




**TOWN OF KILLINGLY, CT
ZONING BOARD OF APPEALS**

RECEIVED BY TOWN CLERK
MARCH 4, 2022
8:15 AM


Thursday – March 10, 2022
Regular Meeting – Hybrid Meeting
7:00 PM

Town Meeting Room – 2nd Floor
Killingly Town Hall
172 Main Street
Killingly, CT

AGENDA

Public can also view this meeting on Facebook Live.

Go to www.killinglyct.gov and click on Facebook Live at the bottom of the page.

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **CITIZEN PARTICIPATION** -- Public comment can be emailed to publiccomment@killinglyct.gov or mailed to Town of Killingly, 172 Main Street, Killingly, CT 06239 on or before the meeting. All public comment received prior to the meeting will be posted on the Town's website www.killinglyct.gov.
- IV. **PUBLIC HEARINGS – (Review/Discussion/Action)**

If a member of the public would like to comment on the following public hearing during the meeting, please call 1-415-655-0001; Meeting Number (access code): 2631 993 3891.
All calls will be answered as received. Note the meeting is also open to the public.

 1. **Application #22-830 of Peter Cunha & Rachael Houle** to vary the Town of Killingly Zoning Regulations, Section 450, Table A, Min. side setback to construct a two-bay garage. Property located at 46 Pleasant View Dr; Map ID# 3071, Alt ID 54-25; Low Density Zone.
- V. **UNFINISHED BUSINESS – (Review/Discussion/Action)**
 1. **Application #22-830 of Peter Cunha & Rachael Houle** to vary the Town of Killingly Zoning Regulations, Section 450, Table A, Min. side setback to construct a two-bay garage. Property located at 46 Pleasant View Dr; Map ID# 3071, Alt ID 54-25; Low Density Zone.
- VI. **NEW BUSINESS**
- VII. **ADOPTION OF MINUTES**
 1. February 10, 2022, Regular Meeting
- VIII. **CORRESPONDENCE TO THE BOARD**
- IX. **COUNCIL LIAISON**
- X. **ADJOURNMENT**

STAFF REPORT

GENERAL INFORMATION: VARIANCE #22-830

REQUEST: Application #22-830 of Peter Cunha & Rachael Houle to vary the Town of Killingly Zoning Regulations, Section 450, Table A, Min. side setback to construct a two-bay garage. Property located at 46 Pleasant View Dr; Map ID# 3071, Alt ID 54-25; Low Density Zone.

PURPOSE: To vary the Town of Killingly Zoning Regulations Section 450, Table A, Min. side setback.

APPLICANT: Peter Cunha & Rachael Houle

OWNER: Peter Cunha & Rachael Houle

PARCEL ID: Map #3071, Alt ID 54-25

LOCATION: 46 Pleasant View Dr

ZONING: Low Density Zone

REPORT BY: Jonathan Blake, Planner / Zoning Enforcement Officer

SUMMARY: The applicant would like to add a 30' x 20' two car garage with a finish space above. Based on the Town GIS data alone there is approximately 32' from the existing house to the property line (as far as staff is aware this has not been determined in the field by a surveyor; but rather to help summarize the proposed activity). Based on that estimate the applicant is looking to reduce the side setback from 20' to 2'.

The following documents have been provided the Boards review: application, sketch floor plans, abutters list, property card, deed, and GIS map (sketch done by staff).

The applicant is claiming a hardship under Section 800.2.1 (a,b,c,d) as described in the application to the board.

REGULATION: Article VIII. Zoning Board of Appeals; Section 800.2 of the Zoning Regulations of the Town of Killingly specifically states that a *"variance from the terms of these regulations shall not be granted by the Zoning Board of Appeals unless and until...a written application for a variance is submitted on a form prescribed by the commission demonstrating:*

800.2.1.a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the district.

800.2.1.b. That literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations.

800.2.1.c. That the special conditions and circumstances do not result from actions of the applicant. Purchase or lease of the property shall not constitute such an "action" in this instance.

800.2.1.d. That granting the variance requested will not confer upon the applicant any special privilege that is denied by these regulations to other lands, structure or buildings in the same district.

The regulations require that all four criteria be met for the Board to grant a variance request. In addition, Section 800.2.5 demands that the Board grant only the "minimum variance necessary" for a "reasonable use of the property".

RECOMMENDATION:

Staff recommends the board listen to the testimony presented during the public hearing and weigh the information submitted against items 800.2.1.a-d listed above. If sufficient evidence is presented, then the variance can be granted for those reasons.

In all variance approvals, the minimum variance necessary to accomplish the goal needs to be granted.

If granted staff recommends a condition of approval be to have a surveyor set the pins of the foundation and confirm that the garage meets any potential variance granted.



46 Pleasant View - 2 Car Garage

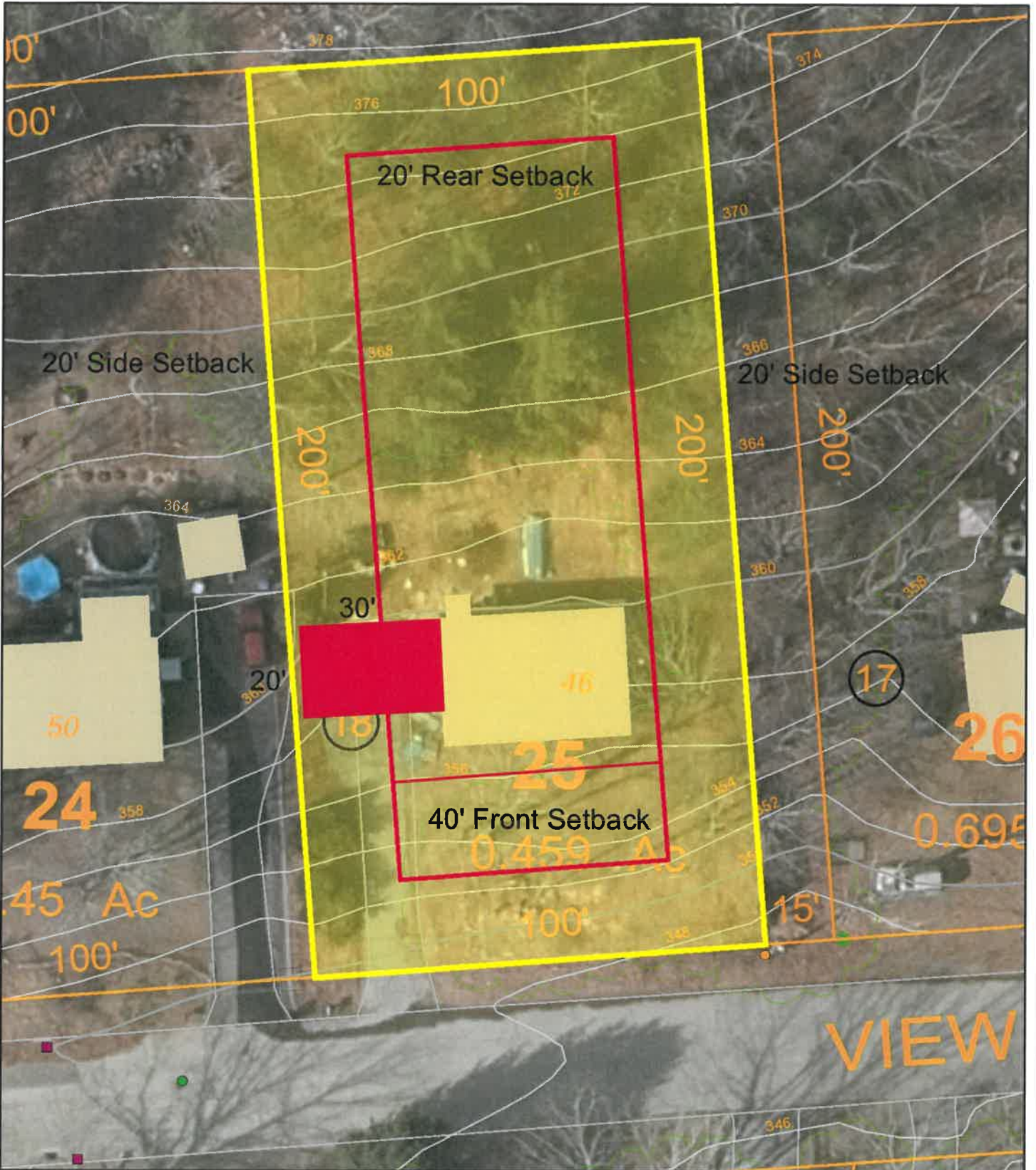
Killingly, CT



March 7, 2022

1 inch = 30 Feet

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

Peter Cunha 123@yahoo.com

#22-220830

Office Use Only

Application #:	22-830
Date Submitted:	2/22/22
Received By:	dmg
Fee:	\$435 - Pd. by Cash
Date Rec'd by Commission/Board:	

APPLICATION TYPE:

- Site Plan Review
- Special Permit
- Subdivision
- Zone Text Change
- Zone Map Change
- Zoning Board of Appeals

TO BE COMPLETED BY THE APPLICANT -- PLEASE PRINT

Applicant's Name:	Peter Cunha		
Mailing Address:	46 Pleasant view Dr		
Day Phone:	(860) 230-4014	Evening Phone:	
Landowner:	Peter Cunha + Rachael Houle		
Mailing Address:	Same		
Day Phone:	Same	Evening Phone:	

LOCATION OF PROPERTY

Address:	46 Pleasant view Dr Dayville CT 06241			
GIS #	Lot:	Zoning District:	Lot Size:	Frontage:

INTENT OF APPLICATION / PROPOSED ACTIVITY

Description:	We want to install a two bay garage with Room above, attached garage, it will be built on left side of house Thank you!
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ZONING BOARD OF APPEALS APPLICATIONS ONLY

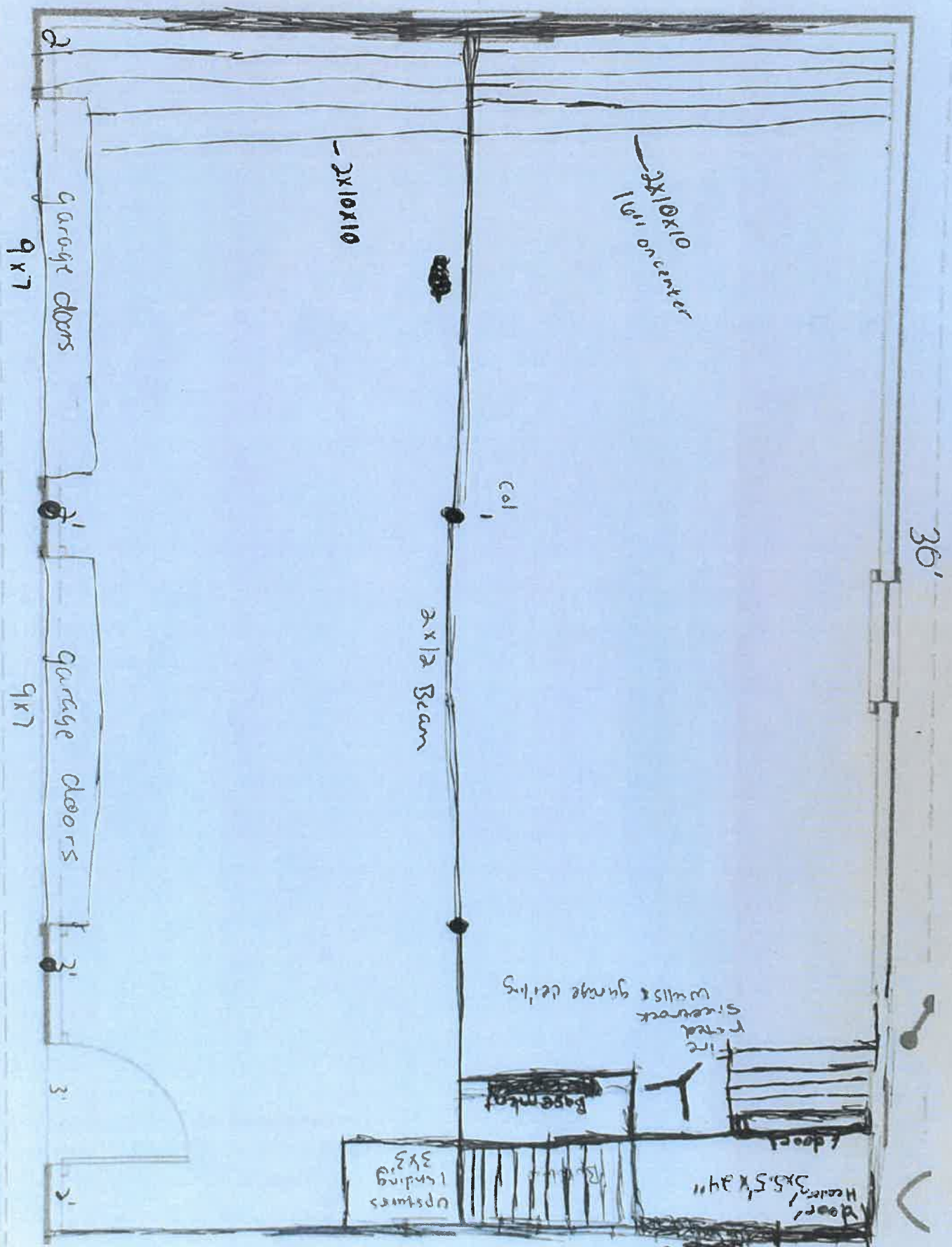
<input checked="" type="checkbox"/> A variance in the application of the Zoning Regulations is requested.
<input type="checkbox"/> There is an error in an order, requirement or decision made by the Zoning Enforcement Officer (Appeal).
<input type="checkbox"/> Other (Specify Above).


Signature of Applicant

2/22/2022
Date

Signature of Owner (if different from Applicant)

Date



House side

Upstairs
Landing
3x3

Basement

Door
Heater
2x5.5' x 24"

Fire
Panel
Panel
Sirens
w/ wireless garage ceiling

2x12 Beam

col

2x10x10

2x10x10
1 1/2" on center

36'

garage doors
9x7

garage doors
9x7

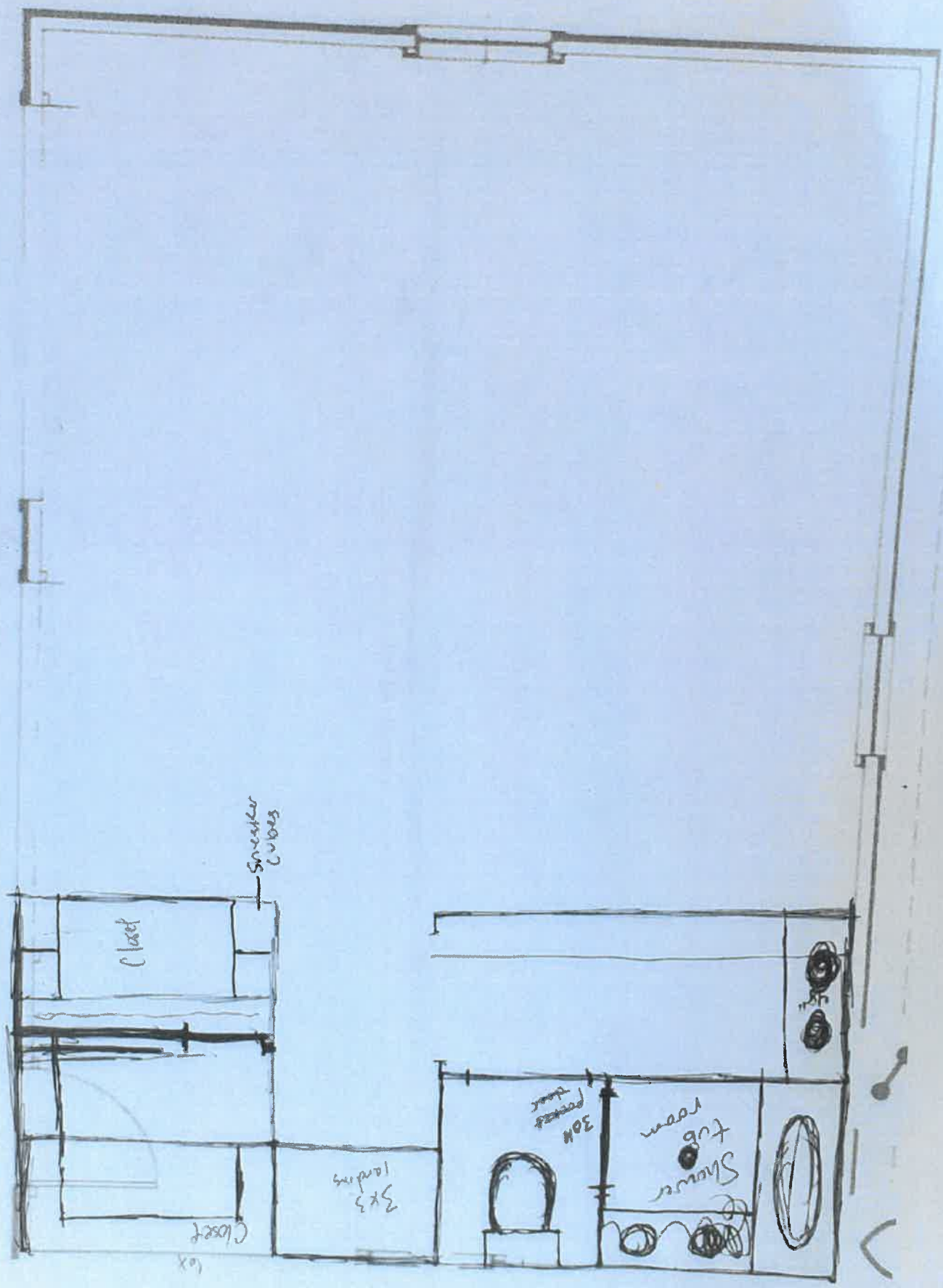
2

2'

3'

3'

2'



The Assessor's office is responsible for the maintenance of records on the ownership of properties. Assessments are computed at 70% of the estimated market value of real property at the time of the last revaluation which was 2018.



Information on the Property Records for the Municipality of Killingly was last updated on 3/4/2022.



Parcel Information

Location:	46 PLEASANT VIEW	Property Use:	Residential	Primary Use:	Residential
Unique ID:	3071	Map Block Lot:	54-25	Acres:	0.46
490 Acres:	0.00	Zone:	LD	Volume / Page:	1361/0231
Developers Map / Lot:		Census:	9041-1012		

Value Information

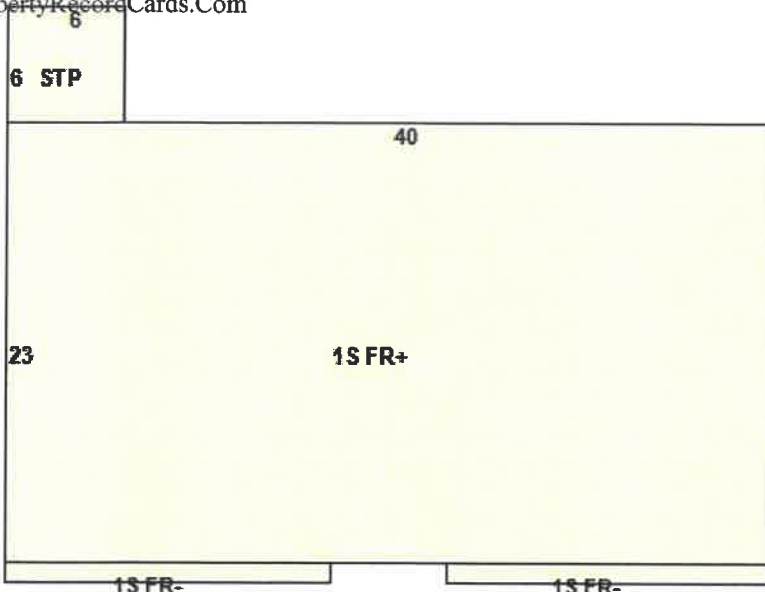
	Appraised Value	Assessed Value
Land	35,510	24,850
Buildings	149,600	104,720
Detached Outbuildings	0	0
Total	185,110	129,570

Owner's Data

CUNHA PETER & HOULE RACHEL
46 PLEASANT VIEW DR
KILLINGLY, CT 06239

Building 1





Building Use:	Single Family	Style:	Raised Ranch	Living Area:	954
Stories:	1.00	Construction:	Wood Frame	Year Built:	1981
Total Rooms:	7	Bedrooms:	3	Full Baths:	1
Half Baths:	1	Fireplaces:	0	Heating:	Hot Water
Fuel:	Oil	Cooling Percent:	0	Basement Area:	920
Basement Finished Area:	0	Basement Garages:	0	Roof Material:	
Siding:	Alum/Vinyl Siding	Units:			

Special Features

Typical Finished Basement 776

Attached Components

Type:	Year Built:	Area:
Stoop	1981	36

Detached Outbuildings

Type:

Year Built:

Length:

Width:

Area:

Metal Shed

2016

10.00

7.00

70

Owner History - Sales

Owner Name	Volume	Page	Sale Date	Deed Type	Sale Price
CUNHA PETER & HOULE RACHEL	1361	0231	11/26/2019	Warranty Deed	\$195,000
LEROY GUILLAUME & JAMES CRAIG	1346	0166	07/11/2018	Tax Collectors Deed	\$38,000

Building Permits

Permit Number	Permit Type	Date Opened	Reason
27090	T:RESIDENTIAL ELECTRICAL	09/09/2019	REMOVE & REPLACE PANEL BOX 100AMP
NONE01	T:REQUESTED REVIEW	09/04/2019	OWNER REQUESTED REVIEW OF RENOVATED PPTY FOR SALE
27077	T:RESIDENTIAL REPLACE	09/03/2019	STRIP ROOF & INSTALL NEW PRODUCT. INSTALL SIDING. EGRESS WINDOW IN BSMT
12983	T:BUILDING	03/03/1998	METAL CHIMNEY

Information Published With Permission From The Assessor



50 foot Abutters List Report

Killingly, CT
March 09, 2022

Subject Property:

Parcel Number: 054-025-000
CAMA Number: 054-025-000-000 3071
Property Address: 46 PLEASANT VIEW

Mailing Address: CUNHA PETER & HOULE RACHEL
46 PLEASANT VIEW DR
KILLINGLY, CT 06239

Abutters:

Parcel Number: 039-013-000
CAMA Number: 039-013-000-000 2681
Property Address: 44 PLEASANT VIEW

Mailing Address: DESJARDIN WILLIAM & CHERYL
36 PLEASANT VIEW DR
KILLINGLY, CT 06239

Parcel Number: 054-024-000
CAMA Number: 054-024-000-000 693
Property Address: 50 PLEASANT VIEW

Mailing Address: EZZELL JODY M
50 PLEASANT VIEW DR
KILLINGLY, CT 062410000

Parcel Number: 054-026-000
CAMA Number: 054-026-000-000 1940
Property Address: 42 PLEASANT VIEW

Mailing Address: FONDELHEIT BARRY C & ALICE L
42 PLEASANT VIEW DR
KILLINGLY, CT 06241

Parcel Number: 054-047-000
CAMA Number: 054-047-000-000 1938
Property Address: 45 PLEASANT VIEW

Mailing Address: HARWOOD WILFRED P
45 PLEASANT VIEW DR
KILLINGLY, CT 06241

Parcel Number: 054-048-000
CAMA Number: 054-048-000-000 3789
Property Address: 49 PLEASANT VIEW

Mailing Address: TURCOTTE DONALD J & JESSICA
49 PLEASANT VIEW
KILLINGLY, CT 06241



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Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

Local Tax \$487.50
State Tax \$1462.50VOL 1361 PG 231
12/04/2019 02:15:12 PM
3 Pages
WARRANTY DEED
TOWN OF KILLINGLY
Elizabeth M. Wilson, Town Clerk*Return To:**Peter Cunha - Rachael Houle
46 Pleasant View Drive
Killingly, CT 06239***STATUTORY FORM WARRANTY DEED**

KNOW YE, THAT WE, **GUILLAUME LEROY**, of the Town of Woodstock, County of Windham and State of Connecticut, and **CRAIG JAMES**, of the Town of Brooklyn, County of Windham and State of Connecticut, ("Grantors") for consideration paid in the amount of **ONE HUNDRED NINETY FIVE THOUSAND AND NO/100 (\$195,000.00.00) DOLLARS**, grant to **PETER CUNHA** and **RACHAEL HOULE**, both of the Town of Putnam, County of Windham and State of Connecticut ("Grantees"), as **Joint Tenants with Rights of Survivorship and with WARRANTY COVENANTS** property known as:

46 PLEASANT VIEW DRIVE, KILLINGLY, CONNECTICUT

A certain tract or parcel of land with all buildings and improvements thereon standing, located in the Town of **KILLINGLY**, County of **WINDHAM** and State of **CONNECTICUT**, more particularly bounded and described as follows:

See Schedule "A" Attached Hereto and Made A Part Hereof.

As partial consideration for this conveyance, the herein Grantees agree to assume and pay all real estate taxes and other municipal charges hereafter coming due on the within described premises.

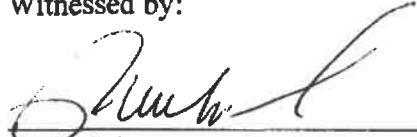
SAID PREMISES ARE SUBJECT TO THE FOLLOWING ENCUMBRANCES:

Any and all provisions of any ordinance, municipal regulation, public or private law. Any assessments or pending assessments for which a lien or liens have not as yet been filed, if any. Any provisions, if applicable, or any inland/wetlands or coastal wetland statutes, ordinances, rules and regulations.

Grantee's Address:

Signed this 26th day of November, 2019.

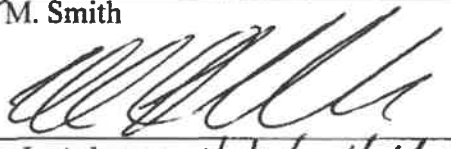
Witnessed by:



Paul M. Smith



GUILLAUME LEROY



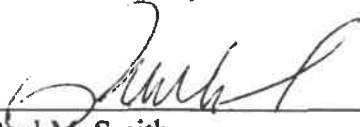
~~Commissioner of the Superior Court~~ Nicholas H. Mancuso



CRAIG JAMES

STATE OF CONNECTICUT)
) SS: KILLINGLY NOVEMBER 26, 2019
COUNTY OF WINDHAM)

Personally appeared **GUILLAUME LEROY and CRAIG JAMES**, Signer and Sealer of the foregoing Instrument, and acknowledged the same to be their free act and deed, before me.



Paul M. Smith
Commissioner of the Superior Court

SCHEDULE A

a certain tract or parcel of land with all buildings thereon, situated in the Town of Killingly, County of Windham and State of Connecticut, which was conveyed by Quit-Claim Deed from Raymond P. Lamirand to Jeanne M. Lamirand, dated August 23, 1982, recorded in the Killingly Land Records, Volume 292, Pages 137-138, bounded and described as follows:

A certain tract or parcel of land, with buildings and improvements thereon, situated in the Town of Killingly, County of Windham and State of Connecticut, located on the northerly side of Pleasant View Drive owned by Clover Development, Inc. and shown as Lot #18 on a plan by Albert L. Fitzback R.L.S. entitled, "Assawogga Heights Section I", and dated February 6, 1978, approved April 10, 1978, and filed in the Killingly Land Records, bounded and described as follows:

Beginning at an iron rod on the northerly side line of Pleasant View Drive at the southwesterly corner of the lot to be described; said iron rod being S. 85° 07' 22" W. and 217.90 feet from a bound point opposite station 5 + 19.43;

THENCE N. 04° 52' 38" W. along the westerly side line of Lot #18 as shown on said plan for a distance of 200.00 feet to an iron rod;

THENCE N. 85° 07' 22" E. along the southerly side line of Parcel B as shown on said plan for a distance of 100.00 feet to an iron rod;

THENCE S. 04° 52' 38" E. along the westerly side line of 15 foot vista of Parcel B as shown on said plan for a distance of 200.00 feet to an iron rod on the northerly side of Pleasant View Drive;

THENCE S. 85° 07' 22" W. along the northerly side line of Pleasant View Drive for a distance of 100.00 feet to an iron rod at the point of beginning.

The above described lot contains 20,000 square feet.



TOWN OF KILLINGLY, CT ZONING BOARD OF APPEALS

Thursday – February 10, 2022
Regular Meeting – Hybrid Meeting
7:00 PM

TOWN MEETING ROOM – 2ND FLOOR
Killingly Town Hall
172 Main Street
Killingly, CT

MINUTES

RECEIVED
TOWN CLERK, KILLINGLY, CT
2022 FEB 14 AM 9:17
Elizabeth M. Quisenberry

Public can also view this meeting on Facebook Live.

Go to www.killinglyct.gov and click on Facebook Live at the bottom of the page.

- I. **CALL TO ORDER CALL TO ORDER** – Chair, Andrew Farner called the meeting to order at 7:03 p.m.
- II. **ROLL CALL** - Lynn LaBerge (Vice-Chair); William Menghi; Andrew Farner (Chair) were present (in person). David Izzo, Sr. (by WebEx).

Staff Present – Jonathan Blake, Planner I and Zoning Enforcement Officer (in person).

Others Present – Bashir Muhammad, Owner of 45 Dyer Street (by WebEx); Joseph Boisvert, Contractor (in person); Raymond Wood II, Town Council Member (by WebEx); J.S. Perreault, Recording Secretary (in person).

- III. **CITIZEN PARTICIPATION** – Public comment can be emailed to publiccomment@killinglyct.gov or mailed to Town of Killingly, 172 Main Street, Killingly, CT 06239 on or before the meeting. All public comment received prior to the meeting will be posted on the Town's website www.killinglyct.gov.

Andrew Farner read aloud the above information. Jonathan Blake stated that there was none.

- IV. **PUBLIC HEARINGS – (Review/Discussion/Action)**

If a member of the public would like to comment on the following public hearing during the meeting, please call 1-415-655-0001; Meeting Number (access code): 2631 810 3632.

All calls will be answered as received. Note the meeting is also open to the public.

- a. **Application #22-829 of Bashir Muhammad** to vary the Borough of Danielson Zoning Regulation Section 470, Table A, Min. lot area to allow for change of use from single family property to multi-family property (3 units). Property located at 45 Dyer Street; Map ID# 875, Alt ID 200-174; Residential High Density.

Andrew Farner read aloud the above public call-in information.

Jonathan Blake stated that Staff had reviewed the Application and he referred to his Staff Report and to a Map which shows the number of units per each property in the Dyer Street area, as recorded with the Town Assessor (a total of 70 units). Total land is 4.762 acres (depicted on the Map) which equates to one unit to each 2,963.3 square feet or 14.69 units per acre. Both documents were included in packets to Board Members.

Mr. Blake explained that the Zoning looking to be varied is Section 470, Table A. Under the current Zoning, the minimum area of lot density required would be 14,000 s.f. Mr. Blake explained that the Applicant is looking to vary it to 2,904 s.f. per unit, which, he said, is relatively on par with what is on that Street.

Bashir Muhammad stated agreement with Mr. Blake's explanation of the Application, and he offered to answer questions from the Board:

- David Izzo had no questions or comments.
- Lynn LaBerge asked if there would be adequate parking during parking bans in the winter. Mr. Muhammad stated that the Contractor would be creating off-street parking on the left side of the house. Mr. Blake stated that he had looked at what could be parking area and said that there is grass on the left/south side of the house. Mr. Blake stated that it is possible to develop parking within the Regulations for the Borough. Mr. Muhammad stated that the estimate from the Contractor included sidewalk work as well as rocks/tar/concrete for the grassy area. Ms. LaBerge thanked Mr. Muhammad for stating that something will be done to definitely designate the area.

Joseph Boisvert, Contractor, explained that it is a large house for one family to maintain/heat. He said that it has two stairways (one in front and one in back) and there is plenty of access for two egresses for a 3-family unit, the third one being a single-bedroom unit.

Mr. Blake explained that, in terms of the number of units, if the Application is approved by the ZBA, it would still need to go through checks by the Fire Marshal and the Building Official to make sure that it is feasible.

CONTINUED QUESTIONS/COMMENTS FROM BOARD MEMBERS:

- David Izzo asked about inspections. Mr. Blake explained that a three-family would be subject to annual inspection by the Fire Marshal or his Deputy for the common area. Also, under the Ordinance, every time each unit is rented, it would require an inspection.

Motion was made by William Menghi to close the public hearing for **Application #22-829 of Bashir Muhammad** to vary the Borough of Danielson Zoning Regulation Section 470, Table A, Min. lot area to allow for change of use from single family property to multi-family property (3 units). Property located at 45 Dyer Street; Map ID# 875, Alt ID 200-174; Residential High Density.

Second by David Izzo. No discussion.

Motion carried unanimously by voice vote (4-0-0).

V. UNFINISHED BUSINESS – (Review/Discussion/Action)

- Application #22-829 of Bashir Muhammad** to vary the Borough of Danielson Zoning Regulation Section 470, Table A, Min. lot area to allow for change of use from single family property to multi-family property (3 units). Property located at 45 Dyer Street; Map ID# 875, Alt ID 200-174; Residential High Density.

Motion was made by David Izzo to accept, as submitted, **Application #22-829 of Bashir Muhammad** to vary the Borough of Danielson Zoning Regulation Section 470, Table A, Min. lot area to allow for change of use from single family property multi-family property (3 units). Property located at 45 Dyer Street; Map ID# 875, Alt ID 200-174; Residential High Density.

Second by Lynn LaBerge. No discussion.

Roll Call Vote: David Izzo – yes; Lynn LaBerge – yes; William Menghi – yes; Andrew Farner – yes.

Motion carried unanimously (4-0-0).

Mr. Blake explained that a legal ad would be posted in the newspaper on Monday which would start the 15-day appeal period. After the appeal period, the Applicant will receive a letter to record the approval on the Land Records.

VI. NEW BUSINESS

Mr. Blake commented that Staff has draft, proposed Regulations relating to the temporary, limited Moratorium on cannabis establishments which was passed by the Town in August 2021. The draft regulations will likely be presented to the PZC in March. The Town could also choose to do an Ordinance. He provided copies of the Moratorium to ZBA Members.

VII. ADOPTION OF MINUTES

- a. September 16, 2021, Special Meeting

Motion was made by David Izzo to adopt the Minutes of the Special Meeting of September 16, 2021.
Second by William Menghi. No discussion.

Roll Call Vote: David Izzo – yes; Lynn LaBerge – yes; William Menghi – yes; Andrew Farner – yes.
Motion carried unanimously (4-0-0).

VIII. CORRESPONDENCE TO THE BOARD – None.

IX. COUNCIL LIAISON

Raymond Wood II reported:

- Jason Anderson - Chair and Kevin Kerttula – Vice Chair of the Town Council.
- Goal-setting session scheduled for January 30th has been postponed due to the snowstorm (date to be determined).
- Dates set for Budget process: April 2nd – Budget to be presented to Town Council; May 2nd – Annual Town Meeting; May 10th – Vote for Budget.

X. ADJOURNMENT

Motion was made by William Menghi to adjourn at 7:22 p.m.

Second by Lynn LaBerge. No discussion.

Roll Call Vote: David Izzo – yes; Lynn LaBerge – yes; William Menghi – yes; Andrew Farner – yes.

Motion carried unanimously (4-0-0).

Respectfully submitted,

J.S. Perreault
Recording Secretary

