

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

Minutes

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December 6, 2018

MEMBERS PRESENT: Erik Dabrowski, Wayne Kilburn, Steven Carty, Teri Parrott

ALTERNATES PRESENT: Edwina Futtner

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

The following are motions made during the December 6, 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 on Saturday, November 24, 2018 and Saturday, December 1, 2018.

The Chair appointed Alternate Member Futtner to be seated for Board Member James Kupchunos.

Public Hearing / Madden Room

App. 2822-18 – Donna Preston - request for a 15 ft variance to Table 3.1.2A to allow an 8 ft x 16 ft shed to be located 5 ft from the side yard property line (20 ft required), on property located at 330 Long Hill Road, RR zone.

Mrs. Preston presented the application. The lot is narrow and very steeply graded with no level area usable to put a shed. Other issues with the property include the location of the septic system drainage area, and heavily treed wetlands occupying half the lot. The neighbors have been notified and no one has indicated they have any issue with putting the shed where proposed. Mrs. Preston presented a letter from neighbor, Joseph Kazis, stating that he has no problem with the plan or location of the shed. Mrs. Preston stated that it is a very wet lot, with a lot of water sheeting off the hill when it rains. The shed would be located sixty feet from the edge of the road and with the elevation of the driveway dropping at the top, the shed will be six feet below grade from the street. Mrs. Preston presented photographs of her property. Board members questioned Mrs. Preston regarding the hardships, positioning of the shed, planned removal of a temporary shed, size of proposed shed, elevations associated with the application. Board members were satisfied with the information provided.

Motion to close hearing @ 7:45 pm
Was made by Board Member Kilburn
Seconded by Board Member Carty
The motion: Carried
Vote: Unanimous

In deliberating the application, Board members complimented Mrs. Preston on her presentation and confirmed the hardships.

The Board determined the hardships to be the slope of the property; wetlands occupying a large portion of the property; septic drainage field on the flat part of the property; and the narrow width of the property, limiting the available location for the shed.

Motion to: approve #2822-18
Made by: Board Member Kilburn
Second: Board Member Futtner
Motion: Carried
Vote: Unanimous

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App. 2823-18 – ECS Performance - request for approval of a Department of Motor Vehicle Used Car Dealers License, on property located at 1257 John Fitch Blvd, Industrial zone.

Paul Scott, owner, presented application. The business is currently located in Windsor Locks and has been for approximately ten years. Mr. Scott is seeking the license to expand his business to a location in South Windsor that had previously been approved by this commission for Musante Motorsports for the same purpose. Mr. Scott referenced the approval letter issued to Musante Motorsports in 2013. ECS will be conducting business under the same conditions and for the same purposes as Musante Motorsports.

Motion to close hearing @ 7:55 pm
Was made by Board Member Futtner
Seconded by Board Member Carty
The motion: Carried
Vote: Unanimous

The Board was satisfied with the information presented and stated that it was a straightforward application. It was reiterated that previous approval had been given for the same license and purpose to Musante Motorsports at this location.

Motion to: approve #2823-18
Made by: Board Member Futtner
Second: Board Member Carty
Motion: Carried
Vote: Unanimous

App. 2824-18 – Nutmeg Properties of CT – request for a variance to Table 4.1.6A to allow impervious coverage of 71.2% (maximum 65% allowed) on the proposed lot to be known as 205 Nutmeg Road, on property located at 201-205 Nutmeg Road, Industrial zone.

Jay Ussery, JR Russo, presented the application. Mr. Ussery stated that the property is a single parcel containing two commercial buildings located on a cul-de-sac. The current impervious coverage is just over 68%. The allowable coverage is 65%. They would like to separate the lot into two parcels (a tenant wants to purchase one of the buildings). In doing so, because of the configuration of the existing lot, the proposed 205 Nutmeg will now have 71% impervious coverage. In order to subdivide the property they need Planning and Zoning Commission (PZC) approval. PZC cannot approve a non-conforming lot without a variance from ZBA. There are no other changes planned for the lots. Mr. Ussery stated that the unusual configuration of the street does not allow the parcel to be divided in a way that would meet the allowable impervious coverage of 65% on both lots. Removing pavement from the back to try to meet the requirement is not an option due to the use of the loading docks in the rear by tractor trailers. It is very tight already. There are no adjustments that can be made in the front of the buildings either. Pervious pavement was considered but it is not practical for large truck traffic and cannot be sanded in the winter.

The Board felt it was a straightforward application and were satisfied with the information presented.

Motion to close hearing @ 8:08 pm
Was made by Board Member Futtner
Seconded by Board Member Kilburn
The motion: Carried
Vote: Unanimous

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The Board agreed that it was tight for tractor trailers. It is in the industrial zone so not likely to bother neighbors. There was concern about approving the creation of a new lot that is non-conforming, but it's existed this way and we are just drawing the property line so there will be no additional adverse effects.

The Board determined the hardships to be the layout of the property due to the configuration of the road and the tight turning radius for tractor trailers when using the loading dock.

Motion to: approve #2824-18
Made by: Board Member Futtner
Second: Board Member Kilburn
Motion: Carried
Vote: Unanimous

App. 2825-18 – Mike & Tony's Auto Repair - request for a variance to Table 4.1.1A to allow a maximum of 25 cars displayed for sale (6 cars permitted by previous variance), on property located at 1179 John Fitch Boulevard, Industrial zone.

Jay Ussery, JR Russo, represented the applicant. Mike & Tony's currently own the abutting property at 1161 John Fitch Blvd and want to lease this property to expand their business. Mr. Ussery stated that all the uses that were there are non-conforming based on current zoning regulations (fueling, auto repair, used car sales). The proposed plan will bring the property more into conformance. The current impervious coverage is 99%. With the removal of a lot of gravel storage area and bituminous parking, along with adding landscaping the impervious coverage will drop to 69% (65% is regulation). One of the driveways will be closed up and turned into green space. Mike & Tony's will continue to do car repair and used car sales at this location. They will not sell gasoline (the pumps have been removed). For the business to be profitable, they will have to be able to sell as many as 25 cars. They will be making substantial improvements to the property as well as making it closer to conforming. Planning and Zoning Commission (PZC) has already approved the site plan – property improvements, closing the driveway, and display and sale of six cars. The hardship would be that more spaces are needed for displaying cars in order to support the business. If the variance is not approved they would only be able to display and sell 6 cars. A hardship would be that it limits their business. Mr. Ussery stated that the site supports the requested 25 cars and the location is appropriate for the purpose.

Board Member Carty agreed that the plan certainly improved the property but did not fall into the definition of a typical hardship.

Board Member Futtner stated that a variance cannot be allowed for a monetary benefit and she could not see a hardship, but doesn't think it matters how many cars.

Board Member Kilburn stated that the past limit of six cars is outdated based on today's economic scenario.

Anthony Mahon, owner, stated that being able to only display six cars will not support the business. It would not be feasible to try to expand if cannot get variance for a larger number of cars.

Motion to close hearing @ 8:35 pm
Was made by Board Member Kilburn
Seconded by Board Member Parrott
The motion: Carried
Vote: Unanimous

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Board Members felt the variance request was reasonable and approving it would be the right thing to do; that the regulations are antiquated and the economic issue is apparent. They also felt they were out of their prevue.

The Board determined the hardship to be the outdated regulations vs today's standards and that the property would remain more non-conforming without the variance.

Motion to: approve #2825-18

Made by: Board Member Parrott

Second: Board Member Futtner

Motion: Carried

Vote: 4 yea – Kilburn, Parrott, Futtner, Dabrowski; Carty abstained

Approval of Minutes

Motion to: approve minutes of October 4, 2018

Was made by Board Member Carty

Seconded by Board Member Parrott

The motion: Carried

Vote: Unanimous

New Business: 2019 Meeting Schedule

Motion to: approve the 2019 Meeting Schedule

Was made by Board Member Futtner

Seconded by Board Member Parrott

The motion: Carried

Vote: Unanimous

Old Business: none

Correspondence: none

Adjournment:

Motion to: adjourn the meeting at 8:44 pm

Was made by Board Member Kilburn

Seconded by Board Member Parrott

The motion: Carried

Vote: Unanimous

Respectfully submitted,

Donna Thompson
Recording Secretary

Approved: January 3, 2019