

ZONING BOARD OF APPEALS

November 6, 2013

A regularly scheduled meeting of the Zoning Board of Appeals of the Town of Trumbull, was held in the Council Chambers of the Trumbull Town Hall on Wednesday, November 6, 2013. Meeting called to order at 7:30pm by the Chairman.

Members Present: Michael Muir, Chairman; David Preusch, Carl Scarpelli, alternates Richard Mayo and Dennis Miko. Also present: Douglas Wenz, Zoning Enforcement Officer. Absent: Joseph Vitrella.

The following is a brief summary of the meeting, a complete record in on tape, on file, in the office of the Zoning Board of Appeals located in the Trumbull Town Hall.

PUBLIC HEARING

Application #13-33 – Alfred E. Mally, 865 Daniels Farm Road

Variance of Art. III, Sec. 9 with respect to insufficient lot area (Lot 2, 1.60 acres – 2 acres required); insufficient minimum yard requirements (Lot 2, 50 ft. front setback – 75' required) and insufficient minimum square (Lot 2, 178'x178' – 250'x250' required) for establishment of an interior lot.

Chairman Muir stated they would be taking application #13-33 out of order because the applicant has requested a continuance. He read the following letter into the record.

"I am requesting a continuance of the Public Hearing for my application until the next regularly scheduled meeting. At the suggestion of the Town Planner, I am in the process of preparing more detailed plans for your review. Thank you for your attention, Cordially, Alfred E. Mally".

Motion by Mr. Puskar, seconded by Mr. Scarpelli, to continue this application to next month.
Unanimous.

Application #13-28 - John Heher, Agent for Kelly Elliott, 20 Hyde Terrace

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to expansion of an existing non-conforming structure to construct a second floor addition over an existing footprint located 10.3' from the W/S property line, 8.7' from the E/S property line and 38.3' from the front lot line.

Mr. Heher addressed the Board noting they would like to put a second floor on the existing home including a deck at the back of the house. There is currently not enough set back with the current location of the house. The sun porch on the back of the house would be replaced with the deck and there is no intention to expand the floor plan of the house. They are expanding above the house and garage with three bedrooms and two bathrooms keeping it so that it fits in well with the neighborhood. The height of the new house would be approximately 24' above grade.

Mr. Preusch questioned potential changes to the first floor. Mr. Heher noted they would only update the kitchen slightly to put in a door to go into the house through the garage. Discussion of esthetics with the addition of the second floor as it relates to a colonial home. Bay window will be replaced. A ranch house is being converted to a colonial house but the design does not reflect the traditional design.

Application 13-29 – Robert L. Forstrom, 82 Plumtree Lane

Variance of Art. I, Sec, 4.3.1 and Art. III, Section 1 with respect to expansion of an existing non-conforming structure to construct a 33.8'x8' front porch 37' from the front property line, including stairs and a 5'-5"x4'8" hatchway 15' from the W/S property line.

Robert Forstrom, 45 L'Armatage Drive, Shelton, addressed the Board noting the porch he would like to put on this home from his brother's estate is not in accordance with the setback regulations. He would also like to put on a deck on the back of the house and move the bilco door to the side to alleviate water problems. Drawing of design was distributed.

Application 12-30 – Paulinus & Elizabeth Odigbo, 676 Old Town Road

Variance of Art. I, Sec. 4.3.1 and Ar5t. III, Sec. 1 with respect to expansion of an existing non-conforming structure to construct a second floor addition over an existing footprint located 34.3' from the front property line.

Paulinus & Elizabeth Odigbo addressed the Board noting they are adding a second floor, adding three bedrooms with no changes to the first floor.

Application #13-31 – Kelly Carling, 6 Whippoorwill Lane

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to expansion of an existing non-conforming structure to construct a 28'x21' one-story addition 39' from the rear property line, its closest point and 12' from the E/S property line, at its closest point.

Kelley Carling addressed the board regarding the addition to their three bedroom home, to demo the sun room and add a master bedroom. Survey was reviewed. The bedroom will be angled to stay away from the neighbors to the north and east and pond from the west. The chairman noted the doll house and shed are actually on the neighbor's property. Mrs. Carling noted this was discovered after the survey was performed. The fence on the property existed prior to their purchase of the home and they are willing to move the structures to conform with regulations. Notification of neighbors has been done and included in the information provided to the Board.

Peter Gelderman, 1 Post Road in Fairfield, Attorney for Mr. and Mrs. Pekara, neighbors to the east of the property, addressed the board. He noted Gloria Murphy requested he speak on her behalf as a neighbor and noted the neighbors to the north, Ambrose are opposed to the application. This property has many violations. The addition is a master bedroom with a walk-in closet, approximately 400 sf. Letters were read from Heidi Cinder from William Raveis and Rome Lillicraf, a certified appraiser into the record. It was noted that he is not representing Mrs. Murphy. Mrs. Murphy said she was contacted by the Ambrose family regarding this application as they are in Florida and not able to attend the meeting.

Mrs. Carling noted she attempted to discuss plans with the neighbors but due to filing deadlines, discussions were not held until after paperwork was filed. No compromise had been reached.

Application #13-32 – David Cira, Agent for Edward & Zelda Israel, 57 Hickory Street

Variance of Art III, Section 1 and 2.2.3 with respect to conversion of an attached garage, on a corner lot, 31' from the street side (Morris Avenue), into 210 sq.ft. of additional living area.

David Cira addressed the Board noting the applicant would like to turn the garage into a family room and small bathroom. A variance is required because the pre-existing structure is non-compliant.

Application #13-33 – Continued to next month's meeting.

Application #13-34 – Domestic & Import Repairs, LLC, 408 Shelton Road

Pursuant to Art. VI, Sec. 1.5(b) And Sec. 14-54 of the General Statutes of the State of CT, for certificate of approval of location for motor vehicle service or repair shop, a used car dealership license and motor vehicle storage. Further request to modify previously approved operating hours of prior operator.

Bettina Silva, 901 Madison Avenue, Bridgeport, CT addressed the Board noting that she is requesting a change in hours of operation and the ability to purchase, repair and sell cars. She is asking to increase the hours of operation, Monday through Friday, from 7-7 to 7-9 so that additional paperwork, parts

ordering, etc. can be performed after the repair shop is closed. Hours for Saturday would be 7-5 and no Sunday hours. Discussion was held regarding various uses of the property in the past.

Lynn Berky, 412 Shelton Road, addressed the Board noting she is the closest neighbor to the property, noting there have always been issues. Many complaints were filed in the past and she is adamantly opposed to the application.

Charles Martin, 45 North Street, addressed the Board noting that many restrictions were imposed in the past and to change these restrictions would be unfair. He strongly encouraged the Board to not approve this application.

John Mellis, 386 Shelton Road, addressed the Board noting that the rules and regulations for the property were considered in the past and nothing has changed to make changes to the rules and regulations for the property. He noted the expanded hours would be to cover the taxes on the property. Repairs will need to be made in addition to any other considerations.

Irene Mellis, 386 Shelton Road, addressed the Board noting that the area has been quiet and questioned why the property could not be raised.

Robert Woods, 40 North Street, is opposed to the application.

Russell Krol, 365 Shelton Road, is opposed to the application.

Alexander Beltskiy, Shelton Road, is opposed to the application.

Arlene Kelly-Kranz, 12 Juniper Ridge, property owner, addressed the Board noting she is trying to make the business profitable and is not intending to do any repair work after the designated hours. Only administrative work would be done during the additional requested hours. Approximately \$100,000 is owed in back taxes. Business has been closed for approximately ten months.

Regular Meeting

Tonight's applications were reviewed and the Board took action as follows:

Application #13-28 – Motion made by Mr. Puskar to approve the application, seconded by Mr. Scarpelli and unanimously carried.

Application #13-29 – Motion made by Mr. Puskar to approve the application, seconded by Mr. Scarpelli and unanimously carried.

Application #13-30 – Motion made by Mr. Scarpelli to approve the application, seconded by Mr. Miko and unanimously carried.

Application #13-31 – Motion made by Mr. Puskar to approve the application, seconded by Mr. Scarpelli. After discussion, application denied 5-0.

Application #1-32 – Motion made by Mr. Scarpelli to approve the application, seconded by Mr. Puskar and unanimously carried.

Application #13-34 – Motion made by Mr. Puskar to approve the application, seconded by Mr. Miko. After discussion, application denied 5-0.

There being no further business, motion was made by Mr. Scarpelli, seconded by Mr. Puskar to adjourn the meeting at 9pm. Unanimous.

Respectfully submitted,

Barbara Crandall, Clerk

WILLIAM RAVEIS

— REAL ESTATE • MORTGAGE • INSURANCE —

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October 31, 2013

Re: 701 Fairchild Road, Trumbull, CT

Dear Dan:

Based on the review of the map with the rendering of the proposed addition to your neighbor located at 6 Wippoorwill Lane in Trumbull I believe the proximity of the addition to your backyard/deck/property will have a negative impact on your property, thus reducing your property's market value.

Buyers move to towns such as Trumbull mainly for "space & privacy". The proposed addition will reduce the amount of privacy in your home and yard thus creating a "congested" atmosphere. The proposed addition will be too close to your property line and your home.

As a successful real estate agent in Fairfield County since 1996 I do not support a variance for construction like this, in a town like Trumbull, on property like yours in a neighborhood like yours due to its proximity.

Please feel free to contact me if you would like to discuss further.

Best Regards,



Heidi Cinder
Exceptional Property Specialist
William Raveis Real Estate
Top Producer
Five Star Award Recipient

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Mr. and Mrs. Pekera

11/05/2013

701 Fairchild Road

Trumbull, CT 06611

Dear Mr. and Mrs. Pekera;

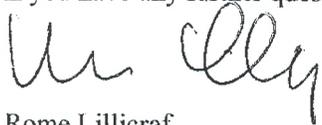
It is my understanding that the owners abutting your property to the west, map E9 lot 424, intend to construct an addition which will be 12' at its closest point to your property line. Upon review of the plans of the proposed addition, it is evident that the structure will exceed certain setbacks instituted by the Town of Trumbull.

It is a common perception that enlarging a home will benefit the neighborhood by increasing surrounding home property values. However, it is my opinion as a practicing, Certified Appraiser for the State of Connecticut, that the construction of this addition will negatively impact your property value given the close proximity of the proposed addition to your property line.

After completing a personal walk through of your site and reviewing the proposed plans that you have provided to me, it is apparent that a future, potential buyer of your property upon entering your backyard will immediately notice the close proximity of this proposed structure to your property line. Furthermore, you presently have a view of a pond from your property which, in my opinion, positively affects your property value. It would appear that the pond located within the immediate community, will most likely be obstructed by the easterly facing wall of the proposed addition. The construction of the addition will also most likely create a greater percentage of impervious land close to your property line and the pond, which obviously contains an abundance of wildlife. An excessive run-off of water onto your property could also negatively affect your home's property value.

It has been my experience that municipalities create setback guidelines to provide a sense of openness and conformity. In my opinion, the building of the proposed addition will create the exact opposite for your property, thereby diminishing your home's overall appeal and potential value.

If you have any further questions, please do not hesitate to contact me.



Rome Lillicraf

CT Res.Cert Appraiser 0000820