

**Town of Milford  
Zoning Board of Adjustment Minutes  
June 7, 2007  
Robert Kokko  
Case #19-07  
Special Exception**

Present:        Len Harten, Chairman  
                  Katherine Bauer  
                  Ron Pieper, Jr.  
                  Fletcher Seagroves

Absent:         Bob Levenson

Secretary:     Kathryn Parenti

The applicant, Robert F. Kokko, owner of 41 Summer Street, Map 22 Lot 76, in the Residence "A" district, is requesting a special exception from Article V, Section 5.025.B to construct a new garage five (5) feet from the side property line.

Motion to Approve: \_\_\_\_\_

Seconded: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

L. Harten read the notice of hearing into the record. He read the abutters list; none were present. He invited the applicant forward. He noted there was a letter in the file, authorizing Andrea Kokko to represent Robert Kokko in this matter. As there were only four (4) board members present, L. Harten asked A. Kokko to sign the waiver of right to a five (5) member board. He then asked A. Kokko to present her case.

A. Kokko stated the current garage on site is to be torn down and replaced since it was in very poor condition. She noted the current garage is placed five (5) feet from the side property line. Because of that location and the fact they are tearing down the structure and rebuilding, they are asking for a special exception. If they were to use any part of the current garage, the request would have been for a variance for a non-conforming use. The new garage will be six (6) feet larger in the back from the current location and will still be five (5) feet from the side property line. It will be slightly larger than the original one.

L. Harten clarified the new garage will be thirty (30) feet by thirty (30) feet and the original one is twenty four (24) feet by twenty (24) feet. He asked if the new structure would be encroaching on the rear property line as well.

A. Kokko replied it was not, as the parcel is nearly two (2) acres.

R. Pieper asked if they were using the same foundation.

A. Kokko replied they were not as there was no foundation and the building was being moved back. She noted the new garage will be a two-car garage with storage underneath, as is currently the case because the garage is placed on a slope.

K. Bauer wanted to clarify if the applicant was to use any part of the existing garage, the request would have been for a variance for a non-conforming use. Since they are tearing down and replacing the garage, the request is for a special exception. They would be treating this case like it was a new structure. She wanted to make sure the board was in agreement; they were.

A. Kokko noted this was what was suggested by Kevin Lynch, the Zoning Official and Residential Building Inspector. She then continued by responding to the five criteria for a special exception.

**1. The proposed use shall be similar to those permitted in the district:**

A. Kokko stated the current garage is already five (5) feet from the side property line; the request was to build the garage six (6) feet deeper and maintain the five (5) foot setback.

**2. The specific site is an appropriate location for the proposed use:**

A. Kokko replied the site was appropriate as there was already a garage there.

**3. The use as developed will not adversely affect the adjacent area because:**

A. Kokko stated the garage will not adversely affect the adjacent area but it will improve it as the original garage is “junk”.

**4. There will be no nuisance or serious hazard to vehicles or pedestrians:**

A. Kokko replied the garage will be far back from the road and will not be a nuisance.

**5. Adequate appropriate facilities will be provided for the proper operation of the proposed use:**

A. Kokko stated all appropriate facilities are provided and electricity already goes to the current garage.

L. Harten asked if there were any questions by the board.

K. Bauer noted this case easily meets all the criteria for a special exception.

L. Harten asked the board if there was any need to discuss the five criteria. All agreed there was no need so they proceeded to vote on the request.

**1. Is the exception allowed by the ordinance?**

K. Bauer – yes      R. Pieper – yes      F. Seagroves – yes      L. Harten – yes

**2. Are the specified conditions present under which the exception may be granted?**

R. Pieper – yes      F. Seagroves – yes      K. Bauer – yes      L. Harten – yes

L. Harten asked if there was a motion to approve the case.

R. Pieper made the motion to approve case #19-07.

K. Bauer seconded the motion.

**Final Vote:**

F. Seagroves – yes      K. Bauer – yes      R. Pieper – yes      L. Harten – yes

L. Harten reminded the applicant there was a thirty (30) day appeal period.