



**Town of Hamden**  
**Planning and Zoning Department**

**Hamden Government  
Center  
2750 Dixwell Avenue  
Hamden, CT 06518  
Tel: (203) 287-7070  
Fax: (203) 287-7075**

July 25, 2019

**AGENDA: THE ZONING BOARD OF APPEALS**, Town of Hamden, held a Public Hearing and Regular Meeting on Thursday, July 18, 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  
Fran Nelson  
Elaine Dove  
Ricci Cummings, sitting for vacancy

***Staff in attendance:***

Matt Davis, Assistant Town Planner  
Tim Lee, Assistant Town Attorney  
Holly Masi, Zoning Enforcement Officer  
Stacy Shellard, Commission Clerk  
Genevieve Bertolini, Stenographer

Mr. Vita called the meeting to order at 7:01 p.m., reviewed the agenda and meeting procedures, and the panel introduced themselves.

**A. Public Hearing**

1) 19-6650 1965 Shepard Avenue, Section 220, Table 2.3 to permit a 35 foot front yard where 40 feet is required & to permit a 17.7 foot side yard where 20 feet is required for a 2<sup>nd</sup> story addition, R-2 zone, Mark Paluzzi, Applicant

***Public Hearing continued from the June 20, 2019 meeting.***

Mr. Jeff Rubin, Private Insurance Adjuster, addressed the Commission and reviewed the variance request. He stated that an Engineer recommended placing the addition over the existing footprint vs. offsetting it to meet the setback requirements would make the addition more structurally sound.

Mr. Vita asked Mr. Rubin who he was in relation to the owners of the home. Mr. Rubin replied that he is an old family friend and their insurance adjuster.

Mr. Tim Lee, Assistant Town Attorney stated that the public hearing for this application was continued from the June 20, 2019 meeting to allow for the applicant to submit the application that had been submitted to the Building Department in order to construct the addition. He asked Mr. Rubin if he was submitting the information requested from the Building Department. Mr. Rubin replied no that he had a copy of a letter from David Nafis, Professional Engineer, dated July 18, 2019 (previously submitted to Planning Office). Mr. Rubin reviewed Mr. Nafis' letter and stated that that the hardship is if the addition were to be offset it would not be structurally sound.

Mr. Vita asked how an engineer stating that the structure would be stronger if set directly over the existing structure relates to the hardship on the property. Mr. Nelson said that the applicant had been asked at the previous meeting to submit the building permit and that Mr. Rubin had an affidavit stating that he took out the building permit and paid for it. Mr. Rubin reviewed the Building permit and materials submitted (the application, the check to pay for the application, and a copy of the permit which was displayed on the front window) to the Building Department. He noted that the Permit was issued in December 2018.

Ms. Cummings asked Mr. Rubin if it was his argument that issuing the permits created the hardship or the structure was the hardship. Mr. Nelson stated that the hardship is that the structure is non-conforming. Ms. Cummings said that the non-conformity would be why a variance is needed. The Commission and the Planning Staff further discussed with Mr. Rubin what had been submitted to the Planning Department, the building plans submitted, the building permit issued and the hardship.

Mr. Matt Davis, Assistant Town Planner, explained that at the last meeting the Commission asked for additional information which had only been received this morning. He stated that had the information been received in a sufficient amount of time he could have discussed it with the Building Official and asked him to provide comments. The Applicant is asserting what was submitted represents what was submitted to the Building Official and what was approved. Mr. Davis reviewed the information submitted to him which showed no date or time stamp when it was received in the Building Department. He understands that applications to the Building Department are now done through a computer system. Mr. Davis said that the Building Official has stated that he had not approved a permit for the second story. He had advised the applicant that any issues with the Building Department must be taken up with the Building Official. Mr. Davis stated that the issue before the ZBA is not what the Building Official did or did not do and that the focus should be on the hardship as defined in the statutes.

Mr. Chorney asked if a zoning permit had been issued. Ms. Holly Masi, Zoning Enforcement Office replied no and discussed the need for a zoning permit prior to receiving a building permit with the Commission.

Mr. Davis said that the Building Official had advised him that a building permit was issued for the repair of tornado damage. The Building Official has tried to expedite the building permits for tornado damage to allow residents to get back into their homes as soon as possible. Mr. Davis stated that the permit issued was for tornado damage and subsequent to the issuance of the permit work was initiated. It appeared that conversations, emails, plans and sketches went back and forth between the builder and the Building Official relative to the idea of a second floor being added. At some point in time the work for the second floor proceeded. The Building Official had said that a permit was not issued for the work on the second floor. Legally, the Building Official could not sign a building permit for the second floor without a zoning permit being issued. A zoning permit would not have been issued without QVHD approval for the septic system, because there would be additional living space. Mr. Davis stated that everything that he has seen indicates that there was no building permit issued for the second floor. The applicant continues to assert that there was a building permit for the second floor. The Commission discussed the need for plans or drawings for the second floor to be submitted to the Planning Staff.

Ms. Cummings said that Mr. Rubin's best argument appears to be that the traditional definition of a hardship does not apply because he received a building permit and he went ahead with the construction. She asked if this argument does not matter than what receiving a building permit matters. Mr. Lee replied that the Commission should consider if the applicant had come to the ZBA for a variance prior to building and getting a zoning permit.

Mr. Rubin submitted and reviewed an electrical permit dated February 5, 2019 (Exhibit 1) which shows that it was for an addition to the house. He stated that the box for a second floor was checked off on the original building permit. He said that architectural drawings were not submitted with the building permit application. Mr. Rubin reviewed the work being done and the QVHD approval that was granted. He further discussed the plans submitted to the Building Department and the variance application and plans with the Commission.

Ms. Masi asked what prompted the Building Official to send the applicant to the Planning Office for a zoning permit. Mr. Rubin replied that a stop work order was issued when the Building Inspector came out to inspect the electrical

work. Ms. Masi said that the work was stopped by the Building Official because a zoning permit was required. Mr. Rubin and Ms. Masi further discussed what had occurred and why the contractor was referred to the Planning Office.

Mr. Chorney asked if a plumbing permit was received. Mr. Rubin replied no.

Mr. Mark Palluzzi, Contractor, addressed the Commission and reviewed the process he followed to receive the building permit. Mr. Nelson asked if he had any documents to present. Mr. Palluzzi stated that he had the documents sent to the Building Department a week and a half ago. Mr. Davis replied that the Planning Department did not receive them.

Mr. Rubin stated that he is in the process of working out the issues with the neighbor who was against the variance.

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

Mr. Vita asked for comments against the application:

Ms. Ruth Lye, 1975 Shepard Avenue, addressed the Commission and reviewed this site and her property. She is concerned about the houses being so close together and that the noise coming from this house will increase with a second story. Ms. Lye stated that the addition does not fit the design or character of the neighborhood. She noted that at the last meeting it was stated that the adjuster had suggested the addition to the house. Ms. Lye does not understand why someone would suggest an addition when the elderly couple living there are in ill health and should be looking to downsize instead of expanding. Ms. Lye said that the contractor had stated there were two bedrooms and feels that this was incorrect since the owners raised two sons and a daughter in it. There is also was an in-law apartment located in the basement. Ms. Lye does not want to look at the addition or live with any repercussions if the variance is allowed. She stated that she received an email from the owners that they will not sign an agreement with the builder, but will work with an attorney to address the issues.

Mr. Leonard Lye, 1975 Shepard Avenue, addressed the Commission and stated that the addition to the house is adding living space and he is concerned that it will become student housing. There is no room to add additional parking. He and his wife have been trying to work with the owners but there is no agreement as of yet.

Mr. Vita closed the Public Hearing.

2) Appeal of Decision 19-6654, 63 Putnam Avenue, Appeal the Zoning Enforcement Officer's Decision dated 5/23/19 to allow an addition, R-4 zone, Jason Noushin & Lisa Micali, Applicants;

Ms. Lisa Micali, Applicant, addressed the Commission and reviewed the site and the surrounding neighborhoods. She submitted a picture of the addition (Exhibit 1). She stated that she had spoken with Ms. Holly Masi, Zoning Enforcement Officer who had advised her that the addition was in compliance with the regulations.

Mr. Jason Noushin, Applicant, addressed the Commission and stated that the regulations only allow for 25 percent building coverage in his neighborhood. He said that it appears to be more than 25 percent and the coverage amount numbers seem to keep changing.

Mr. Tim Lee, Assistant Town Attorney explained that the owner of the property had applied for a zoning permit to construct an addition. The Zoning Enforcement Officer determined that the size of the addition was within the requirements of the zoning regulations and a zoning permit was issued. The property owner built the addition and when the neighbors became aware of addition they were concerned that the size of the addition appeared to exceed what was allowed by the zoning regulations. The Town asked the homeowner for additional information which was submitted and a revised permit was issued.

Mr. Vita asked why a zoning permit would need to be reissued. Mr. Lee did not feel the Town needed to do this, but since the neighbors raised concerns the Town asked the property owner for additional information. When the property

owner submitted the additional information, Mr. Dan Kops, Town Planner, decided to reissue the zoning permit. The applicant is appealing the zoning permit. The issue before the Commission is the allowable amount of lot coverage in an R-4 zone is 25 percent. The applicant's argument is that with the addition, the lot coverage exceeds 25 percent. The Commission must determine how the lot coverage of the addition should be calculated. Mr. Vita asked why the Commission would have to determine if the calculations are correct. Mr. Lee stated that the house is not a box shape and there are ins and outs. The Vision Appraisal information shows one set of calculations and the owner of property submitted more specific calculations with more exact measurements to the Zoning Enforcement Officer. The Zoning Enforcement Officer did her calculations based on the more specific calculations and based on her calculations the lot coverage was less than 25 percent. The Commission must determine what can be relied upon when calculating the lot coverage.

Ms. Holly Masi, Zoning Enforcement Officer, stated that typically the most general way to calculate lot coverage, a standard way absent someone submitting a more detailed accurate appraisal would be to go off Vision Appraisals dimensions of a building. In discussions with the Assessor, the applicant had submitted an actual appraisal document that had more detailed calculations for the building. The building has intricate type architect with a lot of jogs (ins and outs). Through the process the Assessor indicated that numbers are rounded up on the field card and jogs in the building may not be as detailed and accurate. Ms. Masi said that the GIS Plot Plan has a disclaimer stating it is not a survey. If someone gets a survey done by a surveyor it may have property line intricacies that will be different than the GIS. There is also a margin of error when calculations are done. Ms. Masi said that the owners were utilizing the maximum density allowed on the lot and it is a multi-story building. The garage was removed to make up for part of what was being done with the addition. She said that once the information was provided by the homeowners and in discussions with the Town Planner, it was decided to use the appraiser's document, which had more intricate measurements submitted instead of the field card.

Mr. Vita asked who submitted the appraisal document. Ms. Masi replied the homeowner. She reissued the zoning permit because the measurements were reevaluated and determined to be more accurate and came within 1 square foot of the lot coverage requirement. Ms. Masi stated that she based her decision using methodology to make a decision as to what to rely upon as being the most accurate information presented to her at the time. It was suggested to the owners that a legal notice be placed to allow for an appeal period. The applicants for this item made the decision to appeal.

Ms. Micali stated that the initial zoning permit was incorrect. Ms. Masi stated that this was why she had the owner resubmit the information. Ms. Micali stated that she and the neighbors are present at this meeting because the lot coverage has remained the same. The existing house and addition that was built has not changed since the measurements were redone and are still not in compliance when using map and deed.

Mr. Vita referred to Exhibit C in the appeal and asked Ms. Masi if this was her calculations. Ms. Masi replied yes and they were based on the most recent plan. The Planning Staff and Mr. Vita discussed the calculations that were done. Mr. Noushin believes that the calculations are wrong. Mr. Vita asked what evidence he had to prove this. Ms. Micali stated that Exhibit A of the appeal shows the building permit when it was issued. Exhibit B shows the zoning permit that was allowed which states the zoning coverage was 5,500 square feet. Ms. Masi said the 5,500 square feet was in the original zoning permit. Ms. Micali reviewed the figures as shown on the zoning permit that was reissued. The Commission, Planning Staff, Mr. Noushin and Ms. Micali further discussed the appeal exhibits, the zoning permit issued and appraisal that was completed. Ms. Micali stated that she would like an independent verification of what the building coverage to determine which numbers (original or reissued) are correct. Ms. Micali, Mr. Noushin, the Commission and Planning Staff further discussed the zoning permits and appeal.

Ms. Dove stated that the owner of the house owns two properties on the street. The owner had a variance granted several years ago. The owner no longer lives in the house that received the variance. Ms. Dove asked who lives in the house. Ms. Micali replied that there is a renter. Ms. Dove asked if it were a one family home. Ms. Micali said it is a three family home. Ms. Masi stated that it is a preexisting three family house. The Commission, Planning Staff and the Applicants further discussed the owner's properties, surrounding properties, and the addition that was built. Mr. Vita stated that the issue before the Commission is the lot coverage.

Ms. Cummings asked when using the most recent appraisal if the calculations show the lot coverage as being correct. Ms. Masi explained the process used to calculate the coverage and that the lot coverage is under by 1 square foot. She further discussed the calculations done and stated that the zoning permit was issued based on the documents that were submitted.

Ms. Dove questioned getting an outside opinion to confirm the calculations submitted. The Commission discussed getting an outside independent verification with Ms. Masi.

Ms. Micali stated that an inspection was not done on the site. Mr. Lee asked if an as-built is required once the addition is completed. Ms. Masi replied that the Building Department requires an as-built. Mr. Lee stated that an as-built will show whether the lot coverage was exceeded. The Commission discussed with the Planning Staff the need for an as-built to be submitted. It should show what was built and it could be used to verify the lot coverage.

Mr. Vita referred to Exhibit D of the appeal and that the applicant relied on the field card to show that the calculation shows 18 square feet over the allowed amount. Ms. Micali explained that the existing building measurements were from the revised field card which was submitted on May 23, 2019. Mr. Vita stated that Ms. Masi has stated that looking at a field card vs. an appraisal is like looking at a sketch vs. an A-2 survey, and that you would take the more reliable document. Mr. Noushin stated that it is his belief 18 square feet overage is more accurate than the 1 square foot under. Mr. Vita stated it is the evidence of Mr. Noushin's vs. Ms. Masi's evidence. The Commission and Planning Staff further discussed using a field card vs. an appraisal, and the calculations that were done by Ms. Masi and the applicants.

Ms. Micali stated that she has a neighbor who is an architect and he helped her prepare the appeal.

Mr. Chorney asked if a small change to the coverage would be visible. Mr. Noushin stated that this would not be known until measurements are done. Mr. Chorney stated that an A-2 survey would be needed. Mr. Lee stated that the applicant would need to have permission to go on the property to have a survey done. The Commission discussed the use of a satellite program on the computer, which could help to confirm the site measurements.

Mr. Vita asked for comments in favor of the Appeal of the Zoning Enforcements Decision:

Mr. Tom Haskell, 26 Ralston Avenue, addressed the Commission and stated that he is an architect registered in the State of Connecticut. Mr. Haskell feels that the building looks big. He researched the GIS and Field card and felt that it appeared an addition of approximately 250 square feet that could have been constructed. Mr. Haskell met with Ms. Masi and reviewed the zoning permit application. It appeared that the existing building had a 300 square foot difference from what the field card said. The lot size was smaller and the addition was bigger. Mr. Haskell reviewed the figures shown on the field card and the size of the existing addition. He stated that it did not account for the garage being taken down. Mr. Haskell said that figures shown are the field card vs. the approved zoning permit and getting an independent verification would help to determine which calculations are correct.

Mr. Nelson asked what would be done for every application that comes before the ZBA if the Commission cannot believe what was submitted. Mr. Haskell replied that the Commission would take what was submitted at face value unless it was challenged. Ms. Masi stated that there are approximately 30 zoning permits submitted monthly and when a professional document such as an appraisal document shows a property is being properly represented, it is used. Mr. Vita stated that in making a decision Ms. Masi used the best possible data that was submitted. Mr. Haskell asked who prepared the documentation for the permit. Ms. Masi stated that the property owner would be able to answer that.

Ms. Janice Elliott, 32 Ralston Avenue, addressed the Commission and stated that a small addition was put on her house with the entire footprint being 110 square feet on her lot. A permeable driveway was needed to meet the regulations. She asked if the pervious surface will be looked at. She feels that the Town is serious about enforcing the regulations and that everyone should follow same rules.

Ms. Michelle Koth, 40 Ralston Avenue, addressed the Commission and referred to the conflicting measurements. She said she does not know which set of documents to trust and would like an independent survey. Ms. Koth stated that the addition is out of character in the neighborhood and looms over her backyard. When the leaves fall off the trees the addition will be more visible. She feels that the applicant has flouted the zoning regulations when other neighbors have had to follow the regulations or receive variances. Ms. Koth feels that the neighbors should have been informed about the addition prior to the work having started. She stated that the numbers originally submitted were not correct. Mr. Vita stated that if the property is in compliance with the regulations then there is no need to apply for a variance or notification. Ms. Koth asked which set of figures is she to believe. Mr. Vita stated the set that Ms. Masi approved. Mr. Vita explained that originally the figures on the field card were used, but that when concerns were raised an appraisal was done and the figures within that document were used. Ms. Koth stated that the appraiser was hired by the owner and she would like to hire her own. Mr. Vita recommended buying the software, use the satellite information, and then present the information. The Commission and Planning Staff further discussed the hiring of an independent consultant by the applicant and if it became necessary the owner could apply for a variance or reduce the size of the addition.

Ms. Yanhua Xie, Owner, addressed the Commission and stated that she purchased the house April 6, 2018. She was required to bring the house into compliance because her insurance was canceled due to unsafe conditions. Mr. Mitch Brown explained that there were back stairs not in compliance and other safety issues. It was determined that the garage had termites. Ms. Xie said that it was an existing three family house and she reviewed the condition of the house when it was purchased. The addition was completed to improve the quality of the house. Ms. Xie stated that she worked with Ms. Masi so as to meet the regulations and she hired a professional architect to prepare a floor plan. The architect had determined that the field card was incorrect.

Mr. Lee asked if Ms. Xie had the floor plan done by the architect and if it shows calculations with regard to the size of the building. Ms. Xie replied yes that it was submitted. She said that Ms. Masi had suggested that an appraiser was hired to determine the square footage. Mr. Brown submitted the Appraisal of Real Property (Exhibit 2). Mr. Nelson asked who completed the survey used in the appraisal. Mr. Brown replied Mr. Joseph Anania, Certified Independent Real Estate Appraiser. Mr. Lee stated that a survey was not prepared by a licensed surveyor. Ms. Xie further reviewed the documentation that was prepared for the zoning permit and submitted to Ms. Masi for approval.

Mr. Chorney asked if the architectural plan shows the lot offset. Ms. Xie replied yes.

Mr. Vita asked what the square footage of the addition. Ms. Masi stated it is 462 square feet.

Mr. Chorney stated that the architectural plans were done by a home designer center, does not state that they are done to scale and there is no seal on them. He would accept the coverage figures if they had been done by an architect. Mr. Brown stated that he followed the guidelines set by the Planning Office and the Building. There could be a thousand different ways to measure things, and to ask someone to measure something different than the standard excepted procedure is discriminatory because you are changing the rules for someone to apply for a building permit or zoning permit. He stated that he followed every single guideline and got an independent appraisal. Mr. Brown stated that he checked with the Building Department that the plans would be acceptable.

Ms. Dove stated that the issue is how close the coverage is to being over the allowable amount. The neighbors feel that the addition is impinging on them because the lot is small and it has a three family house and an addition on it. The issue is the closeness of all the measurements. Mr. Brown stated that this is why he got the certified appraisal to give more specifics and precise measurements. Mr. Brown and Ms. Dove further discussed what was done to meet the requirements and the field card measurements vs. the appraisal measurements.

Mr. Vita stated a letter from Ms. Renee Tursi and Mr. Jacob Mettes (Exhibit 3). The letter states that they are in favor of the Appeal of the Zoning Enforcement Officers Decision.

Mr. Brown submitted a Timeline of 63 Putnam Project (Exhibit 4).

Mr. Noushin stated that if the property owners agree he will go with them with a tape measurement to do measurements. Mr. Vita stated that he would have to arrange this with the owners.

Mr. Vita stated that an option would be to allow the appellant to speak with the owner and then continue the Public Hearing. Mr. Lee stated that the Public Hearing could be continued until the September 19, 2019 meeting, but an extension of time would be needed.

***Ms. Dove made a motion to continuing the Public Hearing until the September 19, 2019 meeting. The Commission discussed continuing the Public Hearing. There was no second to the motion. Therefore, the motion failed.***

Mr. Vita closed the Public Hearing.

3) 19-6655, 25 Park Avenue, Table 2.1 to allow 34% of impervious surface where 30% is allowed for addition of front porch, Table 2.3 to allow a side yard setback of 5.5ft where 12ft is required, Table 2.3 to permit a side yard setback of 9.1ft where 12ft is required, Table 2.3 to permit a front yard setback of 10.1ft where 25ft is required, R-4 zone, Mark & Ryan Dostie, Applicants;

Mr. Rick Weiss, Architect, addressed the Commission and reviewed the variance request. He reviewed the history of the house, the site and existing structure. He stated that the proposed porch would provide a landing space. He noted that the site is steep and having a porch would give easier access to the second floor should emergency services need to gain access. Mr. Weiss reviewed the improvements to be made to the outside staircases that come up from the sidewalk.

Mr. Chorney asked if the hardship is access into the house due to the topography of the house. Mr. Weiss replied yes.

Ms. Dove asked how people currently access the house. Mr. Weiss reviewed the site and existing stairways. He noted that a variance had been granted for the side porch.

Mr. Chorney stated that the existing staircase and walkway may not be in conformance. Mr. Weiss stated that it is an existing non-conformity that the proposed plan will correct.

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

Mr. Vita closed the Public Hearing.

4) 19-6656 45 Roosevelt Street, R-4 zone, Sections 130.1, 160.a & 160.b to allow a 2 family home in an R-4 zone, Table 2.2 to allow 6,316sf of lot area per dwelling unit where 10,000sf of lot area per dwelling unit is required, Section 726.1.3.4 to eliminate the need for a special permit, R-4 zone, James & Donarine Collins, Applicant

Ms. Donarine Collins, Applicant, read a statement (Exhibit 1) reviewing the request of the existing two-family home.

Ms. Dove asked if Ms. Collins had verified that the other two-family homes in the neighborhood were legal. Ms. Collins stated that she had referred to Vision Appraisal and the field cards which indicate that the homes are two-family houses. Ms. Dove asked Ms. Holly Masi, Zoning Enforcement Officer, if the other two-family homes in the neighborhood are legal. Ms. Masi stated that she did not know. The lending institutions are getting stricter about researching the homes. When someone is going to purchase or refinance a property the lending institution request a letter of compliance or send the realtor to verify. Ms. Masi said that if she cannot verify permitting she cannot say that the house is in compliance. Vision Appraisal is updated when the Assessor's office does a reevaluation that would show what is exists on the property, but does not indicate if permits were issued. This property was updated as a two-family home in 1999 and when the research was done for the sale of this house it was determined that documentation was found showing it was not built as a two-family.

Mr. Chorney asked Ms. Collins if there is a mortgage on the property and if a title search was done when she purchased the house. Ms. Collins replied that she has a mortgage, but did not know if a title search was done. The Commission discussed what a title search and municipal searches entail with Mr. Tim Lee, Assistant Town Attorney. Mr. Lee explained that municipal searches were not required in 1999.

Ms. Dove asked if there are a lot of two-family houses in R-4 zones. Ms. Masi stated that there a fair number of two-family houses that pre-date the current zoning regulations. She said she would like to see some form of disclaimer on the Vision Appraisal Site that states “just because something is reflected does not indicate everything is code compliant and all the zoning permits have been issued”.

Mr. Matt Davis, Town Planner, stated that Vision Appraisal does not share its information with land use offices when the updates are done, and it does not allow confirmation that what is being shown as a change is legitimate. The Commission discussed information shared with the Assessor’s Office and the current process used. Mr. Davis feels that more unpermitted two-family houses will come up because of what the lenders are requiring.

Mr. Nelson asked if there are two entrance ways. Ms. Collins replied yes.

The Commission further discussed the process used when determining if a house is a legal two-family home with Mr. Lee. Mr. Lee stated that this property had been converted to a two-family home prior to 1999 and was not something the Planning Department missed. It not discovered until a municipal search was done for due to a sale of the house.

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

Mr. Vita asked for comments against the application:

Mr. Bekim Sejdic, 39 Roosevelt Street, addressed the Commission and stated that he is opposed to the application. He would not have purchased his home if there were multi-family unit rentals in the neighborhood. He has a young family and is concerned how it will affect them. Mr. Sejdic said he would have bought a home in another area if he knew there were exemptions for multi-family homes in a R-4 zone. Mr. Vita stated it would not be an exemption and asked if there are other two-family homes in the neighborhood. Mr. Sejdic replied there is one on Garfield Road, but he is not aware of others on the Street. Mr. Nelson asked Mr. Sejdic if he did not notice it was a two-family home. Mr. Sejdic was aware that there was an in-law apartment. Mr. Nelson stated that it showed as a two-family on the field card.

Ms. Cummings asked Mr. Sejdic how long he had lived in his home. Mr. Sejdic replied since 2012.

Ms. Dove understands Mr. Sejdic’s concerns about allowing two-family homes in the R-4 zones. Mr. Vita explained that the issue before the Commission is this application only. Ms. Dove asked what the Town’s position is with regard to the unknown number of houses that have non-legal two family homes. Mr. Vita replied that this is not an issue before the Commission.

Mr. Mitchell Stevenson, Real Estate Agent for applicant, addressed the Commission and stated that 53 Roosevelt Lane had the same circumstance with it showing as a two-family home.

Mr. Chorney asked when the R-4 zone regulations changed with regards to two-family homes. Ms. Masi said the amendment to the regulations in 1982 did not allow two-family houses and she did not know what the prior regulations allowed. Ms. Masi further discussed with Mr. Chorney two-family homes located in an R-4 zone and that there are two family houses that have been grandfathered in.

Mr. Vita closed the Public Hearing.

**B. Regular Meeting**

a. Discussion and voting on Public Hearing items

19-6650

***Mr. Nelson made the motion to approve Application 19-6650. Mr. Chorney seconded the motion for discussion purposes.***

Mr. Nelson stated that a building permit was issued and in good faith the homeowner is rebuilding his house. The neighbor is concerned about the house being sold and the new owner having it as student housing, which is a possibility throughout Hamden. Mr. Nelson noted that the size of the lot would allow bedrooms to be placed on the other side of the house and make it student housing. He said there is plenty of parking on the site. Mr. Nelson stated that the Town issued a building permit and the applicant felt that he had the right to start building.

Mr. Vita stated that had the applicant rebuilt what had existed it would not be an issue, however, the house was made large without a zoning permit. The Commission & the Planning Staff discussed the building permit, documentation, the addition built, the need for a variance and a zoning permit.

Ms. Cummings stated that she does not see the hardship. She said that unless the Commission believes that getting a permit waives the need to prove a hardship she is not sure that that it should be concerned with the permit. The Commission discussed the building permit being issued by the Town as a possible hardship.

***Mr. Nelson voted in favor of the motion. Ms. Dove, Ms. Cummings, Mr. Chorney and Mr. Vita voted against the motion. Therefore, the motion to approve failed 1-4-0.***

19-6654

***Mr. Nelson made the motion to deny the Appeal of Decision 19-6654 and uphold the Zoning Enforcement Officer's decision. Ms. Cummings seconded the motion.***

Mr. Nelson stated that the applicant of the Zoning permit went over and beyond to prove the square footage and lot coverage of the existing home. Mr. Nelson believes that the square footage of the building coverage is under by 1 square foot because the garage was taken down.

Ms. Dove stated that in the future when an application showing building coverage that is close to the requirement documentation from an appraiser because it is not an official documentation. She said that in this particular case it would behoove the Town to seek its own independent documentation. Ms. Dove stated that the neighbors in attendance were upset.

***Ms. Cummings, Mr. Nelson, Mr. Chorney and Mr. Vita voted in favor of the motion to deny. Ms. Dove voted against the motion. Therefore, the motion to deny the Appeal of Decision passed 4-1-0.***

19-6655

***Mr. Nelson made the motion to approve Application 19-6655. Ms. Dove seconded the motion.***

Mr. Nelson stated that the hardship is the topography of the site and the way the house is situated on it. The variance would allow for a front door. Mr. Vita noted that the existing house is preexisting and legal nonconforming.

***The motion passed unanimously.***

19-6656

***Ms. Dove made the motion to approve Application 19-6656. Ms. Cummings seconded the motion.***

Mr. Nelson stated that the applicant purchased the house as a two-family house in good faith 20 years ago. The Planning Department has stated that there are many houses in Hamden already because years ago the records were not kept as well. The Commission and Ms. Holly Masi, Zoning Enforcement Officer, discussed the variance request and the zoning regulations pertaining to two-family and accessory apartments.

***The motion passed unanimously.***

b. Approve Minutes of June 20, 2019

Ms. Cummings asked that the minutes be amended on Page 4, 2<sup>nd</sup> to last paragraph, “Ricci” be changed to “Cummings”.

Mr. Chorney asked that the minutes be amended to show the following changes: Page 4, 2<sup>rd</sup> paragraph under Item 2, 1<sup>st</sup> sentence and Page 5, 1<sup>st</sup> sentence, change “Mr. Chorney asked Mr. Porto if he would be amendable” to “Mr. Chorney asked if Mr. Porto if he or his client would be amendable”. On Page 4, 2<sup>nd</sup> to last paragraph, 1<sup>st</sup> sentence” “four” should be changed to read “four foot”.

***Mr. Nelson made the motion to approve the Minutes of June 20, 2019 as amended. Mr. Chorney seconded the motion. The motion passed unanimously.***

c. Old Business

There was none

d. New Business

Mr. Nelson asked how it is determined the number of students living in a house. Ms. Masi replied that there are approximately 450 student housing permits. Ms. Masi and Mr. Lee discussed student housing issues with the Commission.

e. Adjournment

***Mr. Nelson made the motion to adjourn. Mr. Vita seconded the motion. The motion passed unanimously.***

The meeting adjourned at 9:21 p.m.

**Submitted by:** \_\_\_\_\_  
Stacy Shellard, Clerk of the Commission