

**TOWN OF WINDSOR
ZONING BOARD OF APPEALS**

**Regular Meeting
March 21, 2007**

Approved Minutes

PRESENT: Chairwoman Fran Rothenberg, Secretary Shay, Commissioners Thomas Ferranti, Joseph Breen, and Max Kuziak

EXCUSED ABSENCE: Alternates Loretta Raney, Roseanne Lombardo and Milo Peck III

The Meeting was called to order at 7:03 P.M. by Chairman Rothenberg in the Council Chambers of Town Hall, 275 Broad Street, Windsor, Connecticut.

ESTABLISHMENT OF QUORUM:

Chairman Rothenberg announced the five board members who were present. Because five regular members were present 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 March 8th and 15th was read by Commissioner Kuziak and included the following variance to be heard:

#07-01 257 Palisado Ave - Sec. 4.4.1A(3) Area of accessory building

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 #07-01 257 Palisado Ave - Sec. 4.4.1A(3) Area of accessory building

DISCUSSION:

Mr. Christopher Watts, 257 Palisado Ave., delivered an information handout about 257 Palisado (attached) which outlines his proposal, the problem, facts, and his argument. The existing structure is severely damaged and in need of total rebuild. He explained that he had already dismantled a carport that had been attached to the structure. He wished to rebuild in the same footprint that included the carport. A new foundation would be poured. There will be storage and electricity in the upper portion. He will modify the plans presented so that the new structure meets the maximum height requirement of 15 feet at the midpoint of the peak.

CLOSE OF PUBLIC HEARINGS:

Chairman Rothenberg CLOSED the Public Hearing.

COMMENCE REGULAR BUSINESS MEETING/1. cases heard during Public Hearing/Application #07-01 257 Palisado Ave - Sec. 4.4.1A(3) Area of accessory building

MOTION: Commissioner Ferranti made a motion for purposes of discussion to approve the application #07-01 257 Palisado Ave - Sec. 4.4.1A(3) Area of accessory building request for a 24' x 36' garage with a maximum height of 15 feet at the midpoint of the roof line. Seconded by Commissioner Breen.

DISCUSSION: Commissioner Ferranti felt that the regulation that applies to a AA zone severely limits the applicant who has a non-conforming property in the Historical District.

Commissioner Breen agreed. He also noted that as an accessory structure a side line variance was not needed and that there were no objections raised by the neighbors. He approves of the current plan without any modifications.

Secretary Shay is in favor of the application citing the due diligence performed by the applicant and the hardship of lot size in the Historic District.

Commissioner Kuziak does not see a hardship.

VOTE: 4 – 0 – 1 (Abstained)
In favor of the motion to approve application #07-01 257 Palisado Ave - Sec. 4.4.1A(3) Area of accessory building request for a 24' x 36' garage with a maximum height of 15 feet at the midpoint of the roof line.

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 –November 15, 2006

MOTION: Commissioner Breen made a motion, seconded by Commissioner Ferranti, to **APPROVE the Minutes of the Regular Meeting November 15, 2006**

VOTE: In Favor: Unanimous

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

Commission Breen expressed concern over attendance. Chairwoman Rothenberg agreed to make informal phone calls express concerns.

Commissioner Kuziak expressed his desire to have the definition of "Hardship" more clearly defined as it pertains to the ZBA.

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

There were no Communications from the Staff Liaison.

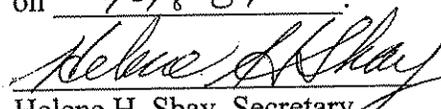
ADJOURNMENT:

MOTION: Commissioner Breen made a motion, seconded by Commissioner Kuziak, to **ADJOURN the meeting at 8:07 PM**

Respectfully submitted,


Lori Hartmann, Recording Secretary

I certify that these Minutes were accepted
on 4-18-07.


Helene H. Shay, Secretary
Zoning Board of Appeals

Information about 257 Palisado Ave

Proposed: Replace existing failed 14'X35' garage with a new 24'X36' garage.

Problem: Proposed garage is 284 sq ft over the 580 sq ft limit.

Facts: 257 Palisado is in Zone AA which has these minimum requirements:

Minimum Lot area 27,500 sq ft
Minimum Lot width 125 ft
Minimum Front Yard 40 ft
Minimum Side Yard 15 ft
Minimum Rear Yard 25 ft w/exceptions
Maximum Coverage 15%

Actual 257 Stats:

Lot area 12,250 sq ft
Lot width 70 ft
Front yard ~30 ft
Side yard ~20 ft
Rear yard (to garage) ~40 ft
Current coverage ~12%

Proposed 257 Stats:

Lot area 12,250 sq ft
Lot width 70 ft
Front yard ~30 ft
Side yard ~20 ft
Rear yard (to garage) ~40 ft
Proposed coverage 15.2%

Argument: Based on lot size alone, the 257 Palisado Ave plot is really closer to an R-11 (and even then is 5 feet too narrow for minimum lot width) than an AA. This is because of the "non planned" nature of the Historic District.

AA Zone is the only zoning that restricts maximum lot coverage to 15%. The rest are 20% or higher.

The issue is the proposed building is over the 580 sq ft standard and over the maximum rear yard coverage, but would result in lot coverage just over the maximum 15% of AA and well within the coverage of any other lot designation.

I am requesting approval for 24'X36' or would be willing to accept a smaller footprint but larger than 580 sq ft (24'X24')