

GLASTONBURY ZONING BOARD OF APPEALS
Regular Meeting Minutes of Monday, June 5, 2023

The Glastonbury Zoning Board of Appeals with Lincoln White, Building Official, in attendance held a Regular Meeting on Monday, June 5, 2023 via ZOOM video conferencing.

ROLL CALL

Board Members- Present

Brian Smith, Chairman
Susan Dzialo, Vice-Chair
Nicholas Kornis, Secretary
David Hoopes
Jaye Winkler

Board Members- Excused

Douglas Bowman, Alternate
Aaron White, Alternate
Andy Zlotnick, Alternate

Chairman Smith called the meeting to order at 7:04 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 agenda item.

Public Hearing

- 1. John H. Vontell of 46 High Ridge Road zone AA is requesting a variance to section 7.1a.3a. for the purpose of building a post and beam accessory structure which has a greater floor area than the 25% maximum floor area allowed by the Town's regulations.**

Mr. White read the 1st application.

Mrs. Laine Vontell and Mr. John Vontell provided their names and address for the record. The homeowners explained that they would like to replace the existing shed with a larger shed with overhang. They noted that the overhang is not part of the enclosed square footage and added that it will provide a covered space to protect bicycles and other items from the elements. The homeowners stated that the new shed will be located in the same place as the old shed. They explained that the location of the shed is in a densely wooded area and will not be visible. The homeowners stated that they have submitted a letter of support from their neighbor.

Chairman Smith noted that the letter was received and added that it will be part of the official record. Chairman Smith asked Secretary Korn to read the letter. Secretary Korn read the letter of support from Mr. Todd Watkins of 14 High Ridge Road. Mr. Hoopes asked about the square footage of the house and noted that the maximum size shed is 400 square feet, which makes the house approximately 1,600 square feet. The homeowners replied correct and added that the square footage is 1,642. Mr. Hoopes wanted to confirm that the proposed shed will measure 518 square feet with overhang. The homeowners replied correct. Vice-Chair Dzialo wanted to confirm that the proposed shed would be 35 feet from the side line. The homeowners replied correct. Vice-Chair Dzialo asked about the rear setback and noted that the plans look like there is another lot. The homeowners stated that they own two parcels and added that they did not measure the rear setback and estimated that it should be between 50 to 60 feet. Chairman Smith noted that the lots can be merged and added that the homeowners would have to agree to the merger. Mr. Hoopes remarked that he did not know the ZBA had a role in lot mergers. Chairman Smith explained that it is not normally the case and noted that, if the homeowners agree, it can be added as part of the condition of approval. Mr. Hoopes noted that the intent is to treat the second parcel as part of the principal lot.

Chairman Smith stated that the homeowners have a choice and can merge the two lots. The Chairman asked the homeowners if they intend to merge the lots, which would allow the ZBA to approve the application without requiring any additional variances. Chairman Smith explained that the homeowners can also choose to preserve the lot and can come back later for a variance request. Ms. Winkler asked about the side yard requirements and asked if the distance allowed is 5 feet. Mr. White explained that maximum mean height is 15 feet. There was a brief discussion on measuring the mean height. Ms. Winkler noted that she went out to the site and added that the shed location will be tucked into a hill. She explained that the homeowners can set the shed lower to comply with the mean height. Chairman Smith noted that the applicants would need a variance or can agree to the lot merger. There was a brief discussion on the architectural style of the home.

Vice-Chair Dzialo noted that simply changing the pitch of the roof may not be an accurate assumption and asked the applicants if they are considering a variance. The homeowners stated that it was always their intention to combine the two lots. They explained that, in the 1980s, a landowner gave neighbors the option to purchase additional land and several neighbors bought additional parcels and combined their lots. The homeowners stated that they never got around to combining the two lots and added that they prefer to combine the lots. Secretary Korn asked about the hardship. The homeowners explained that they are a growing family and need storage and added that there is a lot of ledge on their property. The homeowners noted that they do not want to add an addition because it might not look right and explained that they do not want to mess with the architectural style of their home. The homeowners explained that they have a private and wooded lot. Secretary Korn noted that the shed images show a living space and wood stove and asked the homeowners what the space is intended for. Mrs. Vontell explained that she used a design program to come up with the drawings and added that the shed will be used to store lawn mowers, tools, lawn equipment and other items. Ms. Winkler asked if there was a way for the applicants to put up the shed and add the overhang later. The homeowners

explained that they do not want to add the overhang after the fact and would prefer to combine both of their lots. They noted that it was always their intention to combine the lots. Chairman Smith explained that the ZBA is allowed to make conditions of approval and noted that in this case the condition of approval would be for the applicants to merge the lots and provide evidence. Mr. Hoopes asked if lot mergers are a matter of intent or a process other than going to the Town Assessor. Chairman Smith explained that he went through the process in the 1980s and had to write a quick claim deed to consolidate two lots. Mr. Hoopes remarked that there is no need to get a surveyor. There was continued discussion on the mean height and the option of obtaining a variance. Mr. Hoopes asked if the shed is custom. The homeowners replied yes. Ms. Winkler explained that the homeowners can choose to excavate 6 inches to place the shed lower. The homeowners stated that they are going to combine the lots and added that it is on their list of things to do. They noted that the paperwork should be easy. The Chairman moved on to public comment. There was no public comment. Chairman Smith asked the homeowners to confirm that it is their preference to merge their lots as a condition for approval. The homeowners agreed to merge the lots as a condition of approval.

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.

Action on Public Hearings

- 1. John H. Vontell of 46 High Ridge Road zone AA is requesting a variance to section 7.1a.3a. for the purpose of building a post and beam accessory structure which has a greater floor area than the 25% maximum floor area allowed by the Town's regulations.**

Motion by: Mr. Hoopes

Seconded by: Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by John H. Vontell of 46 High Ridge Road in zone AA for a variance to section 7.1a.3a. for the purpose of constructing an accessory shed of 518 square feet. The hardship is on the grounds that the regulations do not consider smaller houses on larger lots. This approval is subject to the condition that the applicant take appropriate steps to merge the lots prior to construction. The requirements of Section 13.9 are satisfied.

Discussion:

Vice-Chair Dzialo asked if the motion will include the requirement to merge the lots. Mr. Hoopes agreed to amend the motion. Ms. Winkler accepted the amendment.

Ms. Winkler noted that she has been out to the lot and does not think anyone would object to the newer shed which is in keeping with the current primary structure. She explained that the regulations are in place to ensure that primary structures are not dwarfed by larger accessory structures. Ms. Winkler stated that she will vote in favor.

Chairman Smith stated that he went to the site and noticed a similar situation at 17 Dayton Road, a steep property with an out building. The Chairman stated that the applicants spoke about the ledge and noted that this is a classic hardship with strange topography and slope. Chairman Smith noted that the applicants have explained that they are trying to be architecturally correct and added that he thinks they have done a very good job with the plans. Chairman Smith stated that he will vote in favor.

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

1) Informal session for the purpose of hearing from citizens on Regular Meeting agenda or non- agenda (None)

The Board agreed to remove this agenda item. Mr. White noted that he will ask Krystina to remove it. Chairman Smith noted that Aaron White should be listed on the agenda as an alternate. Mr. White agreed to correct the agenda.

2) Acceptance of Minutes from April 3, 2023 Meeting

Motion by: Vice-Chair Dzialo

Seconded by: Secretary Kornis

MOVED, that the Glastonbury Zoning Board of Appeals accepts the minutes of May 1, 2023 as corrected.

Discussion:

Vice-Chair Dzialo directed the Board to page 7, bottom paragraph, which reads: “Mr. Megson explained that having a higher height would allow the structure to be as close as 5 feet from the side yard.” Vice-Chair Dzialo noted that the word “higher” should be corrected to “lower”. The Board agreed to the change.

Chairman Smith directed the Board to page 13 of the minutes, the approval section. He noted that he recused himself from the vote. He explained that Mr. Zlotnick was seated as a voting

member and voted for the approval of the minutes. Vice-Chair Dzialo confirmed. The Board agreed to the change.

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

Discussion:

Ms. Winkler asked if there would be a July meeting. Vice-Chair Dzialo noted that it is scheduled for July 10th.

3) Adjournment

Motion by: Ms. Winkler

Seconded by: Vice-Chair Dzialo

MOVED, that the Glastonbury Zoning Board of Appeals adjourns their regular Meeting of June 5, 2023 at 7:56 pm.

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

Brian Smith, Chairman