

**CITY OF TORRINGTON
ZONING BOARD OF APPEALS
MINUTES
August 13, 2012**

1. **Call to Order, 7:25 p.m., Torrington City Hall Council Chambers, Room 218, 140 Main Street, Torrington, CT**

2. **Roll Call and Announcements:** Present at tonight's meeting is David Moraghan, Kathleen Perotti, Jenn Healy, Karen Falk, Marc Trivella and James Steck. Also attending is Kim Barbieri Zoning Enforcement Officer.

3. **Minutes for Approval:**
 - a. 4/30/12- Minutes Marc Trivella acknowledged page 3, paragraph 1 to strike 'disadvantaged on'.
MOTION to Approve: Marc Trivella with changes Second: Kathleen Perotti
Vote: All

4. **Public hearing scheduled for Monday, August 13, 2012, 7:00 p.m., Torrington City Hall Council Chambers, Room 218, 140 Main Street, Torrington, CT**
David Moraghan read legal ad.
 - a. Variance
Applicant: Gary Swingle
Location: Westside Lane, Assessor Map 216-1-51
Zone: R60
Proposal: Section 4.3; proposal to build single family house entirely within front yard setback. Maximum variance of 20.2 feet for front yard variance

David Moraghan outlined procedure for hearing (7:30)

Open Public Hearing

MOTION: Kathleen Perotti Second: Marc Trivella Vote: All

Gary Swingle introduced himself

Matazalan Enterprises LLC owns property. Gary Swingle is a member. Mr. Swingle reviewed a variance request for the front yard only. There was a 20.2' variance request for the front yard. The hardship for the property is wetlands, (quoted by Fuller).

Kathleen Perotti asked if he was building the house for himself or if it would be built for speculation. Mr. Swingle wanted to show that the land was suitable for building a house even with the wetlands and with the non-conforming lot size.

Mr. Swingle said that the next door neighbor's detached garage was in line with the front of the proposed house.

A 1983 zone map was passed around showing the R15 zone. No garage or porch is planned. The house would be one story with a walkout basement would look like a ranch. The driveway was fairly flat. Marc Trivella asked further questions about the house.

Kathleen Perotti asked if Mr. Swingle's intention was to build and sell the house. He replied by saying that he didn't know what will happen to the property due to the current economic situation.

Marc Trivella pointed out that the site development shows maximum site structure allowed for the site. Mr. Swingle said that he tried to keep it modest and comparable to the immediate neighborhood.

David Moraghan asked if there were any further questions then opened the hearing to the public. There was no one who then spoke in favor. Kim Murphy spoke for a neighbor, John Herman, who was unable to attend the meeting. He is against the application. The letter she read was turned in and added to the file. There were no further comments from the public.

Comments from the public then closed. Mr. Swingle brought up that this is a pre-existing, non-conforming lot and that additional lots would not be allowed to be created just based on this variance.

MOTION to close: David Moraghan Second: Marc Trivella Vote: All

The discussion started with Karen Falk who stated that IWC is dealing with the wetland issues and their action is dependent on ZBA Action. James Steck stated that the change from an R15 to an R60 created hardships. Additionally, the wide right of way in front of the parcel aids in view of the proposed house making it seem further from the property line.

David Moraghan stated that the house appeared to be the minimum necessary in size and the hardships were not self inflicted. He asked that a condition be added that no garage or accessory building be added to the property in the future.

MOTION to approve: Marc Trivella, with the stated condition.

Second: Kathleen Perotti

Vote: Jenn Healy, Karen Falk, Kathleen Perotti, Marc Trivella all yes.

5. **Adjournment:**

Motion: Marc Trivella

Second: Kathleen Perotti

Vote: All

Rebecca Washington, Land Use Office
City of Torrington