

Narrative Statement
Zoning Board of Appeals Application
Margaret M. Shea
266 Abbe Road
South Windsor, Connecticut
DPI Project No. 4594
March 11, 2021

Application Request: Variance to Section 3.1.2A – Side Yard in the Rural Residential (RR) Zone, to allow a detached garage building 12.5 feet from the side property line, i.e., 7.5 feet variance from the 20 feet side yard setback requirement.

Margaret M. Shea resides on the easterly side of Abbe Road, just northerly of Garnet Lane. It is an attractive colonial style home acquired by her parents from the builder of Section One, Abbe Estates, in 1957. She and her six siblings were raised there. As most of the homes in that subdivision at that time, this house has never had a garage, as is proposed at the end of her driveway. At one time, subsequently to erection of the home, the Town zoning regulations required each house to have a private garage. When Mr. DeMallie was the community's planning director, he had to testify in court to uphold that requirement for a home on Foster Road. The subject property, and all neighboring properties, are in the RR Rural Residential Zone, which requires a 20 feet wide side yard setback. A 12.5 feet setback dimension is proposed.

The undue hardships and particular circumstances unique to this property include:

- 1) This property is 50% of the minimum lot size for a conventional building lot in the Rural Residential Zone. It is 20,000 square feet, whereas 40,000 is today's requirement. This affords fewer options for placement of a garage;
- 2) The lot's street frontage is only 100 feet, or 75 feet less than today's requirement. This too restricts the placement of a garage to the side of the house without a side yard variance;
- 3) While Section One of Abbe Estates was by all indications a conventional subdivision, today's Rural Residential Zone allows 20,000 square foot lots with 100 feet of frontage in an open space subdivision, with a more appropriate side yard requirement of ten feet, given the smaller lot size and reduced frontage (see Table 7.14.5A);
- 4) In Table 3.1.2A, the only 20,000 square foot conventional residential lot allowed in Town is in the A-20 Zone, and that appropriately allows a ten foot side yard;
- 5) The house was never designed for an attached garage. The only place for an attached garage would be on the southerly side, which would eliminate south facing windows on the first floor and dramatically impact natural lighting in the kitchen and dining room;

- 6) Abbe Road is a collector street, so on-street vehicle parking is discouraged. The subject application will reduce the frequency of on-street parking and thus make for a safer situation, in that the household's two cars will be accommodated inside of the new garage, and the expanded driveway will be of sufficient size to accommodate most guest vehicles;
- 7) The garage is situated such that vehicles backing out of the garage can turn around before exiting on to the collector street. Backing into a collector street is to be avoided. This will afford much safer vehicular movements;
- 8) The lot is too narrow for a side load garage option;
- 9) After much analysis, the applicants and their design team concluded that the only option for additional garage space was to build a detached garage at the end of their driveway;;
- 10) The new garage building will be attractive (se illustration of one garage design under consideration), and will add to the home's value, which will help preserve or enhance the value of neighbor's homes;
- 11) Prior to the public hearing, the applicant will have reached out to all of her abutters to inform them of her application;
- 12) The present side yard setback along the southerly property line is 6.1 feet. If this application is approved, the side yard setback will become no less than 12.5 feet, or roughly double the existing condition, and consistent with other 20,000 square feet lot requirements embodied in the zoning regulations;
- 13) The existing older nonconforming shed along the southerly property line will be removed;
- 14) Moving the garage further back and to the rear of the house not only would ruin the yard's private back yard, but also interfere with lot drainage, which is one reason why it had to be moved forward and out of the back yard;
- 15) The applicant is requesting a side yard of 12.5 feet, rather than the 13.5 feet depicted on the attached map prepared by Design Professionals, Inc., because the 24 feet wide garage typically represents the floor area, and the siding could add another three or four inches to the width. Also, we are trying to avoid the necessity of returning to the ZBA should a minor construction error be made in the field, e.g., the proposed location shifts a few inches; and
- 16) The proposal will be conforming to all other zoning regulation requirements.

In summary, the applicant has a situation unique to their property, including topographic and undersized dimensional lot features (lot size and width), which requires them to erect a garage in the proposed location, removed from the street. It will create a safer situation for the owner, the owner's guests, and for their neighbors. It will enhance property values. It will improve the neighborhood by placing more vehicles in garage spaces rather than in the driveway or out on the street. It will protect the owner's vehicles in winter conditions. Thank you.



3.1.2 Residential Area, Density and Dimensional Requirements

- A. Except as provided for existing lots in Section 2.5 Building on Existing Nonconforming Lots, no building shall hereafter be erected, enlarged, altered or rebuilt, or premises used except in conformity with these regulations, and as prescribed in the schedule which is part of this section and is labeled Table 3.1.2A Residential Area, Density and Dimensional Requirements.

Table 3.1.2A Residential Area, Density and Dimensional Requirements

Minimum Lot and Area Requirements							Maximum			
District	Lot Area (sq. ft.)	Frontage (feet) ⁽¹⁾	Lot Depth (feet)	Front Yard ⁽²⁾ (feet)	Rear Yard ⁽³⁾ (feet)	Side Yard ⁽³⁾ (feet)	Stories	Height (feet)	Lot Coverage	Impervious Coverage ⁽⁶⁾
RR	40,000	175	200	50	50	20	2½	30	15%	
A-40	40,000	150	200	50	50	20	2½	30	15%	
AA-30	30,000	150	150	50	50	20	2½	30	15%	
A-30	30,000	120	150	50	50	15	2½	30	15%	
A-20	20,000	100	150	40	40	10	2½	30	20%	
MFA/AA	15 acres ⁽⁴⁾	200	200	75	35 ⁽⁵⁾	25 ⁽⁵⁾	2 ½	35		60%

⁽¹⁾ Lots with frontage on Buckland Road or Sullivan Avenue have a minimum lot width of 150 feet. Where the requirements of Table 3.1.2A are greater, the Table 3.1.2A requirements apply.
⁽²⁾ Lots with frontage on Buckland Road or Sullivan Avenue have a minimum front yard setback of 50 feet. Where the requirements of Table 3.1.2A are greater, the Table 3.1.2A requirements apply.
⁽³⁾ Buffers are in addition to required side/rear yards.
⁽⁴⁾ Lot area must be contiguous acres not divided by a public street. The entire site shall be located in the MF district. Land contained within the Flood Plain District may not apply toward the minimum site size, however, may be dedicated for open space uses subject to the requirements of the Flood Plain District.
⁽⁵⁾ Where a buffer is required, the rear and side yards shall be a minimum of 25 feet.
⁽⁶⁾ Pervious surface may be used to increase the coverage of the lot a maximum of 5% when a minimum of the pervious coverage total is a minimum of 10%. See definitions.

- B. Each approved residential lot shall contain a contiguous buildable area ("buildable" defined as exclusive of regulated wetlands and watercourses, waterbodies, detention areas, utility easements, rights-of-way, or areas with slopes at or in excess of 15%) of at least 10,000 square feet, into which a square of 90' x 90' can be located, and on which the dwelling must be located. This restriction as to building location applies only to those lots that contain wetlands and watercourses, waterbodies, detention areas, utility easements, rights-of-way, or areas with slopes at or in excess of 15%.
- C. Minimum yards shall be in addition to buffer widths, where such buffers are required by the Commission.
- D. The building height limit shall be applied separately for each wing or any other distinct portion of the building and may be increased for any building or distinct portion thereof by 1 foot for every 2 feet by which such building or such portion thereof lies inside the nearest limiting line of any required front, side or rear yard. Spires, cupolas, towers, chimneys, flagpoles, penthouses, ventilators,

ARTICLE 7 –SPECIAL REGULATIONS

- D. Notwithstanding the number of lots produced by this formula, an open space subdivision cannot result in the creation of more lots than would occur in a standard subdivision as demonstrated with a conventional subdivision layout concept map prepared by the applicant.

7.14.5 Bulk Requirements

- A. All parcels created by an open space subdivision plan shall be counted as buildable lots unless specifically restricted from residential use.
- B. Lot arrangement and dwelling unit design shall avoid juxtaposition of lots such that dwelling units are “stacked” behind other dwelling units. The applicant may propose, and the Commission may approve, lots behind other lots only with substantial vegetative screening between such lots. “Stacked” dwelling units shall not be readily apparent from a public street.

Table 7.14.5A
Lot Area, Frontage and Yard Requirements

Minimum Lot Area	
RR, A-40	20,000 square feet
A-30, AA-30	15,000 square feet
Minimum Lot Frontage	75 feet
Minimum Front Yard	40 feet
Minimum Side Yard	10 feet
Minimum Rear Yard	20 feet
Maximum Lot Coverage	
RR, A-40, AA-30, A-30	20%

7.14.6 Design Guidelines

The development shall be laid out to protect and preserve the open space and to protect adjoining property owners. The development shall also be laid out to achieve any one, or a reasonable mix of, the following objectives:

- A. To promote the preservation guidelines outlined within the Open Space Master Plan, the Town Plan of Conservation and Development, the Recreation Master Plan, and/or the Agricultural Land Preservation Master Plan;
- B. To preserve and maintain all or part of any existing forests, fields, pastures and other land in agricultural use, especially land mapped as Class I or II farmland soils, together with sufficient buffer area of not less than 50 feet, to minimize conflict between residential and agricultural use. The Commission may waive the minimum buffer requirement where existing features exist which provide an acceptable buffer at less than the required minimum;
- C. That consideration is given to the preservation, creation, and connection of areas used for wildlife habitat, recreational corridors and trails within subdivision open space;
- D. That a provision be provided for pedestrian access between properties and for a perimeter design concept intended to facilitate the networking of trails for pedestrian and/or equine use to ensure recreational access to resource lands as provided for in the Subdivision Regulations;