



TOWN OF NEWTOWN
ZONING BOARD OF APPEALS

MINUTES
REGULAR MEETING
October 2, 2019 at 7:30 p.m.
Meeting Room 3, 3 Primrose Street, Newtown, CT 06470

Present: Alan Clavette, Barbara O'Connor, Prerna Rao, Ross Carley, Christina Paradis (alternate), and Joseph Bojnowski (alternate)

Absent: Jane Sharpe, Robin Buchanan

Also Present: Christine O'Neill, Clerk

Mr. Clavette called the meeting to order at 7:31 p.m.

Discussion and Action Items

Application 19.07 by Danielle Costa, for a property located at 4 Sunnyview Terrace, Newtown, CT for a Variance of Chart VII-I of the Zoning Regulations of the Town of Newtown, so as to permit the construction of a single-family house in the lot, as shown on a set of plans entitled "Zoning Location Survey, prepared for Josiane Batos Bazilio, 4 Sunnyview Terrace, Newtown, Connecticut" dated 8/6/19 last revised 8/28/19, and documents submitted to the Land Use Agency 9/4/19.

Danielle Costa and Weronica De Souza handed in the neighbor notification paperwork and came forward to speak on behalf of the application. Ms. Costa asked for a Variance on the lot's acreage and frontage requirements because an illegal subdivision of the lot was recorded with the Town Clerk and Tax Assessor 57 years ago. The property owner at that time never went through the Planning and Zoning Commission. As such, the current owners purchased the lot thinking it was a building lot. They have been paying taxes on it as though it were a building lot for years. The owners were surprised when they applied for a building permit recently to find that it was not a buildable lot.

Mr. Clavette synopsised that it was an oversight on the Town's part that this lot was allowed to be recorded, and pointed out that the surrounding properties are pre-existing non-conforming lots with homes on them. Mr. Carley had some questions about what the lot looked like, so Ms. De Souza submitted a site plan to the record that showed the location of trees, well, and septic. Ms. O'Connor and Ms. Paradis confirmed that the Variance being requested did not have to do with setbacks, as the proposed building would be within the setbacks, but rather was in regards to frontage and acreage. Mr. Clavette stated that the "upzoning" from R-1/2 to R-2 occurred after the illegal recording.

Mr. Clavette pointed to the GIS map that had been submitted by the applicant which demonstrates that the other lots on that road are roughly half an acre or less. The Board did not have any further questions.

Mr. Clavette invited public comment.

Bill Pendergast, who owns properties at 23 Riverside and 3 Sunnyview Terrace, Newtown, CT said he was against the approval of this application but would like to hold his comments until he can further review the documents and see if they are compliant with the Building Code. Mr. Clavette explained that

the ZBA is simply granting a Variance to make the lot buildable. When the applicant seeks permits for building a house on the property, which they can only do after the ZBA grants this Variance, they will need to obtain sign-offs from the appropriate Town departments who will review things like whether the structure adheres to the Building Code.

Joan Salbu of 8 Sunnyview Terrace, Newtown, CT asked what the size of the house would be. She asked if the Town would review whether the septic and well will impact the neighbors, and the Board assured her that the Town departments including the Health District will need to make approvals if the owners come in with building plans. Ms. Costa said the proposed house would be a total of 3,000 square feet (including the basement), with 4 bedrooms, and Mr. Bojnowski calculated the footprint as approximately 30ft x 50ft. Ms. Salvo was concerned about the septic, but the Board once again reminded her that they are only voting to grant a Variance to render the lot buildable.

With no further comments, Mr. Clavette declared the public hearing closed.

Mr. Carley commented that the Town is the one who made a mistake in this case, and the owners have been paying taxes as though it were a building lot. Everyone agreed. Mr. Pendergast wondered if there was any evidence of the purported history of this lot on microfiche. The Clerk, Ms. O'Neill, said that the owners discovered the lot was not buildable due to a Certificate of Zoning Determination as issued by a Zoning Enforcement Officer, who would have done the requisite research.

Mr. Bojnowski made the following motion to approve Application 19.07: I move that we grant this Variance (1) due to an error on behalf of the Town, (2) due to a subsequent upzoning, and (3) due to the non-conforming nature of the surrounding lots.

Ms. Paradis seconded. The Board voted as follows:

Alan Clavette - AYE

Barbara O'Connor - AYE

Ross Carley - AYE

Christina Paradis - AYE

Joseph Bojnowski - AYE

The motion to approve Application 19.07 passed unanimously.

Acceptance of Minutes

Mr. Carley moved to approve the minutes from the meeting of September 4, 2019. Ms. O'Connor seconded. All were in favor and the minutes from last meeting were approved.

Adjournment

Mr. Clavette moved to adjourn the meeting. Ms. Paradis seconded. All were in favor and the meeting was adjourned at 8:00 p.m.

*Respectfully submitted,
Christine O'Neill, clerk*