

GLASTONBURY ZONING BOARD OF APPEALS

Regular Meeting Minutes of Monday, June 1, 2020

The Glastonbury Zoning Board of Appeals with Peter Carey, Building Official, in attendance held a Regular Meeting on Monday, June 1, 2020 via ZOOM video conferencing.

ROLL CALL

Board Members- Present

Brian Smith, Chairperson

Sandra O’Leary, Vice Chairperson – excused from agenda #1

Nicolas Korn, Secretary

Timothy Lamb- excused from agenda #1

Jaye Winkler

Susan Dzialo, Alternate (assigned as voting member)

David Hoopes, Alternate (assigned as voting member)

Board Members- Excused

Doug Bowman, Alternate

Chairman Smith called the meeting to order at 7:01 pm and explained the public hearing process to the audience. Chairman Smith also noted that 4/5 votes are needed for an application to pass and there is a 15-day appeal period.

Chairman Smith asked IT Manager, Mr. Bobby Ashton, to explain the procedures to the public. Mr Ashton explained that presenters and members of the public can raise the blue hand if they want the opportunity to speak. He also added that he will go down the list of the public with a raised hand and turn on the mic one person at a time.

Chairman Smith asked each person to identify themselves before they speak.

Secretary Korn read all of the agenda items.

Public Hearing

- 1. Continued application from March 2, 2020 by John Alan Sakon for a variance from Building Zone Regulations Section 12.7 for the property known as “The Shoppes at Avalon” at 2980 Main Street, 131 Griswold Street (Lot 27600131) N2B Griswold Street Rear (Lot 27600002B), E8A Main Street Rear (Lot 41400008E), in Planned Travel Zone.**

Mr. Carey read the first agenda item. Chairman Smith wanted confirmation that Mr. Sakon requested a continuance until the next July meeting. Town attorney, Ms. Andrea Gomes, confirmed this. Chairman Smith then asked if Mr. Sakon submitted the request in writing. Ms. Gomes replied that Mr. Sakon made the request via email. Mr. Carey then confirmed that Mr. Sakon sent an email asking for a continuance.

Motion by: Secretary Kornis

Seconded by: Ms. Winkler

Disc:

Mr. Timothy Lamb and Ms. Sandra O’Leary will not vote on the continuance. Instead, the alternates, Mr. David Hoopes and Ms. Susan Dzialo will vote on the matter.

MOVED, that the Glastonbury Zoning Board of Appeals grants Mr. John Sakon a continuance of item # 1 until the public hearing of July 6, 2020.

Result: Motion passes unanimously (5-0-0)

Ms. Gomes asked to excuse herself from the rest of the public meeting unless the Board required her help. The Board collectively agreed that she can be excused. Ms. Gomes left the meeting at 7:15 pm.

2. By Elvis Rodriguez for a variance from Section 7.1b.2f to allow a swimming pool to be located in the side yard at 26 Paxton Way owned by Ray Lindsay and Delarita Lindsay in RR zone.

Mr. Carey read off the second agenda item. Mr. Elvis Rodriguez explained that the side yard is the only location that will allow a pool. The Chairman asked if this was because of the wetlands area surrounding the property. Mr. Rodriguez replied yes and informed the Board that a neighbor also has a side yard pool. Mr. Lamb asked if the front of the house is facing New London Turnpike. Mr. Rodriguez replied yes. Mr. Lamb stated that he visited the property and saw the steep drop off and said it makes sense for a pool to be located in the side yard. Ms. O’Leary asked who owns the neighboring lot and is it a buildable lot. Mr. Ray Lindsay stated that to the right is wetlands and it is their property which is part of the 1.24 acres. Mr. Lindsay added that he owns the land that will be near the pool. Ms. Winkler asked the applicants to provide some specifics because she noticed there are two potential locations for the pool. Mr. Rodriguez said it is 12 x 26. Mr. Lindsay added that it is running parallel to the house. Mr. Lamb explained that it is just a variance request for the side yard instead of the rear yard. He also stated that all the other requirements are met. Mr. Carey confirmed this information. Ms. O’Leary stated that across the street from the property the Board gave a similar variance approval. Mr. Carey confirmed this and stated it was about 6 or 7 years ago at 9 Paxton Way.

Chairman Smith opened the floor for public comment, either for or against the application, and seeing as no one came forward to speak, Mr. Smith closed public comment on the application.

Disc:

Mr. Lindsay asked the Chairman when a decision would be made. Chairman Smith explained that the Board will go through all the applications first and make the decisions at the end.

3. By Dorothy Kwiatkowski for a variance from Section 4.5.6 to allow an addition closer to the front property line than permitted at 212 House Street in Residence “A” zone.

Mr. Carey read off the 3rd application. Ms. Kwiatkowski stated that she is requesting a variance because of the wider overhang of the roof. She also informed the Board that the side boundaries all conform and it is just the roof that is wider. Chairman Smith asked the applicant to describe the hardship. Ms. Kwiatkowski stated that, according to section 4.5.6, the hardship is on the grounds that her property is a nonconforming structure. Chairman Smith replied it is also an oddly shaped lot. Ms. O’Leary asked how close is the property to the front line. Ms. Kwiatkowski stated she was not sure and said the information was included in the application. Chairman Smith stated that it is 35.6 feet. Mr. Lamb said that he visited the property and said it looks like 35 ½ feet and infringing 4 feet into the line if they are going by what is shown on the screen. Mr. Lamb also added that, looking at the next-door neighbor, the diagram is showing 35.6 feet from the property line or the street. Mr. Carey replied that it is the property line. Ms. O’Leary stated that she saw the property and an addition would be great for that area. Ms. Kwiatkowski informed the Board that there is no house on the right side of the property. Ms. O’Leary inquired about how many people live in the house. Ms. Kwiatkowski replied her two kids and her ex-husband. Chairman Smith asked if there were any additional questions.

Chairman Smith opened the floor for public comment, either for or against the application, and seeing as no one came forward to speak, Mr. Smith closed public comment on the application.

4. By Andrew Faust for a variance from Section 4.2.6 to allow a deck closer to the front property line than permitted at 2357 New London Turnpike in RR zone.

Mr. Carey read off the 4th agenda item. Mr. Andrew Faust presented a rendering of the wraparound deck. He informed the Board that he used a Lowes app and stated that the deck will be 6 feet wide off of the road side of the house, which is closer than what the building codes allow. Mr. Faust stated that the elevation of the deck would be no more than 2 feet and 3 inches off the ground. He also added that there will be railing along the decking. Ms. O’Leary asked how close would the deck be to the front property line. Mr. Faust replied 22 feet. Ms. O’Leary inquired if it would be white railing. Mr. Faust replied yes. Ms. O’Leary stated that the deck and railing will look nice. Mr. Faust explained that, after the deck project, he would like to put up new siding to complete the farmhouse look. Ms. O’Leary stated that she visited the property and it sounds nice. Mr. Lamb informed the applicant that, when the Board votes, the measurements need to be specific. Mr. Faust stated that he wants to maintain a small deck footprint and he will go with 6 feet by 21. Chairman Smith asked if the deck flooring is 6 feet. Mr. Faust replied yes, including with the railing. Mr. Lamb stated that the house predates zoning laws. Mr. Faust thanked the Board.

Chairman Smith opened the floor for public comment, either for or against the application, and seeing as no one came forward to speak, Mr. Smith closed public comment on the application.

5. By Anne C & Eric J. George for a variance from Section 7.1a.2b for an accessory structure closer to the front property line than permitted at 52 Gregory Hill Drive in RR zone.

Mr. Carey read off the 5th agenda item. The applicants, Mr. and Mrs. George stated they want a shed installed on the right side of their property, which is 45 feet from the curb line. Mr. George stated that the “ledge and hill go upwards abruptly.” Mr. George added that he has the support of the neighbors for the shed structure. Ms. O’Leary stated that she visited the property yesterday and saw some excavating. She asked the applicants if that was their land. Mr. George replied that he cleared out the area and put orange posts to demarcate the area to show where the actual shed would be. Mrs. George stated that the shed cannot go any other place because of the topography. Mr. George stated that there are lots of old growth trees and a stark drop off making it difficult to place the shed in any other location. Mr. Lamb asked if the shed was going behind the basketball hoop. Mr. George replied yes and added that it will be 20 feet behind the basketball hoop. Mr. Lamb asked how far the front of the shed was to the property line. Mr. George stated it was 45 to 50 feet. Mr. George stated that, if they moved the shed backwards, it would require them to excavate. Chairman Smith inquired from the applicants that, if the Board approved, would 45 feet be enough. Mr. George replied that 45 feet is what they likely need. Mr. Carey pointed to the rendering of their property site and said the stub turnaround is about 32 feet or so. He then added that where the applicants placed the shed, 45 to 50 feet will be fine. Mr. Carey then stated that 45 feet places the shed in a flat area. The applicants thanked the Board.

Chairman Smith opened the floor for public comment, either for or against the application, and seeing as no one came forward to speak, Mr. Smith closed public comment on the application.

Chairman Smith informed the Board that they will now move on to deliberations.

1) Action on Public Hearings

2. By Elvis Rodriguez for a variance from Section 7.1b.2f to allow a swimming pool to be located in the side yard at 26 Paxton Way owned by Ray Lindsay and Delarita Lindsay in RR zone.

Motion by: Secretary Korns

Seconded by: Mr. Lamb

Disc:

Secretary Korns stated that he had seen a similar situation where side yards function more as the rear yard. Ms. O’Leary commented that she has seen a number of lots like these. Ms. Winkler stated that the side yard is the most logical place for the swimming pool. Chairman Smith stated that for lots in that particular development the side yard is the right place for a pool.

MOVED, that the Glastonbury Zoning Board of Appeals approves the application of Elvis Rodriguez for a variance from Section 7.1b.2f to allow a swimming pool to be located in the side yard at 26 Paxton Way owned by Ray Lindsay and Delarita Lindsay in RR zone. The requirements of Section 7.1b.2f have been met. Due to the hardships of topography the requirements of section 13.9 have been met.

Result: Motion passes unanimously. (5-0-0)

3. By Dorothy Kwiatkowski for a variance from Section 4.5.6 to allow an addition closer to the front property line than permitted at 212 House Street in Residence “A” zone.

Motion by: Ms. Winkler

Seconded by: Mr. Lamb

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Dorothy Kwiatkowski for a variance from Section 4.5.6 to allow an addition no closer than 35 feet to the front property line than permitted at 212 House Street in Residence “A” zone. The requirements of Section 4.5.6 been met. The hardship is due to the house predating zoning. The requirements of section 13.9 have been met.

Disc:

Mr. Lamb stated that this is “one non-conforming lot” and added that the issue is the overhang. He also stated that the property is in conformity with the neighborhood and he will be voting in favor. Ms. O’Leary stated that she thinks the addition will be a great improvement to the neighborhood.

Result: Motion passes unanimously. (5-0-0)

4. By Andrew Faust for a variance from Section 4.2.6 to allow a deck closer to the front property line than permitted at 2357 New London Turnpike in RR zone.

Motion by: Ms. O’Leary

Seconded by: Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Andrew Faust for a variance from section 4.2.6 to allow a deck no closer than 21 feet to the front property line than permitted at 2357 New London Turnpike in RR zone. The requirements of Section 4.2.6 have been met. The hardship is due to the house predating zoning. The requirements of section 13.9 have been met.

Disc: Ms. Winkler stated that the addition of the deck will hold the design together and she will vote in favor of the application. Mr. Lamb stated that he will vote in favor.

Result: Motion passes unanimously. (5-0-0)

5. By Anne C & Eric J. George for a variance from Section 7.1a.2b for an accessory structure closer to the front property line than permitted at 52 Gregory Hill Drive in RR zone.

Motion by: Mr. Lamb

Seconded by: Secretary Korn

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Anne C & Eric J. George for a variance from Section 7.1a.2b for an accessory structure no closer than 45 feet to the front property line than permitted at 52 Gregory Hill Drive in RR zone. The conditions of Section 7.1a.2b have been met. Due to the hardships of topography the requirements of section 13.9 have been met.

Disc:

Mr. Lamb stated that the property is so much farther back on the road than the map indicates and added that for the location it looks very good. Ms. Winkler stated that the shed will be set into the hill and will not stand out, melding into the hillside. She stated that she would vote in favor. Chairman Smith stated that the amount of ledge makes this application a classic hardship. He also stated that it makes it easier to vote in favor of something like this. Ms. O'Leary stated that the applicants put a lot of thought in this.

Result: Motion passes unanimously. (5-0-0)

Chairman Smith congratulated the applicants.

2) Acceptance of Minutes from March 2, 2020 meeting

Motion by: Mr. Hoopes

Seconded by: Secretary Korn

Disc:

Mr. Lamb and Ms. O'Leary will not vote on the minutes. Instead, Mr. Hoopes and Ms. Dzialo will vote on the minutes.

MOVED, that the Glastonbury Zoning Board of Appeals accepts the minutes of the regular meeting of March 2, 2020.

Result: Motion passes unanimously (5-0-0)

Disc:

Chairman Smith stated that it would be easier to have all hard copy materials before the next meeting. Mr. Hoopes stated that having hardcopies would make life easier and explained that he has a 27-inch monitor and still could not read or expand any of the plan details. Mr. Carey stated

that the instructions were to put all the materials on the Town website, but he will put in a request and get the Board hardcopies. The Board members stated that they are available to attend the next meeting via Zoom. Secretary Kornis inquired if Mr. Sakon can still submit additional material. The Chairman stated yes, 24 hours ahead of the meeting. Mr. Carey stated the deadline to submit materials is Thursday afternoon at 4:30 pm, because they need enough time to scan, upload and print materials. Chairman Smith stated that only members of the public can submit something at the last minute. Mr. Hoopes reminded the Board that Mr. Sakon has 15 minutes to present. Ms. O’Leary inquired if Mr. Sakon has the option to postpone again. Mr. Carey stated that based on his conversation with Ms. Gomes, Town attorney, Mr. Sakon cannot ask for another extension. Mr. Carey explained that only the Board has the option to continue until the August meeting. Mr. Lamb stated that there is a risk of not having enough voting members if they keep extending the meeting. Chairman Smith reiterated the need for Mr. Carey to put in the request for hardcopies. Mr. Lamb inquired, if they receive hardcopies, will the minutes still be on the website. Mr. Carey stated that it is required by law for the minutes to be posted on the website.

Motion by: Secretary Kornis

Seconded by: Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals adjourns their regular Meeting of June 1, 2020 at 8:32 pm.

Result: Motion passes unanimously (5-0-0)

Brian Smith, Chairperson