

**GLASTONBURY ZONING BOARD OF APPEALS**  
***Regular Meeting Minutes of Monday, February 6, 2023***

The Glastonbury Zoning Board of Appeals with Mr. Lincoln White, Building Official, in attendance held a Regular Meeting on Monday, February 6, 2023 via ZOOM video conferencing.

**ROLL CALL**

**Board Members- Present**

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

**Board Members- Excused**

(None)

The Board welcomed Mr. Andy Zlotnik, the newly appointed Board member.

Chairman Smith called the meeting to order at 7:02 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 Kornis read the two agenda items.

**Public Hearing**

**1. Request from Jeffrey & Tamra White of 292 Leigh Gate Road for a 3'-6" variance to encroach an addition into the side yard building setback line.**

*Mr. Lincoln White experienced technical problems.* Chairman Smith read the 1<sup>st</sup> application.

Mr. Jeff White introduced himself for the record. He explained that they are requesting a variance for the side yard which amounts to approximately 4'-6". Mr. White noted that they had a site survey done and were told that the addition would encroach by approximately 4.1 feet. He explained that they are asking for 4'-6" to allow extra space in case anything comes up during the construction process. Mr. White explained that the hardship is due to the pie shaped, non-conforming lot. He noted that they have a swimming pool on the lot, which also limits placement of the addition. Mr. White explained that that the steep topography on site also limits

the placement of the proposed addition. Mr. White stated that the encroachment is abutting the wooded area and added that his neighbor is in support of the addition. Mr. White noted that a letter of support from his neighbors, Mr. David T. Hazen and Mrs. Heather Hazen of 286 Leigh Gate Road was submitted in the application materials. The presentation was concluded.

The Chairman noted that the lot shape is a topographical hardship. Ms. Winkler asked the applicant to confirm how much of a variance is needed. Mr. White replied approximately 4 feet 6 inches. He noted that the overage will total approximately 19 square feet. Mr. Zlotnik asked about the variance section. The Board members noted that it should be Section 4.4.7 and added that the information was not on the agenda. The Chairman moved on to public comment.

*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. Request from Michael Guidicelli of 541 Tryon Street to reduce the required 50' front yard building setback line on Tryon Street 10' for an addition.**

Chairman Smith read the 2<sup>nd</sup> application. *Mr. White connected to the Zoom meeting.*

Mr. Richard Megson of Megson, Heagle & Friend Civil Engineers & Land Surveyors, LLC introduced himself for the record. He informed the Board that he will represent the homeowner. A site plan was put up on the screen. Mr. Megson noted that the property has frontage on Tryon Street and Duffords Landing. He explained that a scrivener's error on the subdivision plans in 2006 have the front-line setback listed as a 40' front yard instead of 50'. Mr. Megson noted that in 2020, a lot line modification plan between 541 Tryon Street and 32 Duffords Landing was prepared and filed into public record with the same front, rear, and side yard dimensions. He noted that the scrivener's error was not noticed until late 2022 when the applicant asked them to prepare a building permit application for an addition to the existing house. Mr. Megson explained that they are requesting a 10' variance to allow the proposed building permit map to match the two existing maps already filed into public record. The presentation was concluded.

Mr. Hoopes remarked that there is confusion about what is the front yard and what is the rear yard. The Board briefly discussed the issue. Mr. Megson put up the site plans on the screen and noted that the setbacks cannot be changed. Chairman Smith noted that the property predates the zoning regulations. He also noted that topography is a hardship. Ms. Winkler asked if there would be any changes to the existing house. Mr. Megson explained that the plans include reconstructing the area of the garage and removing a portion of the house to make way for the planned addition. Ms. Winkler asked if the addition will move closer to the 40-foot front yard. She also asked if an approval from the Board would apply to the entire subdivision. Mr. Megson noted that an approval will only apply to the applicant's property and not the rest of the subdivision.

Mr. Megson noted that the error in the plans, as well as the error of calling Tryon Street the front yard, is why they are in front of the ZBA. Ms. Winkler noted that Mr. Peter Carey had explained that the designated front yard is where one drives up to the house. Mr. Megson noted that the topography of the front lot is challenging. Chairman Smith noted that the topography is steep and asked if there were plans to change the location of the leaching field. Mr. Megson explained that the leaching field is way up the hill, closer to test pit 102. He added that the septic system will be up to code. Mr. Zlotnik wanted to confirm that the application is to correct the 50' front yard setback to a 40' front yard setback. Mr. Megson replied correct. Mr. Zlotnik asked for the variance section. Mr. Megson explained that the applicant is requesting a variance from the restrictions imposed in section 4.2.6 of the Glastonbury Building-Zone Regulations, Rural Residence Zone, front yard requirement of 50'. He stated that the requested relief is ten feet, for a 40' front yard along the frontage of Tryon Street. Mr. Megson added that they will bring the property into zoning compliance and will match the setbacks that are on file. Mr. Hoopes remarked that they are not correcting the information, only granting the variance. The Chairman moved on to public comment.

*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.*

Mr. Megson thanked the Board.

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

## **1) Action on Public Hearings**

### **1. Request from Jeffrey & Tamra White of 292 Leigh Gate Road for a 3'-6" variance to encroach an addition into the side yard building setback line.**

Secretary Korns noted that the applicant amended the request to 4' - 6" variance.

***Motion by:*** Vice-Chair Dzialo

***Seconded by:*** Secretary Korns

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Jeffrey and Tamra White of 292 Leigh Gate Road in Residential AA Zone for a variance from Section 4.4.7 to permit up to a 4'-6" encroachment of an addition into the 20-foot side yard requirement on the grounds that the lot is a non-conforming pie shaped lot and the encroachment only occurs for a limited distance at one corner of the new construction. Further, the additional criteria for decisions under Section 13.9 have been met.

**Discussion:**

Secretary Kornis noted that the neighbor that would be affected has submitted a letter of support. He added that the application is entirely reasonable and will not cause any issues.

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

**2. Request from Michael Guidicelli of 541 Tryon Street to reduce the required 50' front yard building setback line on Tryon Street 10' for an addition.**

**Motion by:** Mr. Hoopes

**Seconded by:** Vice-Chair Dzialo

MOVED that the Glastonbury Zoning Board of Appeals approves the application of Michael Guidicelli of 541 Tryon Street to reduce the required 50' front yard to a 40' front yard based on the unusual topography of the lot. The requirements of Section 13.9 are satisfied.

**Discussion:**

Chairman Smith remarked that the application is unusual and asked the Board for comments. Vice-Chair Dzialo noted that she is very familiar with the lot and explained that at Tryon Street it is nearly a vertical rise. She added that it is clearly a challenging lot. Vice-Chair Dzialo remarked that at this point it makes sense that the Board is simply codifying the error that had originally been made. She added that the new owner was prepared to work out the issue. Chairman Smith noted that he is glad to see the applicants were not trying to make it somehow closer to Tryon Street than what was achieved by accident.

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

**2) Informal session for the purpose of hearing from citizens on Regular Meeting agenda or non- agenda**

Chairman Smith noted that he did not have a role in preparing this agenda item. He explained that the Board should not hold informal sessions on public hearings. The Chairman added that those comments should be held at the public meetings. He noted that informal sessions on other issues can take place. The Chairman asked if anyone wanted to bring up something informally. The Board members asked if this is a new item on the agenda. Mr. White explained that adding the informal session item was an attempt to make the agenda uniform with other Boards and Commissions. He explained that the TPZ agenda was used and Krystina matched and formatted

it to look similar. Mr. White stated that he did not realize that this item does not pertain to the ZBA and added that it can be removed.

Secretary Korns explained that, in his 7 plus years on the Board, the agenda items have historically included the zone that the property is in and the reference to the regulations that are issued. He explained that having the zone and the specific regulations would benefit the public in their understanding of the application. Mr. Hoopes agreed and noted that Secretary Korns made a good point. Chairman Smith agreed and noted that it was also his experience that the zone and regulation sections were included on the agendas. Secretary Korns asked Mr. White to include the zone of the property and the regulation sections on the agendas going forward. Mr. White stated that the information will be added to the agenda.

Vice-Chair Dzialo inquired about the ongoing training that Town Boards and land use Boards are required to pursue every 2 years, which amounts to 4 hours of training. She asked if the Board has a protocol in place and found this information in the CT Federation of Planning and Zoning Agencies quarterly newsletter. Vice-Chair Dzialo remarked that she appreciated that Krystina included the information in the packets. She asked how the ZBA fulfills this requirement. Mr. White noted that he did not realize it was 4 hours in 2 years and added that he will find out. Vice-Chair Dzialo noted that she emailed the CT Federation of Planning and Zoning Agencies and is waiting for a response. Secretary Korns asked if this was different from the ethics training. Mr. White replied yes. Several Board members remarked that they have never heard of this training requirement. The Board discussed the training requirements and upcoming training sessions. Ms. Winkler asked if the Town would pay the costs for the \$180-dollar training session. Mr. White said the Town would cover the costs. Mr. Hoopes remarked that he is skeptical about the requirement and added that he would like to see the actual statute. Mr. White read off a passage from one of the training sessions and noted that Mr. Hoopes might be right. Mr. White noted that it does not seem like it is required.

Secretary Korns noted that a new alternate, Aaron White is listed on the Boards and Commissions list. He asked Mr. White if he was aware. Mr. White noted that he will check on this and update the Board. The Board welcomed Mr. Zlotnik. Mr. White informed the Board that Ms. Shelly Caltagirone is the new Director of Planning and Land Use Services. He noted that it would be great for the Board to meet the new Director. Chairman Smith agreed. Mr. White stated that he will invite Ms. Caltagirone to next month's meeting. Mr. Zlotnik asked about the makeup of the ZBA Board. Chairman Smith explained the rules and procedures for seated members and alternates.

### 3) Acceptance of Minutes from January 9, 2023 Meeting

**Motion by:** Ms. Winkler

**Seconded by:** Mr. Bowman

MOVED, that the Glastonbury Zoning Board of Appeals accepts the minutes of January 9, 2023 as amended.

#### **Discussion:**

Secretary Korns noted that the agenda is dated January 6, 2023 and should be corrected to January 9, 2023. Secretary Korns noted the typo on the bottom of page 5 in the “motion by” section should be corrected to “Mr.” The motion located on the top of page 8 that references allowing 3 units should be corrected to “4.18.4.i”. The motion in the middle of page 8 that references 500 additional square feet of space should be corrected to “4.18.4.i.1.c”.

Vice-Chair Dzialo thanked Secretary Korns for catching the typos and errors.

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

*(Chairman Smith recused himself from voting on the minutes because he was not at the meeting.)*

### 4) Adjournment

**Motion by:** Secretary Korns

**Seconded by:** Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals adjourns their regular Meeting of January 9, 2023 at 8:05 pm.

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

---

---

Brian Smith, Chairman