

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

Minutes

1

June 7, 2018

MEMBERS PRESENT: Wayne Kilburn, Erik Dabrowski, Steve Carty, James Kupchunos, Teri Parrott

ALTERNATES PRESENT: Elizabeth McGuire

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

The following are motions made during the June 7, 2018 Public Hearing/Regular Meeting.

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

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

Public Hearing / Madden Room

Appl. 2815-18 – Musante Enterprises LLC – request for approval of a Department of Motor Vehicle Used Car Dealers and General Repairers license for retail sale and service of motor vehicles, on property located at 41 Commerce Way, Industrial Zone.

Christopher Musante presented the application. Mr. Musante stated that the application is for an automotive repair facility for high-end cars. The business has been leasing its current South Windsor location, 1257 John Fitch Blvd, for fifteen years. Mr. Musante will be moving the business to 41 Commerce Way, a building he has purchased. It is necessary to obtain new DMV licensing due to this change of location.

Appl. 2816-18 – Matthew Stoner – request for a 5 ft variance to Section 11.1(b) Appendix A to allow a shed 10 ft from side property line (15 ft required), on property located at 41 Castlewood Drive, AA-30 Open Space Residential Zone.

Matthew Stoner presented the application. The current 10ft x 8ft shed needs to be replaced due to its deteriorating condition. The replacement shed will be 12ft x 8ft, and could fit in the same location as the current shed. The applicant wishes to place the new shed at an angle parallel to the house and five feet further back in the yard. This placement will put the shed within the setback area. The applicant stated that there are no restrictions or limitations in placing the shed in conformance with regulations. He wants more room in the back yard, easier access to the back yard and feels it would be more aesthetically pleasing; to the neighbors, also. Mr. Stoner feels that he is being reasonable in asking for only a five foot variance, even though there is no reason why the shed cannot be placed outside the setback area. Mr. Stoner said it is strictly an aesthetic and access issue. Mr. Stoner stated he feels the hardship is the uniqueness of the corner lot, placement of the house at an angle on the lot and having more practical use of the backyard. The property behind Mr. Stoner's is undeveloped land and he feels that they would not be encroaching on a neighbor's space by placing the shed five feet within the setback.

Mr. Kilburn confirmed that there is nothing physical with the property that precludes use of the existing footprint; that the requested placement is more of a nicety. Mr. Stoner responded that it is somewhat of the uniqueness of the layout of the property, allows access and more practical use of the backyard.

Mr. Carty stated he felt that the lot is uncommon, rather than unique. He understood wanting to maximize the amount of space in the backyard. It seems there are options and alternatives. That this is primarily an aesthetic request. Mr. Carty stated he is not sure that the definition of hardship has been met. Mr. Stoner responded he is staying respectful by not asking for more of a variance; that asking for a ten foot setback instead of more is still being in the spirit of the setback; allow a nice balance between respecting the Town's zoning intentions and allowing a bit more access to the back yard.

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

Minutes

2

June 7, 2018

Mr. Kupchunos stated that this corner lot is very limited for buildable space because there are two fifty foot setbacks. That is a hardship right there to start; a regular lot would only have a fifteen foot setback on one side. He noticed when driving by that there is not a lot of backyard, so you maybe want to push the shed back a little bit.

Ms. Parrott stated that aesthetically it would look nicer to have the shed at an angle. It would be an improvement for the neighbors.

Ms. McGuire does not see a hardship. It doesn't matter if it is only five feet, the determination is supposed to be on hardship only. That is it legally. There are alternatives.

Mr. Carty asked if the application was not approved tonight, would Mr. Stoner still be able to have the larger shed but configure it differently on the lot. Mr. Stoner said yes, he would certainly comply with the fifteen foot setback requirement.

Motion to: close the public hearing @ 7:53 pm

Was made by: Board Member Parrott

Seconded by: Board Member Kilburn

The motion: carried

Vote: unanimous

Deliberative Session:

Appl. 2815-18 – Musante Enterprises LLC – request for approval of a Department of Motor Vehicle Used Car Dealers and General Repairers license for retail sale and service of motor vehicles, on property located at 41 Commerce Way, Industrial Zone.

Motion to: approve the application as submitted with the documentation of support from Planning and Zoning

Was made by: Board Member Kilburn

Seconded by: Board Member Carty

Motion: carried

Vote: unanimous

Appl. 2816-18 – Matthew Stoner – request for a 5 ft variance to Section 11.1(b) Appendix A to allow a shed 10 ft from side property line (15 ft required), on property located at 41 Castlewood Drive, AA-30 Open Space Residential Zone.

Mr. Kilburn said it is thin in regard to a hardship but there is the uniqueness of the corner lot and Mr. Stoner is appealing to us to show some sensibilities. He is inclined to approve it just because it is going to look good and makes sense and not harm anything. It's not a perfect hardship case, but the point is valid to maximize the space.

Mr. Kupchunos said we are doing a lot of gray area with this. Every corner lot is not the same.

Mr. Kilburn stated that he liked the point Mr. Stoner made about only asking for five feet not ten.

Mr. Dabrowski stated he thought it was reasonable, especially given the argument about the fifty foot setbacks. It makes it more difficult with a corner lot. It is not a perfect hardship in any way.

Mr. Carty respectfully disagreed, understanding where the other board members are coming from. However, he does not necessarily agree that a corner lot in of itself represents a hardship. Other applicants have come before the board that really do lack alternatives and their hardships are much more compelling. Mr. Carty stated that he disagreed that this is a suitable hardship. It is purely aesthetic and by the applicant's own admission there are other viable alternatives but it is not the preferred one. Mr.

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

Minutes

3

June 7, 2018

Carty does not agree that this is a suitable hardship. Mr. Dabrowski questioned whether it is a bad precedent. Mr. Carty was not prepared to comment on that.

Ms. Parrott said that the backyard is small and moving the shed even just five feet is a lot when you have a small yard. Aesthetically, for the neighbors, it should be back farther. None of the neighbors have complained about the application.

Hardship: restrictions of a corner lot

Motion to: approve Appl 2816-18 - request for a 5 ft variance to Section 11.1(b) Appendix A to allow a shed no larger than 12ft x 8ft, 10 ft from side property lines (15 ft required), as presented on plans submitted with the application

Made by: Board Member Kupchunos

Second: Board Member Parrott

Motion: carried

Vote: 4 yea – Kupchunos, Parrott, Kilburn, Dabrowski; 1 no - Carty

Approval of Minutes

Motion to: approve minutes of May 3, 2018

Was made by Board Member Carty

Seconded by Board Member Kilburn

The motion: Carried

Vote: 4 yea – Dabrowski, Carty, Kilburn, Kupchunos; 1 abstain – Parrott (not a ZBA member on May 3rd)

New Business: none

Old Business: Review of Bylaws

In the meeting packet, the board had been provided with copies of the state statutes that discusses alternates and copies of other commission's bylaws. Ms. Parrott stated that PZC gives alternates the powers of a full member. Alternates participate in the public hearing but not in deliberations. There was discussion about why alternates cannot participate in deliberations when not seated for a full member. The town attorney will be consulted regarding this issue.

Correspondence: none

Adjournment:

Motion to: adjourn the meeting at 8:10 pm

Was made by Board Member Kupchunos

Seconded by Board Member Parrott

The motion: Carried

Vote: Unanimous

Respectfully submitted:

Donna Thompson
Recording Secretary

Approved: July 12, 2018