

**TOWN OF SOUTH WINDSOR  
ZONING BOARD OF APPEALS**

***Minutes***

1

***December 7, 2017***

**MEMBERS PRESENT:** James Kupchunos, Joseph Etter, Erik Dabrowski

**ALTERNATES PRESENT:** Paul Oates, Elizabeth McGuire

**STAFF PRESENT:** Pamela Oliva, Zoning Enforcement Officer  
Donna Thompson, Recording Secretary

The following are motions made during the December 7, 2017 Public Hearing/Regular Meeting.

Acting Chairman James Kupchunos called the public hearing to order at 7:33 pm.

The Recording Secretary read the legal notice as published in the Journal Inquirer on Saturday, November 25, 2017 and Saturday, December 2, 2017.

The Acting Chair appointed Alternate Member Oates to be seated for Board Member Wayne Kilburn and Alternate Member McGuire to be seated for Board Member Steve Carty.

**Public Hearing / Madden Room**

**Appl. 2807-17** – Helmar Wolf - request for three variances to Table 4.1.6A to allow three additions to an existing non-conforming building: 1) a 57.5 ft variance to allow one addition 7.5 ft from front property line on Long Hill Road (65 ft required); 2) a 32.5 ft variance to allow one addition 32.5 ft from front property line on Pleasant Valley Road (65 ft required); 3) a 32 ft variance to allow one addition 33 ft from front property line on Long Hill Road (65 ft required), on property located at 729 Ellington Road, (RC) Restricted Commercial Zone.

Ben Wheeler, Design Professionals, presented the application. Mr. Wolf and Matthew Montana (architect) were in attendance to provide additional input if requested. It is important to note that all three additions are farther away from their respective/closest rights of way than the existing structure is. Even though they are expanding a non-conforming structure, it is not making the non-conformities any worse. Mr. Wheeler briefly reviewed certain points of the narrative that was provided with the application. The most important being the hardships, such as: the property is surrounded by streets on all three sides, thus encumbered by 65 feet setbacks on all sides; only 2.4% of the lot is buildable area for a structure; it has a unique triangular shape; the original structure was built in 1880, which predates zoning regulations. Mr. Wheeler reviewed photographs of the site, explaining where the additions were going to be placed. The additions have been designed to blend in with and maintain the historic integrity of the structure.

Board Member McGuire questioned why can you not go closer to Ellington Road? Mr. Wheeler stated that as it is converted to offices there is not enough parking as it exists now. The next step is to get approval for a parking lot addition. The only place to put that is to use the existing curb cut on Pleasant Valley Road and go up to the west side of the building. There are proposed to be 15 parking spaces and parking needs to be convenient to the existing front door. In answer to Board Member Kupchunos' question regarding impervious coverage with the addition of the parking lot, Mr. Wheeler stated that it would increase from a little over 20% to 27%, which would still be within the acceptable limit of 50% in this zone. The height of the additions will be the same as the existing structure, so the building will not be any taller as proposed.

An email dated December 7, 2017 from Mr. Tim Wentzell (copy attached) was presented to the Chair. Mr. Wentzell stated that as an abutter he has no problem with this application and specifically said he is in favor of the application.

Motion to: close public hearing at 8:01 p.m.

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***December 7, 2017***

Was made by Board Member Oates  
Seconded by Board Member Dabrowski  
The motion: Carried  
Vote: Unanimous

**Appl. 2808-17** – Superior Builder of Manchester Inc., for Janet Dubiel – request for a 15 ft variance to Table 3.1.2A & Section 3.1.2H to allow only a 6 ft x 24 ft covered front porch on an existing non-conforming building 35 ft from the front property line (50 ft required), on property located at 608 Governor's Highway, RR Zone.

Suzy Couture, Superior Builder of Manchester, presented the application. The two entrances, located at the front of the house, have crumbling concrete steps, which will be repaired along with the addition of the covered front porch. The intent is to update the exterior of the house and make safer for the elderly resident. The property is one of only two in the area zoned RR which has a 50 foot setback. If the lot was zoned A-20 as most of them are in this area the setback would only be 40 feet and a variance would not be needed, as the house currently is at 43 feet. An additional 6 feet is being requested for the covered front porch, which under the guidelines, Article 3 of the residential zone states that a front yard can go into the setback another 10 feet for the purpose of a covered porch. The only entrances to the house are the two doors at the front, making this the only place for the covered porch. The proposed porch would meet all six requirements for an unenclosed covered front porch. The two requirements most prevalent are that the maximum porch width allowable is ten feet and they are only asking for six. Also, the minimum length of the porch needs to be at least 50% of the front elevation for homes currently 46 feet in length and the porch will be 24. Along with the other exterior improvements to be made, the covered porch will also enhance the appearance of the home.

Board Member Etter asked if it would not make more sense and be less encroachment to the setback to place the stairs at the end of the porch where the driveway is located. Ms. Couture stated that it was brought to her attention that the stairs were not part of the ten feet, and that with the deck only being six feet, the stairs would still fit within the ten feet. There is a bit of a slope down to the driveway, so there is a concern that the stairs would be more in number than the four needed for the front and be more of a safety issue.

Board Member Oates clarified that the issue is this property is in a different zone, the setback is 50 feet, the proposed porch will be within the setback, it is non-conforming and they need six feet. The hardship is they are in a zone they can't control.

Board Member Kupchunos clarified that if they were in the A-20 zone, a variance would not be needed. It is unknown why only this property and one immediate neighbor are zoned RR.

Motion to: close public hearing at 8:14 p.m.  
Was made by Board Member Dabrowski  
Seconded by Board Member Oates  
The motion: Carried  
Vote: 4 yea – Kupchunos, Dabrowski, Oates, McGuire; 1 nay - Etter

**Deliberative Session**

**Appl. 2807-17** – Helmar Wolf - request for three variances to Table 4.1.6A to allow three additions to an existing non-conforming building: 1) a 57.5 ft variance to allow one addition 7.5 ft from front property line on Long Hill Road (65 ft required); 2) a 32.5 ft variance to allow one addition 32.5 ft from front property line on Pleasant Valley Road (65 ft required); 3) a 32 ft variance to allow one addition 33 ft from front property line on Long Hill Road (65 ft required), on property located at 729 Ellington Road, (RC) Restricted Commercial Zone.

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The Board Members determined they had enough information to make a decision.

Hardship: existing non-conforming structure that predates zoning regulations

Motion to: approve Appl. 2807-17 - Helmar Wolf - request for three variances to Table 4.1.6A to allow three additions to an existing non-conforming building: 1) a 57.5 ft variance to allow one addition 7.5 ft from front property line on Long Hill Road (65 ft required); 2) a 32.5 ft variance to allow one addition 32.5 ft from front property line on Pleasant Valley Road (65 ft required); 3) a 32 ft variance to allow one addition 33 ft from front property line on Long Hill Road (65 ft required), on property located at 729 Ellington Road, (RC) Restricted Commercial Zone, as presented on plans from Design Professionals Inc, dated 11/9/2017, Project #1168.

Was made by Board Member Oates

Seconded by Board Member Dabrowski

Board Member Etter stated that the changes requested are not unreasonable.

Board Member McGuire stated that there was nowhere else for parking.

The motion: Carried

Vote: Unanimous

**Appl. 2808-17** – Superior Builder of Manchester Inc., for Janet Dubiel – request for a 15 ft variance to Table 3.1.2A & Section 3.1.2H to allow only a 6 ft x 24 ft covered front porch on an existing non-conforming building 35 ft from the front property line (50 ft required), on property located at 608 Governor's Highway, RR Zone.

The Board Members determined they had enough information to make a decision.

Hardship: existing non-conforming structure is on one of two lots that are zoned RR within an A-20 zone; if it was zoned A-20 a variance would not be needed

Motion to: approve Appl. 2808-17 - Superior Builder of Manchester Inc., for Janet Dubiel – request for a 15 ft variance to Table 3.1.2A & Section 3.1.2H to allow only a 6 ft x 24 ft covered front porch on an existing non-conforming building 35 ft from the front property line (50 ft required), on property located at 608 Governor's Highway, RR Zone, as presented on the plans submitted with the application.

Was made by Board Member Oates

Seconded by Board Member Dabrowski

The motion: Carried

Vote: 4 yea - Kupchunos, Drabrowski, Oates, McGuire; 1 abstention - Etter

**Approval of Minutes**

Motion to: approve minutes of November 2, 2017

Was made by Board Member Oates

Seconded by Board Member Dabrowski

The motion: Carried

Vote: Unanimous

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**December 7, 2017**

**New Business:**

Election of Officers – postponed to January meeting due to two absent Board Members

2018 Meetings Schedule: tabled to January meeting due to two absent Board Members

**Old Business:** Review of Bylaws –

Board Member McGuire asked “What can alternates do?”

Board Member Etter stated that he had read zoning regulations and town charter, and in his opinion alternates hear cases but not vote on administrative business.

Action on the review of the bylaws was tabled to the next meeting.

**Correspondence:** none

**Adjournment:**

Motion to: adjourn the meeting at 8:37 pm

Was made by Board Member Oates

Seconded by Board Member Dabrowski

The motion: Carried

Vote: Unanimous

Respectfully submitted:

Donna Thompson  
Recording Secretary

**Approved: February 1, 2018**