TOWN OF WINDSOR
ZONING BOARD OF APPEALS

Regular Meeting
April 18, 2007

Approved Minutes

PRESENT: Chairwoman Fran Rothenberg, Secretary Shay, Commissioners Thomas Ferranti, Joseph Breen, Alternates Loretta Raney and Roseanne Lombardo

EXCUSED ABSENCE: Commissioner Max Kuziak and Alternate Milo Peck III

The Meeting was called to order at 7:00 P.M. by Chairman Rothenberg in the Ludlow Room of Town Hall, 275 Broad Street, Windsor, Connecticut.

ESTABLISHMENT OF QUORUM:

Chairman Rothenberg announced the four board members who were present. Because only four regular members were present, Alternate Roseanne Lombardo was seated and a quorum was established.

CALL TO ORDER – PUBLIC HEARINGS:

LEGAL NOTICE:
The Legal Notice submitted by Helene H. Shay, Secretary, which appeared in The Hartford Courant on April 5th and 12th, 2007 was read by Alternate Raney and included the following variances to be heard:

#06 -11 51 Pond Rd. –Section 4.1.1 Side Yard Variance

#07-02 4 Lee Lane – Section 2.2.3 Residential Buildings Adjacent to Limited Access Highways

#07-03 28 Spring St. – Section 2.1.19 House Orientation

PROCEDURES:
Secretary Shay read the procedures for presentation of an application and appeal. She then queried the audience for any questions regarding the procedures which were read. Hearing no comments, Chairman Rothenberg declared the hearings proceed.

PUBLIC HEARINGS #06 -11 51 Pond Rd. – Section 4.1.1 Side Yard Variance

DISCUSSION:
Mr. Melvin Brown, 51 Pond Rd, resubmitted his request for a side yard variance to build a carport. He indicated that he had worked with officials from the Windsor Building Dept. and decreased the size of the carport and submitted clearer drawings.

Secretary Shay read into the record a letter of support received from Vera W. Lavery of 51 Pond Road. (Exhibit A)

Commissioner Breen said he had spoken to a neighbor who would be directly affected and that the neighbor had no objections.

PUBLIC HEARINGS #07-02 4 Lee Lane – Section 2.2.3 Residential Buildings Adjacent to Limited Access Highways

DISCUSSION: Brett Wilson, 32 Norman Ave., explained his wish for the variance. The distance required by regulation is 150'. The request is for a reduction to 105'. He explained that the original lot was only 11,250 SF in a R11 zone. A variance was requested in 1985 for a minimum square footage variance and was denied. Since that time the state has compensated the owners from 1985 and also increased the size of the lot to 15,800 SF. The property has also been rezoned to R13 which has a minimum square footage of 12,750 SF. The property is in excess of what is now required. If the state changed the configuration of the lot in 1985, a house would still be on the property. The portion of the lot that is closest to the highway access ramp is screened by mature evergreens and a steep drop off of at least 80 feet. There is not a need for sound or protective barriers as it is protected naturally. There have been other variances of this kind granted in the past including where he currently lives at 32 Norman. Variances have been also given on Olga Ave. and Rosemont Ave. that created houses much closer to the highway and with less property than what he is asking for.

The commissioners queried Mr. Wilson as to his legal hardship. It was noted that financial need could not be considered. The request was for a variance for proximity to the highway, not square footage of lot.

Mr. Wilson said the shape of the lot prevented him from building a raised ranch which would conform to the other houses in the neighborhood. The closest neighbor does not have any windows on the side of the house that would face his proposed house.

Secretary Shay said she viewed the property and thought it would make a good building site.

Commissioner Breen felt that a variance should not be given just because the space was available, ignoring the regulations. Mr. Wilson brought the hardship upon himself after being told by town staff that 4 Lee Lane was not an acceptable building lot and going ahead with the purchase of the property.

Wayne McKinney, ZEO, felt that a precedent has been set and the variance should be granted.

Mr. Al D. spoke for Olga Hansen, 49 Olga. She is in favor of the variance.

Mr. Fred Clayton, 7 Lee Lane spoke against the variance. He read a prepared letter into the record. (Exhibit B)

Mrs. Gayle Keating, 375 Matianuck Ave. spoke against the variance. She has lived there all her life. The people who lived there previously left because of the big drop off to the highway. It is a hazard to children.

Mr. Don Keating, 375 Matianuck spoke against the variance. He has lived there 25 years. He explained that when the highway came through that the residents were not compensated adequately. The original owners left there because it became a very undesirable location. Noise is definitely a problem. Having the open space was a small consolation for the disruption caused by the highway.

Ms. Stella Kavaliauskas, 365 Matianuck as also lived there here entire life. She says the noise is unbearable during rush hour and that the drop off is very dangerous. She is against the variance.

Ms. Irene Rozman, 357 Matianuck, has lived there for 28 years. She is against the variance for all the same reasons already presented by her neighbors.

Mr. Rupert Weston, 11 Lee Lane spoke against the variance. Because of the odd shape of the lot, any house would look out of place.

Eric Barz, Windsor Town Planner spoke against the variance. The lot would create substandard living conditions. A ramp is louder than the normal highway with a steady flow of traffic as vehicles accelerate and trucks are using jack brakes to slow down. The applicant was told that the town was opposed to the variance and he self inflicted his financial hardship by purchasing the property after being told this. Previous variances granted for residences adjacent to a limited access highway are immaterial. Mr. Barz responded to a question that he knew of no plans to expand the highway, but it has already reached it capacity and it under sized.

PUBLIC HEARINGS #07-03 28 Spring St. – Section 2.1.19 House Orientation

DISCUSSION: Mr. Gordon Willis, the applicant, did not provide proof of mailing and his application was tabled until the May meeting.

CLOSE OF PUBLIC HEARINGS:

Chairman Rothenberg CLOSED the Public Hearing.

COMMENCE REGULAR BUSINESS MEETING/1. cases heard during Public Hearing/Application #06 -11 51 Pond Rd. – Section 4.1.1 Side Yard Variance

MOTION: Commissioner Lombardo made a motion for purposes of discussion to approve the application #06 -11 51 Pond Rd. – Section 4.1.1 Side Yard Variance request of 10 feet to construct a carport 5 feet from the property line. Seconded by Commissioner Breen.

DISCUSSION: Commissioner Lombardo noted that Mr. Brown returned board after consulting with the Building Department and clarifying his drawing as requested. She supports the variance.

Commissioner Breen has no concerns; he viewed the property; spoke to a neighbor who had no concerns. He supports the variance.

Other members of the board agreed

VOTE: 5-0-0

In favor of the motion to approve #06 -11 51 Pond Rd. – Section 4.1.1 Side Yard Variance request of 10 feet to construct a carport 5 feet from the property line.

COMMENCE REGULAR BUSINESS MEETING/1. cases heard during Public Hearing/Application #07-02 4 Lee Lane – Section 2.2.3 Residential Buildings Adjacent to Limited Access Highways

MOTION: Commissioner Shay made a motion for purposes of discussion to approve the application #07-02 4 Lee Lane – Section 2.2.3 Residential Buildings Adjacent to Limited Access Highways. Seconded by Commissioner Breen.

DISCUSSION: Commissioner Shay said she would vote for the variance. She believes the lot looks out of place and a house on the property would be an improvement. In her opinion, the drop off in the rear of the property makes the distance from the highway greater than 150'. Because the state took property and compensated owners less than what was fair does not mean that this applicant should be denied the use of the property in what she thinks is a reasonable manner.

Commission Breen is not in favor of the variance. The neighbors have voiced their opinions against the variance and should be listened to. The applicant was advised that the lot was unbuildable. The regulations are in place and we should abide by them. The other variances granted for Section 2.2.3 were different conditions. He feels Mr. Wilson has not established a hardship.

Commissioner Ferranti agreed that a hardship was not established. As well as the issues stated by Commissioner Breen, he agrees that noise levels and safety issues were also a problem.

Commissioner Lombardo is against the variance. She share the sentiments expressed. There is no true hardship.

Commissioner Shay spoke in favor of the variance. She says that the Zoning Board of Appeal is there to hear variances and decide what is best for the homeowner, the Town of Windsor, and the State of Connecticut.

VOTE: 1-4-0

Denied the motion for Application #07-02 4 Lee Lane – Section 2.2.3 Residential Buildings Adjacent to Limited Access Highways

COMMENCE REGULAR BUSINESS MEETING/2. New Business/b. Communications from the Public

There were no Communications from the Public.

COMMENCE REGULAR BUSINESS MEETING/2. New Business/c. Minutes Acceptance – March 21, 2007

MOTION: Commissioner Breen made a motion, seconded by Commissioner Ferranti, to **APPROVE the Minutes of the Regular Meeting March 21, 2007**

VOTE: **In Favor: Unanimous**

COMMENCE REGULAR BUSINESS MEETING/2. New Business/d. Communications from Board Members

Chairman Rothenberg informed the Board that she had spoken to Alternate Milo Peck III and he has been attending law school on Wednesday nights. He will be available in July.

Secretary Shay read a letter from the Town Engineer concerning Day Hill Rd. rehabilitation..

Commissioner Ferranti questioned the progress of the rewriting of the zoning regulations pertaining to corner lots and commercial vehicles. Town Planner, Eric Barz, said he hoped that the Planning and Zoning Commission would be able to act upon this at the May meeting.

COMMENCE REGULAR BUSINESS MEETING/2. New Business/e. Communications from Staff Liaison

There were no Communications from the Staff Liaison.

ADJOURNMENT:

MOTION: Commissioner Breen made a motion, seconded by Commissioner Ferranti, to **ADJOURN the meeting at 8:22 PM**

Respectfully submitted,

I certify that these Minutes were accepted

on _____.

_____
Lori Hartmann, Recording Secretary

_____
Helene H. Shay, Secretary
Zoning Board of Appeals