

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

Minutes

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April 5, 2018

MEMBERS PRESENT: Wayne Kilburn, Joseph Etter, Erik Dabrowski, Steve Carty

ALTERNATES PRESENT: Paul Oates, Elizabeth McGuire

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

The following are motions made during the April 5, 2018 Public Hearing/Regular Meeting.

Chairman Erik Dabrowski called the public hearing to order at 7:30 pm.

Chair Dabrowski appointed Alternate Member McGuire to be seated for Board Member James Kupchunos.

The Recording Secretary read the legal notice as published in the Journal Inquirer.

Board Member Etter suggested a change in the agenda order with the following:

Motion to: move Item 3, Approval of Minutes, out of order

Was made by Board Member Etter

Seconded by Board Member Carty

The motion: Carried

Vote: Unanimous

Approval of Minutes

Motion to: approve minutes of March 1, 2018

Was made by Board Member Etter

Seconded by Board Member Carty

The motion: Carried

Vote: Unanimous

Board Member Dabrowski recused himself for the hearing of Appl #2813-18.

Vice Chair Wayne Kilburn conducted the hearing of Appl #2813-18.

Alternate Member Oates was seated for Board Member Dabrowski.

Public Hearing / Madden Room

Appl. 2813-18 – David Goold – request for a variance to Table 6.4.6A to allow no landscaping within 10 ft of the front property line on John Fitch Boulevard; and two variances to Section 7.9.1C.1 to allow for parking of new and used vehicles: 1) a 31 ft variance to allow parking 19 ft from the front property line on Chapel Road (50 ft required), and 2) a 50 ft variance to allow parking 0 ft from the front property line on John Fitch Boulevard (50 ft required), on property located at 395 John Fitch Boulevard, GC Zone.

Attorney Wayne Gerlt represented the applicant. Dane LaBonte and Peter DeMallie from Design Professionals, presented additional information for the application.

Attorney Gerlt provided some history on the property including information regarding a variance granted on the property in 1997 that allowed the owner at that time to park cars over the property line. The State

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of CT had leased a portion of their right of way to the owner for that purpose. Attorney Gerlt believed the applicant would have the benefit of the 1997 variance. But the conditions in effect when the variance was granted have changed and it was determined a new variance was needed. The applicant purchased the property thirteen years ago and since that time the setback requirements have changed. This is a corner lot with two 50 foot setbacks, making it unusable for the purpose intended without a variance.

Mr. LaBonte reviewed the makeup of the site and the surrounding topography, and provided letters from abutters stating that they had no problem with the proposed variances. The site is small with very steep slopes in the rear (60% of the lot). Allowing the 0 foot setback on John Fitch would still leave a 58 foot buffer to the road. The curb cut will be reduced from 47 feet to 24 feet with a right in/right out access, which will improve safety in that area. The steepness of Chapel Road precludes access from that location. The hardships are the topography of the steep slopes forcing development to the front of the site and the 50 foot setbacks creating very small usable space on the site.

Mr. DeMallie reviewed some of the points in the narrative provided by Design Professionals, and explained the attempts to find a workable use for the property over the years. Only 40% of the site is usable without the establishment of very significant retaining walls and clearing of trees. The variance approved in 1997 was for pavement 10 feet closer to RT5; this is for 10 feet farther back – right at the property line. The request for the landscaping variance is due to lack of room to do what they need to do to use the site for this purpose if need to have 10 feet of landscaping in the front. The DOT right of way remains in effect. The site has been environmentally cleaned by the current owner. Recently, the setback for the display of vehicles was changed by the Planning and Zoning Commission to 50 feet. The business will be for the sale of vehicles, and the preparation and maintenance of the vehicles sold there. It is a DMV requirement that they be able to service the vehicles they sell.

Motion to: close public hearing at 8:22 p.m.

Was made by Board Member Carty

Seconded by Board Member Etter

The motion: Carried

Vote: Unanimous

Deliberative Session

Appl. 2813-18 – David Goold – request for a variance to Table 6.4.6A to allow no landscaping within 10 ft of the front property line on John Fitch Boulevard; and two variances to Section 7.9.1C.1 to allow for parking of new and used vehicles: 1) a 31 ft variance to allow parking 19 ft from the front property line on Chapel Road (50 ft required), and 2) a 50 ft variance to allow parking 0 ft from the front property line on John Fitch Boulevard (50 ft required), on property located at 395 John Fitch Boulevard, GC Zone.

Board Members determined they had sufficient information to rule on the application.

The Board determined the hardships to be the topography of the site, the restrictive nature of the corner lot, and the recent change in setback regulations.

Motion to: approve Appl #2813-18 as presented

Was made by Board Member Etter

Seconded by Board Member Oates

The motion: Carried

Vote: Unanimous

Chair Dabrowski returned to conduct the balance of the meeting.

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New Business: none

Old Business: Review of Bylaws

Board Member Etter distributed a revision of the bylaws for review and comment by the Board at the next scheduled meeting.

Correspondence: none

Adjournment:

Motion to: adjourn the meeting at 8:53 pm

Was made by Board Member Kilburn

Seconded by Board Member Carty

The motion: Carried

Vote: Unanimous

Respectfully submitted:

Donna Thompson
Recording Secretary

Approved: May 3, 2018