Regular Meeting on Thursday, January 17, 2019 at 7:00 p.m. in the 3rd Floor Conference Room, Hamden Government Center, 2750 Dixwell Avenue, Hamden, CT with the following results:

Commissioners in attendance:

Jeff Vita, Chair
Wayne Chorney
Elaine Dove, arrived at 7:05 p.m.
Steve Walsh, Alternate sitting for Fran Nelson
Ricci Cummings, Alternate sitting for vacancy

Staff in attendance:

Matt Davis, Assistant Town Planner
Tim Lee, Assistant Town Attorney
Stacy Shellard, Commission Clerk
Genevieve Bertolini, Stenographer

Mr. Vita called the meeting to order at 7:03 p.m. The clerk read the agenda and the panel introduced themselves.

A. Public Hearing

- 1) 18-6645 1125 Still Hill Road, Requesting variance: Section 220, Table 2.3 to permit a 35ft rear yard where 40ft is required for a deck, R-2 zone, Jeffrey Campbell, Applicant

Mr. Vita stated that his daughter and Mr. Campbell’s daughter play soccer together, but that it will have no impact on his hearing and being impartial on the application.

Mr. Jeffrey Campbell, Owner, addressed the Commission and stated that a spring storm did tree damage to the rear deck and it needs to be replaced. Mr. Campbell reviewed the existing deck and the proposed deck. He stated that he would like to remediate a safety issue by adding an additional 4 foot x 8 foot section onto the deck. Mr. Campbell reviewed the variance request. Mr. Campbell reviewed his property and the abutting properties.

Mr. Chorney stated that the property is pie shaped and he asked if the rear yard has a drop in grade. Mr. Campbell replied yes and stated that the backyard slopes down approximately 5 to 7 feet and then goes back up to a berm where the Farmington Canal is located. He noted that he received an Inland Wetlands de minimis ruling for the proposed work.

Mr. Vita asked for comments in favor and against the application. There were none.

Mr. Vita closed the Public Hearing.

- 2) 18-6646 1525 Dixwell Ave & 409 Treadwell St, Section 310, Table 3.4 to permit a lot width of 140ft where a maximum of 100ft is allowed, T-4 zone, Sajjad Chaudhary, Applicant

Mr. Sajjad Chaudhary, Applicant, addressed the Commission and asked that he be allowed to merge 1525 Dixwell Avenue and 409 Treadwell Street so that there is only one address.

Mr. Matt Davis, Assistant Town Planner, explained that there had been a location approval for the two parcels and that during the Zoning Permit process it was determined that the Department of Motor Vehicles (DMV) would not sign off on the K-7 form because there were two different addresses on it. The remedy to the issue with DMV would be to consolidate the two sites. The Planning Staff does not have any issue with the relief that the applicant is requesting

Mr. Vita asked if the properties share common ownership. Mr. Davis replied yes, and it was anticipated that the properties would operate as one business enterprise. Mr. Vita asked if anyone knew why the DMV would request that both parcels be under the same address. Mr. Davis replied that he did not know, but it may be for the DMV's record keeping or how the street addresses correlate to the license. He said that the issue was created by the DMV and that the remedy is to combine the sites. Mr. Vita asked if the Planning Staff has any issues with the requested variance and Mr. Davis replied no.

Mr. Chorney stated that historically the two properties were used together, but that the DMV is looking at them as two separate addresses.

Ms. Cummings referred to the variance request being due to the width of a lot and asked what the municipal interest is to limiting the width of a lot. Mr. Tim Lee, Assistant Town Attorney, replied that limiting the width of a lot was done when the Town used the smart code to amend the zoning regulations approximately eight years ago. One of the theories behind the use of the smart code was that you limit the uniform on the lot size by making it smaller and having the properties closer to each other. Ms. Cummings asked if there are any implications of merging the two lots besides having one address. Mr. Davis replied that the idea behind the smart code is having form based zoning to promote smaller scaled pedestrian mixed-use type of built environments. The logic behind the maximum lot width is to promote the creation of buildings that are more amenable to pedestrian environments. Mr. Davis stated that the likelihood that that this would happen at this location is minimal, because the sites are built and occupied now with structures that are small in scale, and form-based zoning would consider appropriate. The variance request is to resolve issues with the DMV.

Mr. Vita stated that the hardship would be the licensing demand from DMV in terms of the use of the property. Mr. Davis stated that the lots and development on them are preexisting. The locations have been used for motor vehicle use since the 1940's.

Mr. Chorney stated that the use of smart code was to be used as in-fill and not for the existing properties. Hamden does not have a lot of in-fill properties and many of the existing lots and existing buildings are non-conforming.

Mr. Vita asked for comments in favor and against the application. There were none.

Mr. Vita closed the Public Hearing.

3) 18-6647 2781 & 2785 State St, Section 310, Table 3.4 to permit a lot width of 197.68ft where a maximum of 100ft is allowed, T-4 zone, K&M Brothers, LLC

Mr. Paul Begemann, Attorney, addressed the Commission and reviewed the variance request. He stated that the two parcels with three buildings located on them were purchased in 2008. The properties have been used as one property since at least 1975 and the land use approval at that time considered them as one parcel, but had never officially been merged. Mr. Begemann asked that the parcels be merged and he noted that there is only one curb cut onto State Street.

Mr. Vita stated that it appears that the Town has been treating the parcels as one parcel. Mr. Begemann replied yes, but that the Town has been assessing the parcels separately.

Ms. Dove asked what type of business are K&M Brothers. Mr. Begemann replied that K&M Brothers supplies convenience stores and that the site is used as warehouses.

Mr. Vita asked there will be any negative impacts. Mr. Matt Davis, Assistant Town Planner, stated that the Planning Staff has no issues with the variance being requested.

Mr. Chorney stated that the two parcels as they exist in the T-4 zone are non-conforming, and if approved would be just one non-conforming parcel.

Mr. Begemann stated that the layout of the building located to the north would be impossible to use unless the two parcels are merged.

Mr. Vita asked for comments in favor and against the application. There were none.

Mr. Vita closed the Public Hearing.

B. Regular Meeting

a. Discussion and voting on Public Hearing items

18-6645

Ms. Dove made the motion to approve Application 18-6645. Ms. Cummings seconded the motion. Ms. Dove stated that the applicant has shown that there is a hardship. The increase in size is not a large amount and that a storm created the issue with the existing deck. Mr. Vita stated that the irregular shaped lot slopes up to the canal and that there are no impacts to the neighbors. *The motion passed unanimously.*

18-6646

Ms. Dove made the motion to approve Application 18-6646. Mr. Chorney seconded the motion. Ms. Dove feels that it is a hardship that the DMV is asking the applicant to have to licenses. The two sites have been considered one business for a long period of time. She noted that the two properties would not have an issue with the lot width being 100 feet maximum each. Ms. Dove stated that if the Town sees the two lots as one, but that the MVD does not, then it is a unique burden on the owner and the variance should be approved. *The motion passed unanimously.*

18-6647

Mr. Chorney made the motion to approve Application 18-6647. Ms. Cummings seconded the motion. Mr. Chorney stated that the request is to merge two lots that are non-conforming and when merged will create one non-conforming lot. He feels that the existing lots do not fit the intention of the T-zone to have existing buildings to be subject to the T zone. Mr. Chorney stated that that the lots, as they exist are non-conforming. *The motion passed unanimously.*

b. Approve Minutes of December 20, 2018

Ms. Dove made the motion to approve the minutes of the December 20, 2018 meeting. Mr. Chorney seconded the motion. Mr. Chorney, Ms. Dove and Ms. Cummings voted in favor of the motion. Mr. Vita and Mr. Walsh abstained. Therefore, the motion passed 3-0-2.

c. Old Business

There was none.

d. New Business

There was none

e. Adjournment

Ms. Cummings made the motion to adjourn. Mr. Walsh seconded the motion. The motion passed unanimously.

The meeting adjourned at 7:23 p.m.

Submitted by: _____
Stacy Shellard, Clerk of the Commission