

1. Call to Order

The Chester Zoning Board of Appeals held its regular meeting on Monday, October 16, 2017, at the Chester Town Hall, 203 Middlesex Avenue, Chester, Connecticut. Chairman Mark Borton called the meeting to order at 7:30 PM.

2. Seating of Members

Those members in attendance and seated were Mark Borton, Errol Horner, Bob Blair, Alex Stein and Eric Anderson (seated for M. Desnoyers).

3. Approval of Minutes – July 17, 2017 and September 18, 2017

**Motion by Stein, second by Horner, to approve July 17, 2017 Minutes as written.**

**Approved with Borton and Anderson abstaining.**

**Motion by Stein, second by Blair, to approve September 18, 2017 Minutes as written.**

**Approved with Horner and Anderson abstaining.**

4. Old Business –

(1) Continued Public Hearing and Consideration of Application – Dealer’s and Repairer’s Location Application

Application submitted by Ted Tine Motorsports LLC for Automobile Dealer’s or Repairer’s License located at 244 Middlesex Avenue, Chester, CT (Tax Map 4, Lot 43, Zone R2).

Chairman Borton noted Mr. Tine had requested a postponement of this meeting due to the passing of his mother.

5. New Business -

(1) Public Hearing and Consideration of Application

Application submitted by Sanford & Marilena Vaccaro (owner and applicant) for variance of Section 60B, Required Characteristics, Side Yard Setback, to enlarge kitchen with wood oven, at property located at 10 Pleasant Street, Chester, CT (Tax Map 14, Lot 62, Zone R1).

Chairman Borton read the Notice of Public Hearing into the record, said notice having been published in the Hartford Courant on October 4 and 11, 2017.

Mr. & Mrs. Vaccaro introduced themselves. Mr. Vaccaro noted they are not really enlarging the kitchen, but rather putting in a wood oven for cooking. It requires a foundation due to the fact they are breaking through an exterior wall. The addition will be 3'4" deep, 5'3" wide and 6' high. It would be about 2 to 3 feet into the setback at best. Chairman Borton noted the area would be about 15 square feet.

Mr. Vaccaro reviewed the existing drawing of the kitchen area pointing out the wall that would have to be removed and the area where the oven would replace the door. He showed photos of the area and explained why it wouldn't go in any other location (Exhibit A, photos). There is no other place because of roof lines, the windows, the door and being too close to property line.

Exhibit B was a photo showing the windows, door and wall to be removed as well as the septic and two nonconforming sheds.

Chairman Borton asked about the elevation to the first floor. Mr. Vaccaro noted it was about 6" to 8" from the ground. Borton also noted the roof overhang will actually overhang part of the oven. The stack will extend through the roof inside. Mr. Vaccaro noted the oven addition will have a shed roof. The oven will be encased.

Chairman Borton asked if anyone wished to speak in favor of the application.

Cindy Layton, 30 Pleasant Street, spoke in favor of the application as did Skip Haskins, 14 Pleasant Street. No one spoke in opposition.

The Board went into its deliberation session.

Bob Blair noted it was only 3 square feet and he didn't see any other place to locate the oven. He didn't see a problem. The neighbors didn't have any issues and it fits into the character of the neighborhood.

Alex Stein noted he generally agreed with Mr. Blair, but there is no hardship that would prevent this from being redesigned or go somewhere else. The applicant brought forth the fact of the windows and structural issues, but theoretically it could be moved within the buildable envelope. It is 3 or 4 square feet at the most. There are at least 2 opportunities to make the entire property less nonconforming than it is today. The

position of the house is nonconforming as it is already in the setback. There are 2 sheds on the property which are clearly in the setback, one being very close to the property line. Could something be done with either of those to make the situation less nonconforming?

Errol Horner noted even though this protrudes into the setback, it's such a small percentage and is miniscule. He didn't think that would be an honest argument for reducing the nonconformance. He felt architecturally that was the only place the oven could go and didn't have a problem approving this without moving the sheds.

Eric Anderson agreed with Bob Blair and Errol Horner.

Chairman Borton noted he also agreed with Messers. Blair and Horner. He noted Mr. Stein brought up the issue of the sheds and asked when the house and additions were actually built. Presumably it was after zoning was imposed.

Alex Stein noted 1 shed was 128 square feet. He acknowledged it was only 3 square feet into the setback and the house protrudes into the corner. He further noted he could be swayed on this, but wanted to bring up the fact there are options to trade off if the Board felt it was important to do so. Mr. Horner noted he understood the concept of reducing the setback encroachment and nonconformance of the house. He indicated some encroachments are huge and leverage can be used in those cases to show good intent. In this case he didn't think any of those parameters were germane.

**Motion by Horner, second by Stein, to go back into public session. Unanimously Approved.**

Chairman Borton asked the applicant what year the house was built and additions were built. Mr. Vaccaro noted it was a barn in the 1900's and converted to a home in the 70's. The sunroom addition was built in the 80's. Chairman Borton noted the Vaccaro's purchased the property in July of 2000 and everything predated their ownership. Mr. Vaccaro noted they did an addition from the ground to the second floor which had permits and was done to code. It was a bump out to the front entrance and cupola on top. Chairman Borton asked about the height of the shed. Vaccaro noted it was about 11'. He rebuilt it from an existing structure. The question was asked if there would be any difficulty moving either of the sheds. Mr. Vaccaro indicated one shed would be more difficult than the other.

**Motion by Horner, second by Stein, to approve the variance as requested based on the applicant's good faith efforts to locate the proposed addition outside the setbacks with minimal infringement. Unanimously Approved.**

6. Receipt of New Applications – none.

7. Any Other Business – none.

8. Audience of Citizens – none.

9. Adjournment

**Motion by Stein, second by Blair, to adjourn at 8:12 PM. Unanimously Approved.**

Respectfully submitted,

A handwritten signature in cursive script that reads "Judith R. Brown".

Judith R. Brown, Recording Secretary