

3 PRIMROSE STREET
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TOWN OF NEWTOWN
ZONING BOARD OF APPEALS

MINUTES
REGULAR MEETING

Wednesday, August 3, 2022 – 7:30 PM
Newtown Municipal Center, Shared Meeting Room 3
3 Primrose Street, Newtown CT 06470

Present: Ross Carley, Joe Bojnowski, Tiffany Hawley, Rachel Rowan, David Landau, Jane Sharpe
Absent: Alan Clavette, Prerna Rao
Also Present: Rob Sibley, Deputy Director of Planning, Helen Fahey, Clerk

Ms. Sharpe called the meeting to order at 7:30 p.m.

Public Hearings

Application #22-09 by Phousisongkham & Kelly Chokbengboune, for a property located at 12 Timber Mill Road, for a Variance of the Zoning Regulations of the Town of Newtown §7.02.100, Chart VII-1, so as to allow a covered front porch and stairs closer to the property line than the setback allows, as shown on a set of plans entitled “Zoning Location Survey, Prepared for Phousisongkham Chokbengboune & Kelly Chokbengboune, 12 Timber Mill Road, Newtown, CT”, dated May 13, 2022 and supporting documents submitted to the Land Use Agency 7/15/22.

Kelly Chokbengboune, 12 Timber Mill Road, explained that she is looking to replace the existing 6ft extending concrete steps with a covered front porch and front steps. Phousisongkham Chokbengboune confirmed they are looking for a variance of 5.5 ft. for the front steps. Mr. Chokbengboune said they are requesting the variance because the house was built too close to the road.

Mr. Carley questioned what hardship is being claimed. Mr. Sibley said hardships ask the question is this a unique situation and does this fit in with the neighborhood? The application is a unique situation because the house was built on the line so the opportunity to have a front porch doesn't exist without a variance.

Mr. Landau asked if there are any provisions on uncovered steps that go into the setback lines. Mr. Sibley said the steps are associated with the structure.

Mr. Carley asked if the front setback has always been 50ft in the Zoning Regulations or did it change at one point. Mr. Sibley said he wasn't sure but the front setback has been 50ft for a very long time.

*These minutes are subject to the approval of the Board.
Copies of Applications and Documents are on file at the Land Use Agency.*

With no further comments, Ms. Rowan moved to close the public hearing on Application 22-09. Ms. Sharpe seconded. All were in favor and Ms. Sharpe declared the hearing closed at 7:41pm.

Application #22-10 by CRM Real Estate Holdings, LLC, for a property located at 153 Sugar Street, for a Variance of the Zoning Regulations of the Town of Newtown §9.03.310, so as to allow the construction of an 840 square foot garage, as shown on a set of plans entitled “Improvement Location Survey, Prepared for Sugar Hill, LLC, 153 Sugar Street, Newtown, CT”, dated May 9, 2022 and supporting documents submitted to the Land Use Agency 7/18/22.

Mr. Carley recused himself from Application 22-10.

Rob Merrifield, 14 Stonewall Ridge Road, represented CRM Real Estate Holdings, LLC. Mr. Merrifield said the property is a pre-existing, non-conforming lot so the proposed garage requires a variance even though it is within setbacks. Mr. Merrifield handed in support letters from his neighbors for the record.

Ms. Sharpe asked how long Mr. Merrifield has owned the property. Mr. Merrifield said his father purchased the property in 1997.

Ms. Sharpe asked how many variances they have received in the past. Mr. Merrifield said it wasn't noted on the application because a new entity owns the property but variances were obtained for nearly everything such as the gas canopies, the gas, the convenience store, etc. Ms. Sharpe asked if there have been any setback issues and Mr. Merrifield said no.

Mr. Merrifield said another hardship for the property is the topography because he can't build any further back on the lot.

Mr. Sibley asked if the use of the business is expanding. Mr. Merrifield said no, the use is auto repair and that is not changing. The work that is currently being done outside will be done within the garage if a variance is granted. Mr. Sibley asked if they will be expanding parking and Mr. Merrifield said no.

Mr. Landau asked if the garage will be steel fab and Mr. Merrifield affirmed.

Ms. Rowan asked where the existing parked cars will go if the garage variance is granted. Mr. Merrifield explained any parked cars are having work done to them, which will be done in the garage if granted. Ms. Sharpe said the garage will improve the appearance of the lot, help with noise control and allow for better usage of the lot.

With no further comments, Mr. Bojnowski moved to close the public hearing on Application 22-10. Ms. Rowan seconded. All were in favor and Ms. Sharpe declared the public hearing closed at 7:51pm.

Discussion and Action

Ms. Sharpe designated Ms. Hawley and Mr. Landau to vote in place of Mr. Clavette and Ms. Rao for Application 22-09.

Mr. Bojnowski and Mr. Landau said they both approve of replacing the existing front steps with newer ones.

Ms. Sharpe said it is a reasonable variance for the setbacks.

Ms. Rowan clarified the applicant is requesting a 5.5.ft variance to replace the existing front steps.

Mr. Sibley said it is a unique situation in that the house was built over the line to begin with and front porches with steps are consistent with the neighborhood.

Ms. Rowan made a motion to approve Application 22-09 as the hardship was demonstrated by an irregular shaped lot based on the property line and existing area in which the house was built in 1984. Mr. Landau seconded.

The Board voted as follows:

Ross Carley - AYE

David Landau - AYE

Tiffany Hawley – AYE

Rachel Rowan – AYE

Jane Sharpe– AYE

The motion to approve Application 22-09 carried unanimously.

Ms. Sharpe designated Ms. Hawley, Mr. Landau and Mr. Bojnowski to vote in place of Mr. Clavette, Ms. Rao and Mr. Carley for Application 22-10.

Ms. Rowan said parking was her main concern. Ms. Rowan asked if the garage could be pushed back or moved over. Ms. Sharpe explained the proposed garage meets all the setback requirements, the issue is the building is pre-existing, non-conforming so additional construction requires a variance. Ms. Sharpe said it is logical to cover and secure the business being done outside. Mr. Sibley confirmed there won't be an expansion of services, just a covering of the business being done outside.

Mr. Landau made a motion to approve Application 22-10 for a variance of §9.03.310. Ms. Hawley seconded.

The Board voted as follows:

Joe Bojnowski - AYE

David Landau - AYE

Tiffany Hawley – AYE

Rachel Rowan – AYE

Jane Sharpe– AYE

Minutes

Mr. Carley made a motion to approve the minutes from the meeting of July 6, 2022. Mr. Bojnowski seconded. All were in favor and the minutes from the meeting of July 6, 2022 were approved.

Adjournment

Mr. Bojnowski moved to adjourn the meeting. Ms. Rowan seconded. All were in favor and the meeting was adjourned at 8:02 p.m.

*Respectfully submitted,
Helen Fahey, clerk*