

GLASTONBURY ZONING BOARD OF APPEALS
Regular Meeting Minutes of Monday, July 12, 2021

The Glastonbury Zoning Board of Appeals with Peter Carey, Building Official, in attendance held a Regular Meeting on Monday, July, 12, 2021 in Meeting Room A of the Town Hall located at 2155 Main Street, Glastonbury, Connecticut.

ROLL CALL

Board Members- Present

Nicolas Korn, Secretary

Jaye Winkler

Susan Dzialo

Doug Bowman, Alternate

Board Members- Excused

David Hoopes, Alternate

Chairman Smith

Secretary Korn served as the Acting Chairman for the public hearing meeting. Ms. Jaye Winkler presided as Acting Secretary. Mr. Doug Bowman was seated as a voting member.

Chairman Korn called the meeting to order at 7:00 pm and explained the public hearing process to the audience. Chairman Korn also noted that 4/5 votes are needed for an application to pass and there is a 15-day appeal period.

Chairman Korn explained that, because there are only 4 voting members present, the applicants can choose to proceed or defer the hearing until the August meeting.

Secretary Winkler read the 2 agenda items.

Public Hearing

- 1. By Paul & Carrie Wechsler for a variance from Section 7.1b.2f to allow an above ground pool to be closer to the side property line than permitted at 286 Buttonball Lane in Residence AA zone.**

Mr. Carey read the 1st application.

Mr. Paul Wechsler stated that he would like to proceed with the application. He explained that he has provided documentation and a letter of support from his neighbors, Jerry and Marilyn

Lawson residing at 294 Buttonball Lane. Chairman Korn asked Mr. Wechsler to submit copies of the letter to the Board.

Mr. Wechsler stated that he is requesting a variance because the pool is less than 15 feet from the property line. He explained they have made a good faith effort to abide by the regulations and noted that the hardship is based on an administrative error. Mr. Wechsler stated that they have applied for a permit last year, at the beginning of the pandemic and were told by Mr. Ken Rich that the location and electrical work was approved. Mr. Wechsler explained that on May 10, 2021, they applied for a permit to install a deck around the pool. On June 8, 2021, during the onsite inspection of the deck, the pool was found to be less than 15 feet from the side yard. In consultation with Ms. Rebecca Auger, Director of Planning and Land Use Service, and Mr. John Kyser, Building Inspector, it was recommended to obtain a variance from the Zoning Board of Appeals.

Mr. Wechsler explained that they were not able to pay for the permit fees because the system was being upgraded to City Squared. He stated that he is willing to pay the fees and made every attempt to abide by the regulations. Mr. Wechsler stated that he has lived at the property for 14 years and his neighbors are supportive of the pool and have no problems. The pool is 13 feet from the side yard, instead of the required 15 feet. Mr. Wechsler concluded his presentation.

Ms. Winkler wanted to confirm the side yard distance of the pool.

Mr. Bowman noted that the pool is 13 feet from the side yard.

Chairman Korn inquired if Mr. Carey was at the site and asked about the measurements.

Mr. Carey explained that it is 13 feet from the side yard. He measured the shortest distance and it came up to 13 feet, which is close.

Secretary Winkler inquired if the deck was in compliance.

Mr. Carey explained that the location of the deck is not in question because it is over 15 feet from the side yard line.

Ms. Dzialo stated that the deck is 20 feet from the line.

Chairman Korn noted that the application would still need a variance.

Mr. Wechsler explained that, based on the initial measurements, they did not think it needed a variance. The back pin was clear, and the front pin was buried deep. The front pin was eventually found with a metal detector. Mr. Wechsler explained that they decided to proceed with a ZBA application instead of paying for a land surveyor.

Mr. Carey explained that the surveyor might find that the side yard distance might come up to less than the 15 feet requirement and the application would still need a variance.

Ms. Dzialo inquired if the pool is currently 13 feet from the side yard.

Mr. Carey replied yes.

Ms. Dzialo wanted to confirm that both pins were found.

Mr. Carey replied yes.

Secretary Winkler noted that there are no members from the public.

Chairman Kornis closed the hearing.

2. By David & Judith Walton for a special exception as provided for in Section 7.1b.2b.1 to allow a fourth car garage at 62 Hickory Drive in RR zone.

Mr. Carey read the 2nd application.

Mrs. Judith Walton explained that she has a cape style house with an attached 2-car garage. She stated that they would like to build a detached 2-car garage but the home is not zoned for a 4th car garage. Mrs. Walton explained that her college-aged son is currently staying at home. The area of 62 Hickory Drive was described as a rural area with no immediate neighbors, the closest being 300 feet away from the property line. Mrs. Walton stated that Mr. Bowman visited the property and added that they are surrounded by woods. The presentation was concluded.

Mr. Bowman asked who owns the property to the right.

Mrs. Walton explained that there are wetlands in the distance behind their property. She said that Chamberlain Lane is on the right, but it is a long distance from their property. Mrs. Walton explained that there is a big valley and stream behind their property and no one can build there because of the wetlands.

Mr. Bowman asked what the applicants did with the large boulders.

Mrs. Walton explained that the boulders are used as a retaining wall and placed near the driveway. She noted that the proposed detached 2-car garage will be tucked into the hill and hidden from view.

Mr. Bowman asked if it is accurate to say that no one will see it.

Mrs. Walton replied yes.

Chairman Korn asked the applicant if she would like to proceed with the 4 voting members.

Mrs. Walton replied yes.

Ms. Dzialo inquired about the total acreage of the property.

Mrs. Walton stated that it will be close to 4 acres but does not know the exact number.

Secretary Winkler inquired how tall the proposed detached garage will be.

Mrs. Walton stated that it will be a standard 24-foot by 24-foot and will not have a 2nd floor.

Mr. Carey explained that the garage will be well under the 15-foot height regulations.

Chairman Korn noted that no members of the public were present and closed the hearing.

1) Action on Public Hearings

1. By Paul & Carrie Wechsler for a variance from Section 7.1b.2f to allow an above ground pool to be closer to the side property line than permitted at 286 Buttonball Lane in Residence AA zone.

Secretary Winkler read the 1st application.

Motion by: Ms. Dzialo

Seconded by: Secretary Winkler

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Paul & Carrie Wechsler for a variance from Section 7.1b.2f to allow an above ground pool to be closer to the side property line than permitted but no closer than 13 feet at 286 Buttonball Lane in Residence AA zone on the grounds that an apparent administrative error by the Town led the applicant to proceed with installation. Further, the additional criteria for decisions under section 13.9 have also been met.

Discussion:

Ms. Dzialo noted that the applicants had the best of intentions.

Secretary Winkler stated that the applicants deserve an apology and that she would be voting in favor of the application.

Chairman Kornis stated that he would support the application. He explained that it is a variance of 2 feet, which is insignificant. The property is surrounded by forest and the neighbors are fine with it.

Mr. Bowman remarked that the notion of inflicting a substantial expense on the applicants because of a mistake made by the Town would be egregious. He noted that the applicants have good relations with their neighbors.

Result: Motion passes unanimously. (4-0-0)

2. By David & Judith Walton for a special exception as provided for in Section 7.1b.2b.1 to allow a fourth car garage at 62 Hickory Drive in RR zone.

Secretary Winkler read the 2nd application.

Motion by: Mr. Bowman

Seconded by: Chairman Kornis

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by David & Judith Walton for a special exception as provided for in Section 7.1b.2b.1 to allow a fourth car garage at 62 Hickory Drive in RR zone. The requirements of section 13.9 have been met.

Discussion:

Secretary Winkler noted that there is no problem for anyone in the area and would vote in favor.

Chairman Kornis stated that he agreed with Secretary Winkler's points.

Ms. Dzialo stated that she also agreed and noted that the application sounds reasonable.

Result: Motion passes unanimously. (4-0-0)

2.) Acceptance of Minutes from June 7, 2021 meeting

Deferred until the next meeting.

Discussion:

The next meeting will be on August 2, 2021 held in Meeting Room A of Town Hall.

3) Adjournment

Motion by: Secretary Winkler

Seconded by: Mr. Bowman

MOVED, that the Glastonbury Zoning Board of Appeals adjourns their regular Meeting of July 12, 2021 at 7:32 pm.

Result: Motion passes unanimously. (4-0-0)

Brian Smith, Chairperson