

GLASTONBURY ZONING BOARD OF APPEALS
Regular Meeting Minutes of Monday, August 1, 2022

The Glastonbury Zoning Board of Appeals with Mr. Lincoln White, Building Official, in attendance held a Regular Meeting on Monday, August 1, 2022 via ZOOM video conferencing.

ROLL CALL

Board Members- Present

Brian Smith, Chairman
Susan Dzialo, Vice-Chair
Nicholas Kornis, Secretary
David Hoopes
Douglas Bowman, Alternate

Board Members- Excused

Jaye Winkler
Philip Markuszka

Chairman Smith called the meeting to order at 7:05 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.

The Chairman seated Mr. Bowman as a voting member. Secretary Kornis read the 2 agenda items.

Public Hearing

- 1. By: Bonnie and Clint Mazur of 2077 Main St. Glastonbury, Zone 'A' requesting a variance from Sections 4.6.7 and 4.6.8 defining minimum building setback distances from adjacent property lines, Rear and Side yard setback lines, in order to accommodate a 20'x30' addition to the existing barn.**

Mr. White read the 1st application.

Vice-Chair Dzialo noted that the application form does not list the specific variance and the form has been signed without a date. The Vice-Chair also noted that the applicants may require a special exception or a variance for the extra garage bays. Vice-Chair Dzialo stated that the barn is 31 feet from the rear property line and noted that a variance may not be needed. She explained that the Board needs to know what is being asked of them.

Mr. Clint Mazur and Mrs. Bonnie Mazur introduced themselves for the record. Mrs. Mazur asked if her father, Mr. Christopher Campbell can speak on behalf of their application. The

Chairman asked Mr. Ashton to promote Mr. Campbell as a presenter. Mrs. Mazur stated that a total of 31 feet will remain once the proposed addition is put in. Mr. Bowman noted a variance may not be needed for this. Mr. White stated that the house is in Residence "A" Zone. Secretary Korn explained that 50 feet, not 25 feet is required for the rear property line in Residence "A" Zone. He also noted that there is a scrivener's error and pointed out that the wrong sections are listed on the agenda. Chairman Smith agreed with Secretary Korn's points and added that it is problematic that the agenda is incorrect and may not have been noticed properly.

Mr. Campbell put up a picture of the public hearing notice on the screen. He explained that none of the proposed work is commercial. Mr. Campbell explained that he is a woodworker and builds reproduction furniture. He noted that his wife is an artist and his daughter and husband are active in rock climbing and the gym. Mr. Campbell stated that he saw objections that claim there is no hardship. He noted that the barn was originally a tobacco barn with a Tudor frame. The timbers are higher to accommodate hanging things. A photo of the existing barn was put up on the screen. Mr. Campbell explained that they cannot pull down the main timbers to reclaim space above the garage. This option is not feasible and is cost prohibitive. Mr. Campbell explained that the 2nd option of destroying the historic barn is not feasible either. He stated that they want to preserve the historic structure. A picture of the site survey was put up on the screen. Mr. Campbell pointed out, that with the proposed barn addition, it will be a total of 31 feet to the rear property line. He noted that the new portion of the barn exterior will consist of the same board and batten as the existing barn. Mr. Campbell noted that the addition will extend back deeper. A photo was put up on the screen detailing the proposed new addition with 5 total garage doors. The presentation was concluded.

Chairman Smith asked Mr. Campbell to go back to the first slide. Mr. Campbell put up the notice sign. The Chairman asked Mr. Campbell to zoom in on the notice. Mr. Hoopes asked how tall the proposed barn would be, measured from the highest point. Mr. Campbell replied 25 feet. Mr. Hoopes asked about the height of the eaves. Mr. Campbell noted that the doors are 9 feet tall, and the total will be 15 feet high. He noted that the drawing is to scale. Mr. Hoopes asked Mr. White about the side yard and rear yard for the property. Mr. White explained that Main Street is the front yard. He noted that the parcel has 2 side yards which both have a 20-foot distance. Mr. White explained that in Zone "A" 40 feet is required in the front yard and 50 feet for the rear yard. Mr. Hoopes asked Mr. Campbell to put the survey map on the screen. Mr. White noted that this lot has a double front yard and a double side yard. He explained that the encroachment is on the Willow Green Ln side, which amounts to about a 14-foot encroachment. This calculation does not include the 5th garage door. Mr. White added that there is no encroachment on the Charles C. Pezzente side.

Mr. Hoopes noted that both the application and agenda do not have the correct codes listed. He stated that there may be a notice problem. Chairman Smith stated that this particular situation is concerning and agreed that there may be a notice issue. The Chairman noted that the applicants were not sure what the right variances are. Chairman Smith remarked that the public has concerns about what is being requested. The Chairman suggested for the application to be withdrawn and resubmitted. Secretary Korn noted that Vice-Chair Dzilao inquired about a

special exception for the 5th garage bay. Mr. White explained that the applicants have the square footage to allow a 4th garage. He explained that the 5th garage would require a variance. Mr. White apologized for the oversight surrounding the application and agenda. He explained that the Building Department is understaffed and they are currently interviewing for the position of Zoning Enforcement and Planning Technician. Mr. White stated that he will help the applicants move forward to resubmit the correct application. He explained that there is an encroachment on the Willow Green Ln side and reiterated that the correct application and agenda will be resubmitted. Mr. Hoopes remarked that the side yard and front yard designations are pretty confusing in Glastonbury.

Chairman Smith explained that the Mazurs will have to withdraw the application in order to submit a corrected application. The Chairman also noted that, in light of the errors, the application fee should be waived. Mr. White agreed to waive the fee. Mr. Campbell thanked the Board for waiving the fee. Mr. and Mrs. Mazur stated that they would like to withdraw the application. The Chairman stated that the Zoning Board of Appeals accepts the withdrawal of the application at this time. He explained that it is likely to be resubmitted in a different format. The Chairman instructed the members of the public to comment once the applicants reapply. The hearing was closed. The applicants thanked the Board. Chairman Smith stated that the Board will move on to the 2nd agenda item.

Two members of the public stated that they do not understand the rear yard and side yard requirements. (They did not provide their names or address). Chairman Smith explained that the application has been withdrawn and it is unfair for the public to speak without the applicants being present. The Chairman explained that, once the application is resubmitted again, members of the public can comment. Chairman Smith stated that the notices are posted in the front yard. Mr. White asked the members of the public to call him at his office and he will explain the setback requirements. The two members of the public stated that they found the notice by accident and explained that it was not very visible. The two members of the public asked if they can be notified about when the next hearing will take place. Mr. White explained that applications are noticed in the paper and the signage is posted. He noted that there is no system in place to notify neighbors of applications scheduled for public hearings. Mr. Bowman explained that the ZBA meetings are typically the first Monday of the month and the agendas are posted on the Town website. He suggested for the applicants to check the website for information regarding the meeting date and time.

- 2. By: Joseph & Kathleen of 46 Duffords Landing, South Glastonbury, Zone 'RR' requesting a variance from Section 7.1.b.2.f defining the location of pools to be in the 'rear yard', to allow a pool to be located in the designated 'front yard'.**

Mr. White read the 2nd application.

Mr. Joseph Sala and Mrs. Kathleen Sala introduced themselves for the record. Mr. Sala stated that the Town considers their front yard to be the rear yard. He explained that they access their home from Duffords Landing. Mr. Sala noted that the only way they can access their home is through the common driveway easement. The backyard faces Tryon Street and the Connecticut River.

Chairman Smith noted that this application has a topographical hardship and added that the only access is through the easement. Mr. Sala explained that the easement was there before they purchased the property. He reiterated that the only way to access their home is through the easement. Mr. Sala stated that he suspects that, when the land was subdivided, it was initially accessed through Tryon Street. The Chairman asked the applicants if they intend to access the property on the Tryon Street side. Mr. Sala stated that they cannot access the property on the Tryon Street side because it is too steep. A site plan was put up on the screen. Chairman Smith inquired about the circles. Mr. Sala stated that they are leach fields for the septic. Chairman Smith asked if the septic meets all of the health code requirements. Mr. Sala replied yes and noted that they will be 25 feet away from the proposed pool. The Chairman asked the Board members if there was any questions or comments. There were no questions.

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.

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

1) Action on Public Hearings

- 1. By: Bonnie and Clint Mazur of 2077 Main St. Glastonbury, Zone ‘A’ requesting a variance from Sections 4.6.7 and 4.6.8 defining minimum building setback distances from adjacent property lines, Rear and Side yard setback lines, in order to accommodate a 20’x30’ addition to the existing barn. (The application was withdrawn.)**

- 2. By: Joseph & Kathleen of 46 Duffords Landing, South Glastonbury, Zone ‘RR’ requesting a variance from Section 7.1.b.2.f defining the location of pools to be in the ‘rear yard’, to allow a pool to be located in the designated ‘front yard’.**

Secretary Korns read the 2nd application.

Motion by: Secretary Korns

Seconded by: Vice-Chair Dzialo

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Joseph & Kathleen Sala of 46 Duffords Landing, South Glastonbury, Rural Residence Zone, to request a variance from Section 7.1.b.2.f defining the location of pools to be in the “rear yard”, to allow a pool to be located in the designated “front yard” on the grounds that the area defined by the Town as the front yard facing Tryon Street is actually the backyard of the home. Neither the home nor the proposed pool would be visible from the street. Furthermore, due to the topography of the area, what is called the “front yard” could never be used to access Tryon Street. The requirements of Section 13.9 have been met.

Discussion:

Secretary Korn noted that he has been there and it is obvious that the proposed site is the only feasible site for the pool.

Chairman Smith noted that there was a similar pool application about a year ago with reversed backyard and front yard.

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

2.) Acceptance of Minutes from May 2, 2022 Meeting

Motion by: Mr. Bowman

Seconded by: Mr. Hoopes

MOVED, that the Glastonbury Zoning Board of Appeals accepts the May 2, 2022 minutes as presented.

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

Discussion:

Chairman Smith noted that the Zoning Board newsletter was sent out. He added that it is worth a read.

Vice-Chair Dzialo suggested updating the application form. She volunteered to take the lead on this. Vice-Chair Dzialo explained that changing the form would allow the applicants to better understand the process and what is expected of them. She also noted that it would be more efficient. Mr. White explained that changing the new form would need to be voted on by the Board. He noted that he will touch base with Vice-Chair Dzialo. The Vice-Chair asked if everyone is in agreement to update the form. Mr. Hoopes noted that he is in agreement.

Secretary Korns explained that the agenda contained errors and is in a different format. He noted that the last name of the applicant was left off and the zone was not specified. Mr. White stated that this will be corrected. He thanked Vice-Chair Dzialo for volunteering to update the form. Mr. White apologized for the errors and explained that the Building Department has been understaffed.

Chairman Smith asked about the timeline for the form. Vice-Chair Dzialo stated that it will be completed by the next meeting. Chairman Smith explained that approval of the new form must be put on the agenda.

Secretary Korns noted that there was discussion at the last meeting about the meeting format and added that the Board did not come to any resolution. He asked the Chairman if he saw that in the minutes. Chairman Smith explained that he is not sure if the meeting format is a Town policy or a Board policy. Mr. Ashton explained that, for the most part, the decision is left to the boards and committees. He noted that meeting room A is much smaller and there is concern about COVID and compacting people into a tight space. Mr. Ashton explained that many boards have a hybrid format. Board members and applicants can choose to meet in person or to sign into Zoom. Mr. Ashton noted that, when Council Chambers is not available, it would be better to meet over Zoom. He stated that the Town Council meetings are permanently hybrid. Chairman Smith noted that the Council Chambers can easily accommodate for hybrid meetings. Mr. Ashton noted that meeting room A is too small to fit in the equipment to conduct a hybrid meeting. Mr. Bowman remarked that the two gentlemen with concerns about the Main Street application might appreciate an in-person meeting. Mr. Ashton remarked that they should check to see if they can meet at Council Chambers. Chairman Smith noted that the Board of Ed holds meetings during the same time slot.

Mr. Hoopes noted that there are advantages to a hybrid meeting. He noted that he can participate via Zoom and explained that he is not available to do in person meetings in the later months. Secretary Korns noted that the public can participate remotely. Mr. Ashton replied yes and added that Board members can also choose to participate via Zoom. Chairman Smith pointed out that there is some controversy about screens freezing, which leads to information not being heard. Mr. Ashton noted that the technology set up by the Town has very few issues. Chairman Smith stated that he is inclined to select a hybrid meeting option for September. Secretary Korns noted that it is easier to see the documents on the screen in the Zoom format. He noted that he does not mind a hybrid meeting for September. Mr. White stated that he will ask Krystina to check the Council Chambers availability. Chairman Smith noted that, if the Council Chambers is not available, the Board does not want to be stuck in meeting room A and will proceed with the Zoom format.

Chairman Smith thanked Vice-Chair Dzialo for volunteering to update the application form.

3) Adjournment

Motion by: Mr. Bowman

Seconded by: Mr. Hoopes

MOVED, that the Glastonbury Zoning Board of Appeals adjourns their regular Meeting of August 1, 2022 at 8:15 pm.

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

Susan Dzialo, Chairperson