

GLASTONBURY ZONING BOARD OF APPEALS
Regular Meeting Minutes of Monday, November 1, 2021

The Glastonbury Zoning Board of Appeals with Mr. Peter Carey, Building Official, in attendance held a Regular Meeting on Monday, November 1, 2021 via ZOOM video conferencing.

ROLL CALL

Board Members- Present

Brian Smith, Chairman
Nicolas Korn, Secretary
Jaye Winkler
Susan Dzialo
David Hoopes
Doug Bowman, Alternate
Philip Markuszka, Alternate

Board Members- Excused

(None)

The meeting started late due to technical issues.

Chairman Smith called the meeting to order at 7:15 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.

Secretary Korn read the 2 agenda items.

Public Hearing

- 1. By Ron Marek for a variance from sect 7.1b.2f to allow a pool to be located in the side yard of the property located at 1777 New London Turnpike in Residence AA zone.**

Mr. Carey read the 1st application.

Mr. Ron Marek stated his name for the record. He explained that what he considers his backyard is actually the side yard. Mr. Marek stated that the backyard has difficult topography and lots of ledge. He noted that, normally, pools are in the backyard. In this case, the placement of the pool would have to be in the side yard. Mr. Marek explained that the proposed placement of the pool has no issues with ledge. No trees would need to be cleared. He also added that the proposed placement is away from the neighbors.

Chairman Smith noted that the applicant put in the ledge as one of the hardships.

Mr. Marek replied correct and reiterated that they would not need to remove any trees to make room for the pool.

Mr. Hoopes inquired what the neighbor located to the rear of Mr. Marek's property, at 13 Kinne Road, would see.

Mr. Marek explained that the neighbor is uphill and would look down. He noted that the view of the pool would be blocked and there would be privacy. Mr. Marek stated that he submitted letters of support from his neighbors.

Chairman Smith stated that they were circulated today. He asked Secretary Korns to read out the letters.

Secretary Korns began reading. He stated that it is entitled "Petition in Support of Variance Request Before Glastonbury, CT Board of Zoning Adjustment." Secretary Korns noted that the letter was signed by a number of people and it is difficult to read the signatures. One address is 1765 New London Turnpike and the second address listed is 7 Kinne Road. Secretary Korns asked Mr. Marek to provide the names of the residents that signed the petition in support of the pool.

Mr. Marek stated that Mary and Dave Armando reside at 1765 New London Turnpike. Lohithaksha Chengappa and Amal Ali reside at 7 Kinne Road.

Secretary Korns remarked that two households are in support of the application.

Ms. Dzialo inquired about the side yard distance, and asked, once the pool is placed, would there be a minimum of 15 feet.

Mr. Marek explained that there would be plenty of distance away from the gas line and added that it will not have an impact.

Ms. Dzialo asked if there would be more than 15 feet.

Mr. Marek replied yes.

Chairman Smith asked the Board if there were any additional questions. No questions were asked. The Chairman moved on to the public comment portion of the meeting.

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

Chairman Smith thanked the applicant.

2. By Thomas Gordon for a variance from section 4.4.7 to allow a deck closer to the side property line than permitted at 36 Fox Den Rd in AA zone.

Mr. Carey read the 2nd application.

Mr. Gordon stated his name for the record. He stated that he has lived at 36 Fox Den Road since 2003. Mr. Gordon explained that the oddly shaped deck is not functional and was designed as such to meet the regulations. He stated that they want more outdoor space and are planning to put in a 3-season room. (*The audio froze briefly.*) Mr. Gordon explained that they want to square off the deck, creating a rectangular shape with a screened deck. The space will be unheated, no foundation will be added, and it will be a deck room. (*The audio froze briefly.*) Mr. Gordon reiterated that they want to square off the existing deck.

Chairman Smith recapped that the applicant plans to square off the existing deck and put in an enclosed 3-season room. The space will not be heated. It will be a screened in porch.

Mr. Gordon replied correct.

Secretary Korns noted that, looking at the diagram, it is unclear if it is the side or rear.

Mr. Gordon stated it is the rear of the property.

Mr. Carey explained that it is deemed a side yard by the zoning regulations.

Chairman Smith noted that the property is on a corner lot.

Mr. Carey confirmed that it is a corner lot and reiterated that, according to the zoning regulations, it is a side yard.

Mr. Hoopes inquired if this designation was made when the house was originally developed.

Mr. Carey replied correct. He asked the Board to look at the second page of the application materials. Along Fox Den, it is captioned 40 foot SY (side yard).

Mr. Hoopes remarked that the original plot would show how the lot was designated.

Mr. Carey explained that the front and rear have to be opposite from each other.

Chairman Smith remarked that the lot configuration is complicated.

Mr. Carey explained that some lots are difficult to determine. In cases like this, he recommends to go back to the original building permit to see how it was set up.

Mr. Gordon stated that he spoke to both of his neighbors and they have sent in letters of support.

Chairman Smith stated that the Board has received the information and photos. He noted that they are part of the record. The Chairman asked Secretary Korns to read out the letters.

Secretary Korns read the 3 letters of support. The first letter was from James Cook and Anita Hochstein of 85 Pennywise Lane. The second letter was from April Paterno and Robert Paterno of 48 Fox Den Road. The third letter was from Lynne Wainman of 171 Pennywise Lane.

Ms. Winker inquired how far from the property line would the new extended deck/room be.

Mr. Gordon explained that a variance for 12 feet would be needed because of the overhang.

Ms. Winkler asked if it would be no closer than 12 feet.

Mr. Gordon replied correct.

Chairman Smith asked the Board if there were any additional questions. No questions were asked. The Chairman moved on to the public comment portion of the meeting.

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

Chairman Smith thanked the applicant.

The Chairman stated that a brief recess will be taken before the Board moves on to deliberations.

1) Action on Public Hearings

Secretary Korns read the 1st application.

- 1. By Ron Marek for a variance from Sect 7.1b.2f to allow a pool to be located in the side yard of the property located at 1777 New London Turnpike in Residence AA zone.**

Motion by: Secretary Korns

Seconded by: Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals approves the application of Ron Marek for a variance from Section 7.1b.2f to allow a pool to be located in the side yard of the property located at 1777 New London Turnpike in Residence AA zone on the grounds that a rear yard

location is not feasible due to limited area, presence of ledge and proximity to a gas line. The requirements of Section 13.9 have been met.

Discussion:

Ms. Winkler stated that she is in favor of this particular motion. She noted that it maximizes the privacy of everyone concerned. Ms. Winkler said that she went out there and the view is amazing. She remarked that, along with the view, there would be increased privacy for everyone concerned and it is a win-win for all concerned.

Secretary Korns stated that he agrees with Ms. Winkler's comments. He noted that the Board has had many such cases where a pool is requested in side instead of rear because of similar kinds of circumstances.

Chairman Smith noted that he went out there, and added that it is a classic zoning variance. The ledge and topography makes it difficult to place the pool in the back. The Chairman explained that is the reason why the Board is here, and he added that it is refreshing to have an application that clearly fits within the variance rules.

Mr. Hoopes agreed with the Chairman.

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

2. By Thomas Gordon for a variance from Section 4.4.7 to allow a deck closer to the side property line than permitted at 36 Fox Den Rd in AA zone.

Secretary Korns read the 2nd application.

Motion by: Ms. Winkler

Seconded by: Mr. Hoopes

MOVED, that the Glastonbury Zoning Board of Appeals approves the application of Thomas Gordon for a variance from Section 4.4.7 to allow an enclosed room to be converted from an existing deck that is closer to the side property line than permitted at 36 Fox Den Rd in AA zone but no closer than 12 feet from the side property line on the grounds that the variance is not a significant increase from the one issued in 2000 and without the variance the deck will be impractical for the use intended. The requirements of Section 13.9 have been met.

Discussion:

Secretary Korns stated that he is in favor of the application. He noted that it makes a lot of sense and there is no impact on the neighbors. Secretary Korns remarked that it is just a quirky thing,

side yard and rear yard. He reiterated that the application makes sense and there are no problems with it.

Chairman Smith stated that he visited the site. He noted that the deck is oddly shaped. The Chairman remarked that currently it is a zoning deck, shaped to meet the side yard requirements.

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

The Chairman wished both applicants luck and thanked them for their patience.

2.) Acceptance of Minutes from October 4, 2021 Meeting

Motion by: Mr. Hoopes

Seconded by: Secretary Kornis

MOVED, that the Glastonbury Zoning Board of Appeals approves the October 4, 2021 minutes as written.

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

Discussion:

Chairman Smith remarked that it is refreshing to have a nice, neat and short meeting.

Mr. Carey informed the Board that this is his last meeting. He noted that he will be retiring on November 24, 2021. Mr. Carey remarked that it was great working with everyone. He noted that he is not sure who will be taking over and added that Mr. Mullen will be available.

The Board thanked and congratulated Mr. Carey. They wished him good luck.

Motion by: Chairman Smith

Seconded by: Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals gives Mr. Carey a commendation, thanking him for his hard work and years of service.

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

Discussion:

Mr. Carey remarked that it has been a fun 34 years.

Chairman Smith stated that it was a distinct pleasure serving with Mr. Carey. The Chairman thanked Mr. Bobby Ashton for stepping in and assisting with the meeting at the last minute.

3) Adjournment

Motion by: Mr. Hoopes

Seconded by: Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals adjourns their regular Meeting of November 1, 2021 at 7:51 pm.

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

Brian Smith, Chairperson