

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

Minutes

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November 5, 2015

MEMBERS PRESENT: James Kupchunos, Teri Dickey-Gaignat, Steven Carty, Joseph Kennedy, Joseph Etter

ALTERNATES PRESENT: Wayne Kilburn
Elizabeth McGuire

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

The following are motions made during the November 5, 2015 Public Hearing/Regular Meeting.

Chairperson Kupchunos called the public hearing to order at 7:30 pm in the Madden Room.

Chairperson Kupchunos appointed Wayne Kilburn to sit for Teri Dickey-Gaignat for Appl #2784-15.

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

Public Hearing

Appl. 2784-15 – Q & E, LLC, 17 Cumberland Road, West Hartford – request for two variances on 5.03 ac. property proposed to be subdivided, located on the easterly side of Nutmeg Road North and southerly side of Strong Road: 1) a one foot variance to Table 4.1.6A to allow a minimum rear yard setback of 24 feet (25 feet required) for proposed parcel 1 known as 413 Strong Road; 2) a 50 foot variance to Table 4.1.6A to allow a 50 foot frontage (100 feet required) on proposed parcel 2 known as 694 Nutmeg Road North, I (Industrial) Zone. **(Con't from October 1, 2015).**

Peter DeMallie from Design Professionals Inc. presented the application for owners Mike Eagan and Steve Quish. Mr. DeMallie reviewed the setup of the property and the additional documentation requested by the Commission last month. Copies of this documentation were provided to the Commissioners prior to the meeting. Mr. DeMallie stated that the current owners took title to the property in 1996 as a single parcel. A Notice of Lease recorded in the Town's land records between Q & E and Mobile Redemptions (a former tenant) shows a mapped lease area similar to the proposed 4 acre site known as 694 Nutmeg Road North. Subsequent tenants all leased the same area. They did not use the area at 413 Strong Road. The industrial shed thought to be on 413 Strong was expressly excluded from the lease area. Mr. DeMallie stated the Town's GIS map and Assessor's map depicts the property as two separate parcels, with both industrial buildings on the larger parcel. A letter from Century Commercial Real Estate stated that it is difficult to market the property as one parcel. The interest is only for the large industrial building accessed from Nutmeg Road North. There is no interest for the house or the smaller industrial building accessible from Strong Road. The Inland Wetlands Agency approved the application for the access drive from Nutmeg Road North through a regulated wetlands. In the two approval letters from Planning and Zoning, one for each of the buildings, it was stipulated that access to the larger building be from Nutmeg Road North not from Strong Road. They did not want the impact on Strong Road. The Town requested that the owners acquire the necessary piece of property along Nutmeg Road North which would allow access from there. Access from Strong Road was limited to only vans and minivans.

The Planning and Zoning Commission approved the plan with the distance between the two industrial buildings set at 35 feet. The second variance request is due to the fact the buildings are not 35 feet apart as required. A one foot variance would be more than adequate to cover the error in measurement at the time the buildings were constructed.

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Mr. DeMallie stated that the unique shape of the property and the access only from Nutmeg Road North is at the Town's request and requirement. It is not a self created hardship. The hardship was created by the Town.

Appl. 2785-15 – Michael E. Curtin, 733 Main Street – request for a 15 foot variance to Table 3.1.2A to allow construction of a shed 5 feet from the side property line (20 feet required) on property located at 733 Main Street, A-40 Zone.

Mr. Curtin presented the application. The property is very small and tapers to the rear. If the 12 ft x 16 ft shed was placed in the back yard it would be over the leach field, and also create an unusable back yard due to the size of the lot.

Chairperson Kupchunos read into the record a letter from Nancy & Ronald Pelletier, 725 Main St, in support of this variance.

Appl. 2786-15 – Town of South Windsor on behalf of the Avery Street Christian Reformed Church of 399 Beelzebub Road – request for a variance to Table 3.1.1A to allow 50.33% impervious coverage (50% allowed), on property located at 399 Beelzebub Road, RR Zone.

Jeffrey Doolittle, Town Engineer, presented the application. Mr. Doolittle stated that the expanded parking on Beelzebub Road had previously been approved for the Church by the Planning and Zoning Commission. For the realignment of Beelzebub Road, the Town acquired a section of the Church's property at the corner of Beelzebub and Avery Street, which reduced the size of the church lot and put the approved expanded parking out of compliance in regard to impervious coverage. The Town created the hardship and the Church needs all the parking as approved.

Motion to: close public hearing at 8:33 pm
Was made by Commissioner Kilburn
Seconded by Commissioner Dickey-Gaignat
The motion: carried
Vote: unanimous

Commission adjourned for a five minute break at 8:33 pm; reconvened at 8:38 pm.

Deliberative Session:

Appl. 2784-15 – Q & E, LLC, 17 Cumberland Road, West Hartford – request for two variances on 5.03 ac. property proposed to be subdivided, located on the easterly side of Nutmeg Road North and southerly side of Strong Road: 1) a one foot variance to Table 4.1.6A to allow a minimum rear yard setback of 24 feet (25 feet required) for proposed parcel 1 known as 413 Strong Road; 2) a 50 foot variance to Table 4.1.6A to allow a 50 foot frontage (100 feet required) on proposed parcel 2 known as 694 Nutmeg Road North, I (Industrial) Zone.

Motion to: approve Appl #2784-15;

Hardship: the unique shape of the property

Was made by Commissioner Kennedy
Seconded by Commissioner Carty

Motion withdrawn by Commissioner Kennedy.

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Motion to: approve variance 1 for Appl #2784-15; a one foot variance to Table 4.1.6A to allow a minimum rear yard setback of 24 feet (25 feet required) for proposed parcel 1 known as 413 Strong Road, contingent upon the future subdivision of the property

Hardship: unique shape of the property and building placement

Was made by Commissioner Kennedy

Seconded by Commissioner Carty

The motion: carried

Vote: unanimous

Motion to: approve variance 2 for Appl #2784-15, a 50 foot variance to Table 4.1.6A to allow a 50 foot frontage (100 feet required) on proposed parcel 2 known as 694 Nutmeg Road North, contingent upon the future subdivision of the property

Hardship: unique shape of the property created at behest of the Town

Was made by Commissioner Kennedy

Seconded by Commissioner Carty

The motion: carried

Vote: unanimous

Appl. 2785-15 – Michael E. Curtin, 733 Main Street – request for a 15 foot variance to Table 3.1.2A to allow construction of a shed 5 feet from the side property line (20 feet required) on property located at 733 Main Street, A-40 Zone.

Motion to: approve Appl #2785-15, request for a 15 foot variance to Table 3.1.2A to allow construction of a 12 ft x 16 ft shed 5 feet from the side property line (20 feet required) on property located at 733 Main Street, with the following condition: encroachment of the pad cannot be closer than 5 ft from the property line

Hardship: undersized non-conforming lot and location of the septic field

Was made by Commissioner Kennedy

Seconded by Commissioner Dickey-Gaignat

The motion: carried

Vote: unanimous

Appl. 2786-15 – Town of South Windsor on behalf of the Avery Street Christian Reformed Church of 399 Beelzebub Road – request for a variance to Table 3.1.1A to allow 50.33% impervious coverage (50% allowed), on property located at 399 Beelzebub Road, RR Zone.

Motion to: approve Appl #2786-15, request for a variance to Table 3.1.1A to allow 50.33% impervious coverage (50% allowed), on property located at 399 Beelzebub Road, RR Zone.

Hardship: action of the Town of South Windsor to take property that created the hardship based on the previously approved site plan

Was made by Commissioner Etter

Seconded by Commissioner Dickey-Gaignat

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The motion: carried
Vote: unanimous

Approval of Minutes:

Motion to: approve minutes of 10/1/2015
Was made by Commissioner Etter
Seconded by Commissioner Carty
The motion: carried
Vote: unanimous

Old Business: By-laws Revisions

Commissioner Etter stated that due to the lateness of the hour moving forward with revisions to the by-laws should be postponed.

Motion to: table the review of the by-laws revisions
Was made by Commissioner Kennedy
Seconded by Commissioner Dickey-Gagnat
The motion: carried
Vote: unanimous

New Business: Proposed 2016 Meeting Schedule

Motion to: approve the 2016 Meeting Schedule
Was made by Commissioner Etter
Seconded by Commissioner Carty
The motion: carried
Vote: unanimous

Adjournment:

Motion to: adjourn the meeting at 9:03 pm
Was made by Commissioner Etter
Seconded by Commissioner Dickey-Gagnat
The motion: carried
Vote: unanimous

Respectfully submitted:

Donna Thompson
Recording Secretary

Approved: January 7, 2016