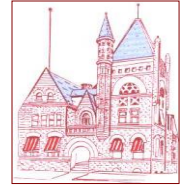




# CITY OF WEST HAVEN, CONNECTICUT



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## MEETING MINUTES OF ZONING BOARD OF APPEALS OCTOBER 20, 2021

The West Haven Zoning Board of Appeals held a Public Hearing and Regular Meeting on Wednesday October 20, 2021 in the Harriet North Room, Second Floor, City Hall, and 355 Main Street, West Haven, CT at 7:15 P.M.

CALL TO ORDER: Commissioners Clifford, Wise, Coscia, Caple, DeLeo, Zentarski, Rivera, Porto, Assistant Planner Conniff, Attorney Kravetz and ZEO Hotchkiss.

PLEDGE OF ALLEGIANCE

MINUTES OF REGULAR MEETING: Commissioner Coscia made a motion to approve the meeting minutes of September 15, 2021, seconded by Commissioner DeLeo and passed.

### **Continuation:**

### **Public Hearing**

**855 Orange Avenue:** A request for a ruling on Table 39.2 (A) where dwellings above the ground floor are allowed as of right where Table 39.2 also states that multi-family dwellings are not permitted and table 20.1 (B) & (C) states dwellings/units are not allowed in the City of West Haven Zoning Regulations. Owner/ Applicant 855 Orange Avenue, LLC. File #055-21 V

Kevin Curseaden, 4 Lafayette St. Milford, owner Mr. Titlebaum and Jeff Gordon, engineer, stated this application is to request a variance. Attorney Curseaden stated strict enforcement of zoning regulations causes substantial injustice. He read the CGS 8-6 regulation explaining this. If this board considered it a use variance, this commission can grant a use allowed in this district if a hardship is found. He reviewed the standards of variance related to this property in Table 39.2. Residential is allowed in the RB district pursuant to the table. He questions the use of "NA" in Table 20.1 because the chart is not consistent or clear in the regulations, which is one of the hardships is. This property was denied an incentive housing overlay which would have allowed residential. The bulk regulations does not allow residential above the ground floor is not considered a dwelling multi-family but it is contradicted in the regulations. For reasons stated this use is allowed. The incentive housing zone application was denied by P & Z for multiple reasons. The first floor would be retail/office and three other floors would be residential on an eight acre parcel. If there are conflicting regulations, the most restrictive use controls and the commissioner can do it as of right but in another table is says NA. The use table is what controls. This does not change the zoning regulations. The variance is to waive the language in the regulations. Attorney Kravetz asked Attorney Curseaden his interpretation of multi-family dwellings since they are prohibited in this zone. His interpretation is dwellings above ground floor are considered mixed use.

Three calls were made to speak in favor and three calls were made to speak in opposition to this application

**New:**

**Public Hearing:**

**38 Brown Street:** A variance to construct a 28' x 60' single family home on a vacant lot that is the same general size as 40% of the area lots where 75% is required, 66.6% of the area frontage where 75% is required and 73.33% lot depth where 75% is required, located in a R3 (One-Two-Three Family Detached Residence) district, under Section 47.2 of the City of West Haven Zoning Regulations. Owner/Applicant Gerald Paprocki. File # 051-21 V

Gerald Paprocki, Branford, is requesting a variance under Section 47-2 for a vacant lot. A single family raised ranch will be built, four off street parking spots, three bedrooms plus an office and 2 1/2 bathrooms. It will be the same as other houses on the street. Commissioners want to see additional information showing the other homes on Brown St.

Commissioner Coscia made a motion to continue File # 051-21 V to next month's meeting, seconded by Commissioner Caple. Roll call 5 – 0. File #051-21 continuation passed.

**399 Center Street:** A request to mount solar panels which will be visible from the street to allow for maximum sun exposure, in the VDO (Village District Overlay) district. Under Article 2 Section 21.5 b VI of the City of West Haven Zoning Regulations. Owner John Moore / Applicant: James Volosin- Trinity Solar. File # 052-21 V

James Volosin, Trinity Solar, Cheshire, and Renee Moore, owner, is seeking to install solar panels on the Ms. Moore's home to get maximum exposure.

Three calls were made to speak in favor and three calls were made to speak in opposition to this application

**Deliberation on Public Hearing Items:** Commissioner Porto made a motion to go into deliberations, seconded by Commissioner Coscia and passed.

**855 Orange Avenue:** File #055-21 V

Commissioner Coscia made a motion to approve File #055-21V, seconded by Commissioner Porto.

Commissioners discussed the following: unusual regulations; regulations may need to be revised and changed, ZBA can suggest changes. Improvements always welcome in the city. Chairman Clifford suggested this item be tabled to meet with city leaders to resolve these issues, review the Plan of Conservation and Development and the regulations. Chairman Clifford also suggested the commissioners review the regulations and present changes that need to be made in the regulations. Attorney Kravetz stated the commission needs to consider whether a hardship is

create due the regulations. She read a provision in the regulations that explains the process when there is a contradiction in the regulation A text changed would be best to clarify the intent of the regulations. Commissioners would like to review the regulations and to discuss the issue with city leaders.

Commissioners Coscia and Porto withdrew their motion.

Commissioner Coscia made a motion to continue File #055-21V to November 17, 2021, seconded by Commissioner Porto and passed 5 – 0.

**38 Brown Street:** File # 058-21 V - Continued

**399 Center Street:** File # 059-21 V

Commissioner Coscia made a motion to approve File #052-21V, seconded by Commissioner Rivera. Roll call was called. File #052-21V passed 5 – 0.

Staff Reports – none

Adjournment: 8:54 p.m.

Commissioner Coscia made a motion to adjourn, seconded by Commissioner Porto and passed.