

**GLASTONBURY ZONING BOARD OF APPEALS**  
***Regular Meeting Minutes of Monday, December 5, 2022***

The Glastonbury Zoning Board of Appeals with Mr. Lincoln White, Building Official, in attendance held a Regular Meeting on Monday, December 5, 2022 via ZOOM video conferencing.

**ROLL CALL**

**Board Members- Present**

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

**Board Members- Excused**

Philip Markuszka, Alternate

Chairman Smith called the meeting to order at 7:00 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 announced that the second application was postponed for the January 9, 2023 meeting.

Secretary Korn read the 1<sup>st</sup> agenda item.

**Public Hearing**

- 1. Arnold & Kathleen Waterman of 356 Naubuc Avenue are requesting a Variance to Sec. 7.1a.2b, the seventy-five-foot requirement. The requirement would place a 10' x 10' gazebo in the front building line setback of the property where a decorative bridge once was.**

Mr. White read the 1<sup>st</sup> application.

Mr. Arnold Waterman introduced himself for the record. He explained that they would like to place a 10' x 10' gazebo on their front lawn. The proposed location of the gazebo would be 45 feet from the fence that borders the street (Naubuc Avenue). The gazebo would be 10 feet and 26 feet from the side property lines. The placement of the gazebo would be approximately 30

feet from the front of the house. Mr. Waterman stated that they were unaware a variance was required. He explained that they prefer to put in a decorative gazebo over the empty hole instead of putting in a bridge. Mr. Waterman stated that he has submitted the dimensions and information on the proposed gazebo. The brief presentation was concluded.

Chairman Smith asked Mr. Waterman if he had provided a statement of hardship. Mr. Waterman explained that it is impossible to place the gazebo at 75 feet and added that it would be in the living room. Mr. Waterman remarked that it would be nice to have an attractive gazebo. Chairman Smith noted that the hardship is topographical.

Secretary Korns inquired about the height of the proposed gazebo. Mr. Waterman replied 12 feet. Secretary Korns noted that he has passed by the property and noticed the seasonal decorations. He asked the applicant if they plan to continue with the decorations if the gazebo is approved. Mr. Waterman replied yes and added that they will especially do so on patriotic days.

Mr. Bowman informed the Board that Mr. Waterman does not have a real backyard. He added that, functionally, the backyard is a parking lot. Mr. Bowman noted that the proposed placement of the gazebo would not cause any annoyance to the neighbors. Chairman Smith agreed with Mr. Bowman's points. The Chairman added that there are constraints to placing the gazebo in the rear yard.

Mr. Hoopes inquired if a variance is needed for this application. He read out the setbacks for the Town Center Mixed Use zone (TCMU) and noted that the front yard requires 20 feet not 75 feet. Mr. White explained that he approached the application as a residence in the TCMU zone. The Board discussed the TCMU regulations. Secretary Korns pointed out that some of the zoning section numbers listed for the postponed agenda item are incorrect. The Chairman asked Mr. White to update that item for the January meeting.

Chairman Smith asked the Board to make a determination if the variance is not necessary or if a variance is needed. Mr. Hoopes suggested to grant Mr. Waterman a variance in case there is a different interpretation of the zoning regulations in the future. Chairman Smith agreed with Mr. Hoopes and added that variances run with the land. The Chairman noted that granting a variance would protect the applicant in case of a different zoning interpretation. Ms. Dzialo remarked that it sounds reasonable. *There were no additional questions or comments.*

*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.*

- 2. Corrine Crocker-Luby & William Luby of 14-18 Parker Terrace Ext. are requesting a variance and special exception (Sec. 14.18.2 & 14.18.4.i.1 & 3.8) for a special event venue at this address (SP) category mixed use development definition is vague according to TPZ, which is the hardship:**

**-Keep the mixed use: retain 3 apartments at this address;**

**-Add an 8' fence at this address (Section 3.8) – on both north & west sides**

**-14-18 Parker Terrace Extension, to demolish more than 50% of the existing house (section 14.18.4.i.1) & rebuild a solid structure on the additional foundation, and would like to go up to 5,000 square feet. Postponed for January 9, 2023.**

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

**Discussion:**

Secretary Korns noted that he has many questions about the postponed application and added that it is not clear what is being requested. He remarked that the Board will need more detailed information before the applicant presents in January. Secretary Korns asked Mr. White to correct the citations in the application.

Mr. White explained that Mr. Mullen is trying to fill him in on the history and complexity of what the applicant is planning to do. He noted that Mr. Mullen will put together a chronological summary and informational paper for the TPZ on the 13<sup>th</sup>, which will help provide an overall picture of what was approved and what is requested. Mr. White explained that they will look into changing the definition of the zone, and added that all these use variances should not be going on.

Ms. Winkler explained that the ZBA approved a building across the street about a year ago. She noted that the applicant owns these buildings and added that a lot of pre-wedding parties and different sized events take place. Ms. Winkler noted that the applicant needs more parking and room for the various events. Ms. Winkler mentioned that the applicant hired Attorney Alter to help with the TPZ hearing. Ms. Winkler noted that the applicant had many letters of support from customers and former staff. Ms. Winkler stated that she has seen the property and agreed with Mr. White about his points regarding use variances.

Mr. Bowman asked if the applicant would demolish 14 and 16. Ms. Winkler explained that she was there and was told that they are shifting the entrance. Chairman Smith asked the Board members not to discuss the postponed application any further and to wait until the applicant presents in January. Mr. Hoopes agreed with the Chairman. Chairman Smith asked Mr. White to correct the citations on the postponed application to ensure that the legal notice is accurate.

## 1) Action on Public Hearings

1. **Arnold & Kathleen Waterman of 356 Naubuc Avenue are requesting a Variance to Sec. 7.1a.2b, the seventy-five-foot requirement. The requirement would place a 10' x 10' gazebo in the front building line setback of the property where a decorative bridge once was.**

*Motion by:* Vice-Chair Dzialo

*Seconded by:* Secretary Korns

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Arnold and Kathleen Waterman of 356 Naubuc Avenue for a Variance from Section 7.1a.2b to permit an accessory structure to be placed within residential 75-foot setback requirement. This request is for a variance of 30 feet placing the 10' x 10' gazebo at 45 feet from the front property line. The variance is requested on the grounds that the position of the house on the lot precludes placement in the rear of the property. It is an attractive addition to the neighborhood and under the hybrid zoning of Town Center Mixed Use this structure could have been permitted well beyond the 20-foot requirement of that TCMU zone. Further, the additional requirements for decisions under Section 13.9 have been met.

### **Discussion:**

Secretary Korns noted that he went by there today and forgot to mention that the sign was there with nothing specific on it. He explained that it just had the notice of the ZBA hearing by Zoom. Secretary Korns asked if the sign was supposed to indicate what exactly the application is for. Chairman Smith asked if the date of the hearing was on the sign. Secretary Korns replied yes. Chairman Smith explained that at least the property was identified along with the hearing date. The Chairman added that it is probably enough and noted that it would have been preferable if it listed what they plan to do. Chairman Smith explained that it may be difficult for an applicant to put in something as elaborate as what is listed on the postponed application. Secretary Korns noted that the sign is better left as it is than to include erroneous information. He noted that there were cases in the past where wrong sections were put in. Secretary Korns stated that he supports the application. Mr. Hoopes noted that the sign gives the date and time and identifies which Board it will go before. He added that many applicants may find it difficult to put in all of the zoning information. *There were no additional comments.*

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

2. **Corrine Crocker-Luby & William Luby of 14-18 Parker Terrace Ext. are requesting a variance and special exception (Sec. 14.18.2 & 14.18.4.i.1 & 3.8) for a special event venue at this address (SP) category mixed use development definition is vague according to TPZ, which is the hardship:**

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### **3) Acceptance of Minutes from November 7, 2022 Meeting**

Ms. Winkler found a minor error on page 2 of the minutes. She noted that “circular garage” should be replaced with “circular driveway”.

*Motion by:* Ms. Winkler

*Seconded by:* Secretary Kornis

MOVED, that the Glastonbury Zoning Board of Appeals accepts the amended minutes of November 7, 2022.

*Result:* Motion passes. (4-0-1)

(Chairman Smith abstained from voting because he was not at the meeting.)

### **4) Adjournment**

*Motion by:* Ms. Winkler

*Seconded by:* Vice-Chair Dzialo

MOVED, that the Glastonbury Zoning Board of Appeals adjourns their regular Meeting of December 5, 2022 at 7:36 pm.

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

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Brian Smith, Chairman