

**WETHERSFIELD ZONING BOARD OF APPEALS  
PUBLIC HEARING**

**February 23, 2015**

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The Wethersfield Zoning Board of Appeals held a public hearing on February 23, 2015 at 7:00 PM at Town Hall, Council Chambers, 505 Silas Deane Highway, Wethersfield, Connecticut.

**PRESENT:** Thomas J. Vaughan, Jr., Chairman  
Daniel Logan, Vice Chairman  
Eugene Ziurys, Jr  
Basia Dellaripa  
David Gustafson, Alternate, Clerk  
Robert Cobb, Alternate

**ABSENT:** Morris Borea  
Michael Vieira, Alternate

**Also Present:** Monica Holloway – Zoning Enforcement Officer

Chairman Vaughan, Jr. opened the meeting at 7:00PM. He explained the procedures of the meeting and hearing, adding that five Board Members will be voting and 4 affirmative votes would be needed for the variance to be approved. He asked if there was anyone present who wished to speak on anything other than what is on the night's Agenda. There was no one from the audience who wished to speak.

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**Application No. 6150-15, 9 McMullen Avenue**, requesting less than the required front yard variance of 14.9 feet, and less than the total side yard of 10.7 feet for a two story addition (25' x 7.3'). Solo Investments, LLC, John Solo, Applicant, Zone B (§3.7)

Joe Solo, 46 Oldstone Crossing, West Hartford, CT appeared before the Board seeking a front and side yard variance. Mr. Solo stated that he purchased this property at 9 McMullen Avenue. He stated that the front porch was falling apart, therefore he went to the Building Department for a permit to repair the porch. He stated that in repairing the porch he decided to demolish the porch and start over, however, in doing this it now needs a variance as it was not supposed to be demolished. Because of this, he then decided to build straight up and put an addition on the second floor.

Chairman Vaughan, Jr. questioned if he spoke with any of the neighbors. Mr. Solo stated that they have all received the mailing and he has not heard of any issues.

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Commissioner Gustafson confirmed that a 10.7' variance is needed for the side yard. Ms. Holloway confirmed that this was correct.

Chairman Vaughan, Jr. confirmed that the hardship is the fact it was existing and non-confirming. Mr. Solo stated that this was correct.

Commissioner Ziurys, Jr. confirmed that the base of the home will be the same. Mr. Solo stated that this was correct, it will be the same plus have a second floor.

Commissioner Cobb confirmed that the side of the house will be built straight up. Mr. Solo stated that this was correct.

There were no further questions or comments from the Board.

There was no one in the audience who wished to speak in favor of or in opposition to this application.

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**Application No. 6151-15, 330 Middletown Avenue**, requesting less than the required frontage for a rear lot variance of 21.43 feet, and less than the required 21.43 feet for the access drive for a rear lot to build a single family house. Carlos Couto, Applicant, Zone A,C & AG (§3.91.A & §3.9.4 )

Attorney Peter Alter, 701 Hebron Avenue, Glastonbury, CT and Kevin Johnson, Close, Jensen and Miller, 1137 Silas Deane Highway, Wethersfield, CT appeared before the Board seeking two variances. Attorney Alter stated that he represents the owner/applicant Mr. Carlos Couto. Attorney Alter stated that Mr. Couto owns 7.9 acres of property with driveway access on Middletown Avenue.

Attorney Alter stated that they are seeking relief from Section 3.9 of the Zoning Regulations which were adopted in August 2007, which allows creation of rear lots, however, the lot must have a minimum 25' frontage and 25' access way. He stated that this property has 21.43' therefore they need relief for 3.57'. He stated that all other requirements are met for a single family residence on this property.

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Attorney Alter stated that this parcel was created back in 1961 when the property was sub-divided. He presented to the Board for the record plot plans showing a map of the area and showing the entire parcel that was sub-divided.

Attorney Alter stated that this Board has acted on this property twice, once in 1984 and again in 1985. This lot was approved by variance to allow for a full private soccer field, with speed bumps and parking for 40 cars. This was all approved but never built.

Attorney Alter stated that his client, Mr. Couto, acquired this property several years ago and would like to build his own single family home. He stated that this is a permitted use and a single family home is consistent with the overall comprehensive plan of the area. He stated that this property cannot be used without this variance. He stated that his client has been taxed as a “buildable lot”, however without this variance he cannot build on the lot.

Attorney Alter stated that if this Board approves this variance their next step is to go to Planning and Zoning for approval. He stated that because last month’s meeting before this Board was postponed; he was able to go before the Inland and Wetlands Commission and he secured a wetlands permit from that Commission.

Attorney Alter stated that the Town Engineer has approved the plan. He stated that back in April of 2014 there was a letter from Town Engineer Michael Turner which addressed several concerns the Town had with the Plan, however, since that time, all items have been addressed except for the title search which will be done after going to the Planning and Zoning Commission. He stated that there is a memo from Town Engineer Michael Turner stating that granting this variance would not create any type of health or safety issues.

Attorney Alter stated that the hardship is that this is not a self-created issue. He stated that without this regulation for a 25’ requirement this single family house would be in conformance.

Chairman Vaughan, Jr. questioned if two variances are needed. Attorney Alter stated that there is; however it is for the same 25’ – one for the frontage and one for the access strip. This property has 21.43’.

Chairman Vaughan, Jr. questioned that he remembers this property coming before this Board a couple years ago. Attorney Alter stated that that application was for a two-family house and was not a favorable decision. He stated that this was not from his client it was from the previous owners of this property.

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Chairman Vaughan, Jr. questioned if the driveway is already built. Attorney Alter stated that it is not, currently there is just overgrown brush and maybe one tree that may need to be removed.

Chairman Vaughan, Jr. questioned if this driveway would affect neighbors. Attorney Alter stated that there is no impact to any neighbors, he stated with or without this variance his client can go on the property and build the driveway. However, his client is willing to work with any neighbors to maybe put up fencing or plantings.

Chairman Vaughan, Jr. confirmed that the lot is being taxed as a buildable lot and questioned for how long. Attorney Alter stated that for as far back as he could research it was being taxed as a buildable lot.

Commissioner Cobb questioned if there would be a basement in the home. Attorney Alter stated that because it is in the wetlands area there will be no basement but a slab on grade.

Chairman Vaughan, Jr. stated that the last time this property was before this Board neighbors were concerned about drainage. Mr. Johnson stated that there is no concern with drainage; adding that Town Engineer Michael Turner also approved the drainage.

There were no further questions or comments from the Board.

The following audience member wished to speak in favor of this application:

1. Mr. Klavins, 325 Fox Hill, Wethersfield, CT – stated that he also owns 294-296 Middletown Avenue and he is in favor of this application, adding that this property has become a dumping ground and is glad to see something be done with the property.

Commissioner Gustafson read into the record a letter dated January 25, 2015 from Mr. Tim Gothers, 16 State Street, Wethersfield, CT in favor of this application.

Chairman Vaughan, Jr. questioned the size of the home. Attorney Alter stated that he has committed to the Inland/Wetlands Commission that it be no bigger than 1100 to 1200 square feet, 24' wide with a 2 car garage and 48' long.

Attorney Alter also stated that he has a letter in favor of this application from Mr. John Discenza.

There was no one in the audience who wished to speak in opposition to this application.

**WETHERSFIELD ZONING BOARD OF APPEALS  
PUBLIC HEARING**

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**Application No. 6152-15, 1652 Berlin Turnpike**, requesting a variance for outdoor storage and display of automobile sales for a used car dealer. Ana Pabellon, Applicant, Zone RC, (§5.2.E.4 & §5.7 )

Ana and Miguel Pabellon, 71 Medford Street, Springfield, MA appeared before the Board seeking two variances. Ana stated that they currently have a business at 148 Enfield Street, Enfield, CT, however, they have been looking for another location when they seen the lot at 1652 Berlin Turnpike. She stated that they have been working on this location for about 5 months and have cleaned up the property. They entered into the record before and after pictures of the property. He stated that they have more plans for this property to make it look nice. He stated that this is a great opportunity for them and for the Town to have the property cleaned up.

Chairman Vaughan, Jr. confirmed that this is zoned for a car repair. Ms. Holloway stated that used car dealers are not allowed in Town.

Chairman Vaughan, Jr. questioned how many cars he was looking to display. Mr. Pabellon stated that they were hoping for 30 cars, however, they will work with whatever the Town is willing to approve.

Chairman Vaughan, Jr. questioned if he owns this property, and what he would do if this variance is not approved. Mr. Pabellon stated that they do not own it yet, however, they have already invested \$15,000 in the property with the deposit on the property and the repairs. He stated that if this is not approved he would lose that money.

Chairman Vaughan, Jr. stated that he thought the Town had car repair places that also sell cars. Ms. Holloway stated for the record that she is not aware of any in Town.

Chairman Vaughan, Jr. questioned if there is a hardship. Ms. Holloway stated that no hardship is listed on the application. She stated that she did explain to them to have a hardship listed with a statement as to why the Board should approve this application. She stated that she is not sure if they understood.

Chairman Vaughan, Jr. explained that without a hardship listed it is very hard to approve an application. He explained what a hardship is and why it is so important to present a hardship to the Board.

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Chairman Vaughan, Jr. questioned if they would like to come back next month with an explanation of a hardship. The applicants stated that they would. Ms. Holloway asked the Board if they could continue this application until next month so that the Applicant will not be charged another fee. Chairman Vaughan, Jr. agreed.

Commissioner Ziurys, Jr. stated that he does not know if 30 plus cars will fit on that lot. Mr. Pabellon stated that he has measured it out and they would fit however, he is willing to display whatever the Town will allow.

Commissioner Cobb questioned how close this property is to Nott Street and if there are neighbors across on Nott Street. Ms. Holloway stated that this property is on the corner of Nott Street and the Berlin Turnpike; however there is no home directly across on Nott Street as this is the entrance to the highway.

There were no further questions or comments from the Board.

This Application is continued until next month.

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WETHERSFIELD ZONING BOARD OF APPEALS  
Chairman Vaughan, Jr.

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Commissioner Gustafson, Clerk

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**PRESENT:** Thomas J. Vaughan, Jr., Chairman  
Daniel Logan, Vice Chairman  
Eugene Ziurys, Jr  
Basia Dellaripa  
David Gustafson, Alternate, Clerk  
Robert Cobb, Alternate

**ABSENT:** Morris Borea  
Michael Vieira, Alternate

**Also Present:** Monica Holloway – Zoning Enforcement Officer

**DECISIONS FROM PUBLIC HEARING**

**Voting Members: Chairman Vaughan, Jr., Vice Chairman Logan, Commissioner Ziurys, Jr., Commissioner Dellaripa, and Commissioner Cobb**

**Application No. 6150-15, 9 McMullen Avenue**, requesting less than the required front yard variance of 14.9 feet, and less than the total side yard of 10.7 feet for a two story addition (25' x 7.3'). Solo Investments, LLC, John Solo, Applicant, Zone B (§3.7)

Upon motion made by Vice Chairman Logan, seconded by Commissioner Dellaripa and a poll of the Board it was unanimously voted that the above application **BE APPROVED** as submitted.

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**Voting Members: Chairman Vaughan, Jr., Vice Chairman Logan, Commissioner Ziurys, Jr., Commissioner Dellaripa, and Commissioner Gustafson**

**Application No. 6151-15, 330 Middletown Avenue**, requesting less than the required frontage for a rear lot variance of 21.43 feet, and less than the required 21.43 feet for the access drive for a rear lot to build a single family house. Carlos Couth, Applicant, Zone A,C & AG (§3.91.A & §3.9.4 )

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Upon motion made by Vice Chairman Logan, seconded by Commissioner Gustafson and a poll of the Board it was unanimously voted that the above application **BE APPROVED** as submitted.

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**Application No. 6152-15, 1652 Berlin Turnpike**, requesting a variance for outdoor storage and display of automobile sales for a used car dealer. Ana Pabellon, Applicant, Zone RC, (§5.2.E.4 & §5.7 )

Upon motion made by Vice Chairman Logan, seconded by Commissioner Dellaripa and a poll of the Board it was unanimously voted that the above application **BE CONTINUED** until the next meeting.

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**APPROVAL OF MINUTES**

Upon motion made by Commissioner Ziurys, Jr. seconded by Commissioner Gustafson and a poll of the Board it was unanimously voted that the Minutes of December 22, 2014 **BE APPROVED**.

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**ADJOURNMENT**

The meeting was adjourned at 8:08 PM.

WETHERSFIELD ZONING BOARD OF APPEALS  
CHAIRMAN VAUGHAN, JR.

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Commissioner Gustafson, Clerk

I hereby certify that the above is a true copy of the minutes of the Zoning Board of Appeals on

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Commissioner Gustafson, Clerk