

MAY 14 2020

SOUTH WINDSOR PLANNING DEPT

TOWN OF SOUTH WINDSOR ZONING BOARD OF APPEALS APPLICATION



☒ VARIANCE

Application # 2840-20

☐ APPEAL OF ZONING ENFORCEMENT/DECISION

Date Rec'd 5/14/20

Applicant: Design Professionals, Inc.

Address: 21 Jeffrey Drive, South Windsor, CT 06029

Telephone #: 860-291-8755

Property Owner: Carmon & Company LLC

Address: 807 Bloomfield Avenue, Windsor, CT 06095

Telephone #: _____

Location of Subject Property in Question: 419 Buckland Road

Zone Restricted Commercial (RC)

1. Are there wetlands on the property?

☐ YES

☒ NO

2. Is any part of the premises within 500' of town line?

☐ YES

☒ NO

3. Is this property within the CT Water Aquifer area?

☐ YES

☒ NO

(If yes, the applicant must file an application with the CT Water Company and submit copy with their application.)

Requesting a Variance to Zoning Regulation Section(s): Table 4.1.6A

Written Description of the variance request or Appeal of Zoning Enforcement Order/Decision:
(Attach additional sheet if needed)

Impervious Coverage Variance Request. See Narrative.



For Variance request only:

1. Strict application of the regulations would produce **UNDUE HARDSHIP** because

See Narrative

2. The hardship created is **UNIQUE** and not shared by all properties alike in the neighborhood because

See Narrative

3. The variance would not adversely impact neighboring property; i.e. public health, safety, convenience, welfare and property value, because

See Narrative

Applicant's Name (please print)

Design Professionals, Inc., Peter DeMallie, President

Signature

Peter R. DeMallie

Date 5/14/2020

Property Owner's Name (please print) Carmon & Company LLC

Signature

Jh V. C. e

Date 5/13/20

DO NOT WRITE BELOW

Action of the Board: ☐ Approved

Date _____

☐ Denied

Date _____

Approved:

Denied:

Effective 5/1/07

Town GIS Pin # _____

Zoning Board of Appeals Application
Design Professionals, Inc.
Samsel & Carmon Funeral Home
Carmon & Company, LLC, Owner
419 Buckland Road
DPI Project No. 4337
May 12, 2020

Design Professionals, Inc. is applying on behalf of its client, Carmon & Company, LLC, which owns the property presently occupied by the Samsel & Carmon Funeral Home at 419 Buckland Road, for a zoning variance to Table 4.1.6A, Impervious Coverage, Restricted Commercial Zone, allowing 71% impervious coverage, or a nominal gain of 1.4% from the current 69.6% (60% permitted). The subject property is nonconforming to the current standard, as its development predated this regulation by fifteen years.

For the following reasons, the requested variance is unique to this property, will not adversely impact any neighboring property, and strict application of the zoning regulations would produce undue hardship:

- 1) The Samsel & Carmon Funeral Home was originally built some 47 years ago, in 1973, which pre-dated the adoption of any impervious coverage requirement, from which we are seeking relief. Impervious coverage zoning regulations were subsequently established over thirty years ago, in 1988 and 1989;
- 2) The maximum impervious coverage within the Restricted Commercial Zone is and has been 60%. At 69.6% coverage, the property is 9.6% above the standard. Any improvement to the subject property which adds any impervious coverage would first require a zoning variance from the Zoning Board of Appeals. Even one additional square foot of asphalt parking lot, or driveway, or concrete sidewalk, or a dumpster pad, or of a building addition, would require a zoning variance;
- 3) The adjoining property at 176 Deming Street (address to be changed from 395 Buckland Road), is proposed to be developed into a community bank branch. The existing common driveway from Deming Street, serving the funeral home, multiple adjoining office buildings on separate parcels, and the future bank, is narrow and does not meet the Town requirements for a two-way access driveway. This narrow driveway is not conforming to the Zoning Table 6.4.5A, Parking Area Design, Minimum Width of Driveways (Two-way), 24 feet. In order to meet the Town standard, and for purposes of public safety, this driveway will be widened from 20 feet to 24 feet, which alone necessitates a variance. This is adding approximately 566 square feet of asphalt pavement, and will eliminate a zoning non-conformity (see area A on ZBA Plan);

- 4) The Town is requiring two sidewalk connections to the future bank. The first from a proposed sidewalk along Deming Street, to be installed by the bank, and the second from the new sidewalk recently installed by the Town along Buckland Road. This latter sidewalk requires a small section of sidewalk traversing the funeral home property, amounting to approximately 193 square feet of concrete (see area C on ZBA Plan). The funeral home has agreed to provide an easement to the bank for this purpose. This short sidewalk section requires a zoning variance;
- 5) The funeral home was approved and erected on a conforming 1.44 acre lot, and that predated today's zoning requirement for one parking space for every 50 square feet of floor area. The funeral home only has 55 parking spaces. According to assessor records, the funeral home has 13,795 square feet on three floors. That would require 276 parking spaces to conform to the current parking standard. Excluding the lowest level, the funeral home has 7,920 square feet of floor area, which would require 158 parking spaces. This is 103 spaces below conformity. The funeral home and the bank have agreed to share their parking spaces. The bank will build a total of 33 parking spaces, or 17 above the minimum zoning requirement, which will substantially alleviate the funeral home's parking deficiency, and make it more conforming to the standard, or conversely, make it less non-conforming. After bank hours of operations, during the weekday evening and weekends, and select holidays, the funeral home will gain an additional 33 spaces (17 plus 16). The funeral home will thus go from 55 to 72 spaces during banking hours, and to 88 spaces when the bank is closed, or a gain of 60%;
- 6) Neither Buckland Road or Deming Street can accommodate any overflow parking from the funeral home;
- 7) The new access driveway between the funeral home parking lot and the bank parking lot, to accommodate the shared parking, adds approximately 340 square feet of impervious coverage to the funeral home property (see area B on ZBA Plan);
- 8) Two new replacement parking spaces adjacent to the shared parking access drive (see area D on ZBA Plan), adds approximately 324 square feet of impervious coverage to the funeral home property;
- 9) The new access drive will impact four existing parking spaces, which are being replaced on the funeral home lot (two are created via striping existing pavement at the end of a parking row, and two are created in area D);
- 10) Two landscaped islands are being added to the funeral home parking lot, at the ends of the southerly rows, for a removal of 357 square feet of impervious coverage;
- 11) The net increase of impervious coverage is 1.2%, which raises the funeral home's impervious coverage from 69.6% to approximately 70.8%. We are requesting a variance to 71%, or an increase of 1.4%;
- 12) The degree of variance from today's nonconforming coverage is nominal (1.4%);
- 13) The three proposed areas of increased impervious coverage will have no adverse impact on the neighborhood. Indeed, the increase in available parking at the funeral home, and the widened common driveway, are a benefit to neighboring properties, all of which are commercial uses;
- 14) The new improvements, including those of the adjoining bank, are being supported by a new underground stormwater drainage system, which will detain any increased flows, unlike the prior development, and additionally employ water quality measures which will clean the runoff to DEEP standards.

In summary, we have established that the funeral home was built prior to the zoning requirements for impervious coverage, a 24 feet wide two-way access drive, drainage runoff water quality treatments, and today's higher parking standards. Approval of this variance application, allowing for a nominal 1.4% increase in the parcel's impervious coverage, will help to make the funeral home's parking more conforming to zoning by adding spaces and shared parking with the adjoining bank, will improve pedestrian access to the proposed community bank, and will make for a safer and conforming common access drive, to the benefit of numerous commercial properties in the neighborhood, all without adversely impacting the neighborhood. There are clear hardships if this application were not to be approved, in that these improvements would not be possible, nor would the development of the adjoining bank property. Thank you.

STATUTORY FORM WARRANTY DEED

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THE SAMSEL FUNERAL HOME, INCORPORATED, a domestic corporation located at 419 Buckland Road, South Windsor, Connecticut, for the consideration of SIX HUNDRED SIXTY THOUSAND AND NO/100 DOLLARS (\$660,000.00) grants to CANNON & COMPANY, a general partnership located at 6 Poquonock Avenue, P.O. Box 6, Windsor, CT 06095

WITH WARRANTY COVENANTS

All that certain parcel of land, known as 419 Buckland Road, together with all improvements, located in the Town of South Windsor, County of Hartford and State of Connecticut, near the northwest intersection of Buckland Road and Deming Street, being more particularly bounded and described as follows:

Commencing at a point marked by an iron pipe set in the west boundary of said Buckland Road, which pipe is two hundred (200) feet northerly, as measured along the west boundary of said Buckland Road, of a merestone set at the west boundary of Buckland Road, and the north boundary of Deming Street; thence moving N 79° 56' 11" W along land now or formerly of J & S Realty two hundred twenty-four and nine one-hundredths (224.09) feet to a point marked by an iron pipe; thence moving S 17° 49' 41" W along said land of J & S Realty, ninety-three and ninety one-hundredths (93.90) feet to a point marked by an iron pipe set in the northerly boundary of Deming Street; thence moving N 45° 05' 02" W along the northerly line of Deming Street thirty-three and sixty-nine one-hundredths (33.69) feet to a point marked by an iron pipe; thence moving N 17° 49' 41" E along land of John G. Samsel, Jr. and Theresa G. Samsel, two hundred (200) feet to a point marked by an iron pipe; thence moving N 10° 03' 49" E along land of said John G. Samsel, Jr. and Theresa G. Samsel one hundred twenty-five and sixty-one one-hundredths (125.61) feet to a point marked by an iron pipe set in the south boundary of premises of said John G. Samsel, Jr. and Theresa G. Samsel, thence moving S 79° 56' 11" E along the said South boundary of said premises of John G. Samsel, Jr. and Theresa G. Samsel, two hundred thirty-seven and forty-two one-hundredths (237.42) feet to a point marked by an iron pipe set in the west boundary of said Buckland

7/16/88 Conveyance Tax received
 10/1/88 by W. B. Banger
 Town Clerk of South Windsor

7/16/88 Conveyance Tax received
 10/1/88 by W. B. Banger
 Town Clerk of South Windsor

road; thence moving S 10° 03' 49" W along the west boundary of said Buckland Road, a distance of two hundred fifty (250) feet to the place of beginning.

Together with the rights conveyed in the following easements and all recorded in the South Windsor Land Records.

1. Drainage easement from Douglas W. Johnson dated 10-28-82 in Vol 325 Pg 16;
2. Drainage easement from Gary L. Grilli dated 10-28-82 in Vol 325 Pg 17;
3. Drainage easement from John G. Samsel, Jr., et al dated 10-29-82 in Vol 325 Pg 25.
4. Drainage easement from John G. Samsel, Jr., et al dated 10-29-82 in Vol 325 Pg 26.

Being the same premises conveyed to The Samsel-Bassinger Funeral Home, Incorporated, (now known as The Samsel Funeral Home, Incorporated, by virtue of a Certificate of Change of Name recorded in the South Windsor Land Records in Vol 289 Pg 110) by Warranty Deed of Sherwood Waldron and Vesta Waldron dated April 25, 1972 and recorded in the South Windsor Land Records in Vol 149 Pg 283.

Said premises are subject to Federal, State and Town laws and regulations; to taxes on the list of October 1, 1985, second installment and thereafter; and to the following encumbrances with all recordings in the South Windsor Land Records:

1. Water Main Caveat dated 11/2/72 and recorded 11/21/72 in Vol 158 Pg 214.
2. Caveat Notice for Sewer Assessment recorded 9/13/74 in Vol 184 Pg 308.
3. Right to Construct and Right to Drain in favor of J & S Realty dated 7/28/80 and recorded 7/30/80 in Vol 284 Pg 69.

4. Driveway easement in favor of J & S Realty dated 7/28/80 and recorded 7/30/80 in Vol 284 Pg 71.

Signed this 22nd day of December, 1986.
Witnessed by: THE SANSSEL FUNERAL HOME,
INCORPORATED

John N. Casey

Warren P. Johnson

John G. Samsel, Jr.
John G. Samsel, Jr., President

STATE OF CONNECTICUT)

COUNTY OF HARTFORD) ss. South Windsor December 22, 1986

Personally appeared JOHN G. SANSSEL, JR. signer of the foregoing instrument, and acknowledged the same to be his free act and deed, as President of the Samsel Funeral Home, Incorporated.

John N. Casey
Commissioner of the Superior Court

Received

For Record DEC 24 1986

at 10:15 M.

Attest Marilyn W. Burger
Town Clerk