

**ZONING BOARDS OF APPEALS
MARCH 31, 2009
CONTINUED PUBLIC HEARING**

Arlene Schwartz-Regan called the meeting to order at 6:38 P.M. with the following in attendance:

Charles Marino, Chair- absent	Public – 10
Arlene Schwartz-Regan, Vice-Chair	
Basiliza MacCalmon, Secretary-arrived at 6:50 P.M.	Steve Macary
Edward Rachuba	Rachel Brainard
Juan Gonzales - absent	
David Cronin, alternate	

1. Arlene Schwartz-Regan took attendance. Vice Chair Schwartz-Regan appointed David Cronin as a regular voting member in place of Juan Gonzales.
2. The Commission **TABLED** the January meeting minutes until next month so that the meeting tape could be reviewed to check wording of a condition which was questioned in writing by the Weid's attorney.

Arlene Schwartz-Regan called for a recess at 6:42 P.M. until Basiliza MacCalmon arrives.

Commissioner Schwartz-Regan reconvened the meeting at 6:50 P.M. at this time Basiliza MacCalmon arrived to the meeting. She noted there was a quorum.

3. **APPEAL #1925** – April and Scott Slauson will seek a variance of Section 25.12.2, front lot line regarding installing a pool, of the Naugatuck Zoning Regulations for property located 100 Donovan Road, Naugatuck, CT. Basiliza MacCalmon read the appeal into the record. Arlene Schwartz-Regan read the legal notice into the record. Scott Slauson asked the Commission if they had seen the property. He stated they would like to put in an above the ground pool with a fence installed around the property. He noted the pool will be below the fence height. He said the original house was built in the early 50's and faced Donovan Court. When the original house was demolished the contractor built their house to face Donovan Road. He noted the house is located between two streets. Arlene Schwartz-Regan asked if their front door was on Donovan Road. Mr. Slauson answered yes. He stated he spoke with all the neighbors, none of them were present tonight, but none have a problem with the pool. Commissioner Regan asked how big the pool will be. Mr. Slauson answered it will be a 24ft. round pool. Steve Macary told the Commission the applicants are here because they have two fronts because their home is situated between two streets. He noted if the appeal is granted it will only make the rear non-conforming not the front and meets the setback requirements. Commissioner Regan stated that by enclosing the yard with the fence the yard will be very private. David Cronin

asked if the office received any letters from neighbors pertaining to the appeal. Steve Macary said he only received the certified mailing that the applicant sent out he did not receive any letters from the abutting property owners. Edward Rachuba said that he understands the applicant's problem, but noted the house directly behind them will see the pool from their front yard. Scott Slauson said they will see the fence, not the pool. April Slauson stated she had the signed certified receipt from that particular neighbor and also spoke with them directly before applying for the appeal and she was told they did not have a problem with it. Commissioner Rachuba asked what kind of fence it would be. Mr. Slauson said it will be a stockade fence, just like the existing one on the property now. He showed the Commission a picture of what the fence would look like. Arlene Schwartz-Regan said she feels they do have a hardship because there is a road in the back of their lot, but they will be putting a 6ft. fence which they do not need to do and she feels they won't be infringing on any of the neighbors.

VOTED: Unanimously on a motion by Basiliza MacCalmon and seconded by David Cronin to GRANT Appeal #1925 with the following condition:

1. A 6ft fence will be installed along the backside of the property.

4. **APPEAL #1926** – Patricia Lawlor will seek a variance of Section 25.10.1 Section, accessory living unit, (1) more than 30% of living area, of the Naugatuck Zoning Regulations for property located 150 North Hoadley St., Naugatuck, CT. Basiliza MacCalmon read the appeal into the record. She noted there was not a hardship entered on the application. Steve Macary stated they are asking over 30% for an in-law apartment. Edward Rachuba questioned the setbacks. Mr. Macary said they are within all the setbacks. He stated they can build an addition this size, but not an in-law because it exceeds the percentage of living area. Commissioner Rachuba noted he did not have a map showing the setbacks. Mr. Macary said the stove constitutes the dwelling. Arlene Schwartz-Regan said she is looking for the hardship here, like Steve said, the applicant can build the addition with no problem. Frances Lawlor, the applicant's son, stated his mother is getting older and can't take care of the up keep on the house and yard. He feels the in-law apartment will give her privacy. Mr. Lawlor's wife stated she had spoke with all the abutting neighbors and no one had a problem with the addition. Edward Rachuba asked the applicant if he thought of raising the roof. Mr. Lawlor said that would not be economical. He stated with the addition of the in-law apartment his mother would have her own entrance near the driveway, but after she moves on the addition will become a great room or just another part of the living area. Arlene Schwartz-Regan pointed out that they will only have one electrical meter, water main and sewer main. Frances Lawlor said he will accept a stipulation that states the unit can not be rented out. There was a discussion over whether or not the Commission wanted to table this appeal until next month. Steve Macary told the applicant that he could come down to the office and start the application process for an addition and he will look into a legal opinion over the finished attic being part of the living area even though they are being taxed for a finished attic. This way they will not be held up for another month.

The Commission tabled this appeal to next month's meeting so they could investigate the finished attic with the possibility the applicant will not have to come back before them.

5. On a motion by David Cronin and seconded by Basiliza MacCalmon to adjourn the meeting at 7:45 P.M.

RESPECTFULLY SUBMITTED: Basiliza MacCalmon, Secretary/rb