

**WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC HEARING**

September 24, 2012

The Wethersfield Zoning Board of Appeals held a public hearing on September 24, 2012 at 7:00 PM in the Town Hall Council Chambers, 505 Silas Deane Highway, Wethersfield, Connecticut.

PRESENT: Thomas J. Vaughan, Jr., Chairman
Mark Rudewicz, Clerk
Morris Borea
Eugene Ziurys, Jr.
Robert Cobb, Alternate
Paul J. Leblanc, Alternate
David Gustafson, Alternate

ABSENT: Daniel Logan, Vice Chairman

Also Present: Brian O'Connor –Chief Building Official

Chairman Vaughan, Jr. opened the meeting at 7:00PM. He explained the procedures of the Meeting and Hearing and asked if anyone wanted to speak on something other than what was on tonight's Agenda. There was no one from the audience who wished to speak.

Application No. 6095-12. Larisa & Khurshid Khan, seeking two variances (1) to construct a residential dwelling on a lot having less than the required frontage and (2) to construct a two family dwelling in a single family residential zone at Lot 005, 330 Middletown Ave., East side, A, C, AG Zones, (§3.7) (§3.2).

Larisa Khan, 1001 Old Colony Road, Meriden, CT appeared before the Board seeking two variances on property located at 330 Middletown Avenue. She apologized that Khurshid was unable to make the meeting tonight. She presented to the Board a letter from Mr. Khan with a recap of all that was explained at the August 27, 2012 meeting.

Chairman Vaughan, Jr. stated that because many of the Board Members were not at the last meeting he requested that she act as though this is the first time this application is being presented.

Mrs. Khan stated that she would like her land surveyor Mr. D'Onofrio speak on her behalf.

Mr. Frank D'Onofrio explained that he is the land surveyor for this piece of property. He explained that what his clients would like to do is build a 2 family home. He stated that this land was sub-divided in 10 lots back in the 1960's. He stated that portions of this lot

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are in the C, A and AG Zones. He stated that their intent is to get the C and A zone to be one lot. He stated that his client wants to build a two family home so that his two son's and their family can live there.

Chairman Vaughn Jr., asked Mr. D'Onofrio to show on the diagram where this is lot is. Mr. D'Onofrio did so showing the wetlands line and stating that he cannot build on that piece.

Chairman Vaughan, Jr. questioned if with the 21' frontage they wanted to put in a driveway. Mr. D'Onofrio stated that this was correct and they would put low laying vegetation along the edge of the driveway.

Chairman Vaughan, Jr. questioned how many acres this piece of land is. Mr. D'Onofrio stated that there is a total of 8 ½ acres.

Chairman Vaughan, Jr. confirmed that he is looking for two variances; the first is to get the A and C zone together and the second is for a two family home. Mr. D'Onofrio stated that this was correct.

Chairman Vaughan, Jr. questioned if they spoke to the neighbors. Mr. D'Onofrio stated that they have been on the property and approached several neighbors explaining what their intentions are.

Commissioner Borea confirmed that this one lot is in three different zones. Mr. O'Connor stated that he was correct.

Commissioner Borea questioned if they needed to go before the Inland Wetlands Commission even if a variance was granted here. Mr. O'Connor stated that this was correct.

Commissioner Borea confirmed that the hardship is the lot being in three different zones. Mr. D'Onofrio stated that this was correct.

Commissioner Borea questioned if there are mostly two family homes in this neighborhood. Mr. D'Onofrio stated that this was correct; except for lot 10.

Chairman Vaughan, Jr. questioned if they plan on doing anything else with the property. Mr. D'Onofrio stated that they do not; they only want to build a two family home for their family.

Commissioner Borea questioned how close this would be to the wetlands. Mr. D'Onofrio stated about 20'. Commissioner Borea stated that he felt it would be difficult to get this pass the Wetlands Commission.

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Commissioner Cobb questioned the purchase price of this lot. Mrs. Kahn stated she was not sure but thought maybe around \$70,000 or \$80,000 and they have been paying taxes on it.

Chairman Vaughan, Jr. stated that there is a letter from the Fire Marshall stated that if this variance is granted there are stipulations that would need to be adhered to. The letter was read into the record.

Chairman Vaughan, Jr. questioned if there are other narrow lots like this in Town. Mr. O'Connor stated that there is; adding that way back these lots were called rear lots or flag lots. But in order to be called that you would need to meet all the criteria, and this lot does not meet that criteria. That is why they are here for the two variances; one for the frontage and one for the duplex.

There were no further questions or comments from the Board.

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

The following audience member wished to speak in opposition to this application:

1. Lynn Jane, 332 Middletown Avenue, Wethersfield, CT - She stated that she lives right next door to this property; so the driveway would be the full length of her property. She stated that when she purchased her property she was told that this lot was not a buildable lot because of the 21' frontage. She stated that she feels it is a very bad idea to start building on wetlands. She stated that according to the deed this property was purchased for roughly \$34,000 which is less than \$4,000 per acre; adding that you cannot buy buildable property in Wethersfield for that price. She stated that with there being so many properties available in Wethersfield she does not think it is a good idea to build on this property with the wetlands. She stated that she is concerned with the plowing and drainage; adding that she feels this will affect her property.

Application No. 6105-12. Joseph & Frances Eligio, seeking a variance to add a 12' X 24' garage to an existing garage, not having the required setback on the street side of a corner lot at 717 Wells Rd, North side, A-1 Residential Zone, (§3.7.A).

Frances Eligio, 717 Wells Road, Wethersfield, CT appeared before the Board seeking a variance to add a 12' X 24' garage to an existing garage not having the required setback. She stated that her contractors are here to speak on her behalf.

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Brian Levesque, American Painting and Home Improvement, 119 State Street, Wethersfield, CT and Mark, 78 Whispering Pine Road, Stafford Springs, CT, appeared before the Board on behalf of Mr. and Mrs. Eligio. Mr. Levesque stated that they both drive and with winter coming they do not want to chance parking out in the elements and one of the slipping and falling.

Chairman Vaughan, Jr. questioned if this is a corner lot and if that is the hardship. Mr. Levesque confirmed that it is a corner lot and that this is the hardship.

Commissioner Borea questioned how much of a variance is needed. Mr. Levesque stated that a 12' variance is needed.

Mr. O'Connor confirmed that because this is a corner lot; they almost get punished. Adding that if it was a side yard they would have plenty of room and no variance would be needed.

Commissioner Cobb questioned the distance between the driveway and the sidewalk. Mr. Levesque stated it would be 28 ½'.

Chairman Vaughan, Jr. questioned if the garage would be the same height. Mr. Levesque stated that it would; they would just extend the roof line.

Chairman Vaughan, Jr. confirmed this is strictly a garage; no storage and no apartment. Mr. Levesque stated that this was correct. Mark added there would be no room for storage.

Chairman Vaughan, Jr. confirmed that the neighbors were notified. Mark confirmed they were and they have not heard anything.

Commissioner Leblanc stated that it looks like there is a fence on the side. Mr. Levesque stated that there is; but the garage addition would not affect the fence at all.

There were no further questions or comments from the Board.

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

1. Mrs. Joanna Formica, 302 Cedar Street, Wethersfield, CT – She stated that most homes in this neighborhood have two car garages and she does not feel there is anything wrong with this application.

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

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Application No. 6106-12. Kapil Taneja, seeking a variance to add a walk in cooler to the side of the building not having the required side yard setback at 770 Silas Deane Hwy, East side, RC Zone, (§5.4.A.4).

Mr. Kapil Taneja, 770 Silas Deane Highway, Wethersfield, CT appeared before the Board seeking a variance to add a walk in cooler to the side of the building not having the required side yard setback. He stated that this is the Subway Restaurant that he is remodeling because they are running out of space. He stated that this cooler will not be visible from the Silas Deane Highway.

Chairman Vaughan, Jr. questioned if he spoke to the owner of the car wash next door. Mr. Taneja stated that he does not always see him; but he was informed of the application; he stated that he did not have a problem with the last variance.

Chairman Vaughan, Jr. questioned if it will be attached to the building. Mr. Taneja stated that it will be attached.

Chairman Vaughan, Jr. questioned how much of a variance is needed. Mr. O'Connor explained the whole thing needs a variance as this building is non-conforming.

Chairman Vaughan, Jr. questioned if it will be visible from the car wash. Mr. Taneja explained that you can see it from the car wash but there is also a fence there but he is not sure how far the fence goes back; but it is definitely not visible from the Silas Deane Highway.

Commissioner Borea questioned the placing of the cooler. Mr. Taneja explained that this is the best place that works from the inside; and this is the best place outside so as not to be visible to the Silas Deane Highway.

Commissioner Cobb questioned if he tried to communicate with the car wash owner for this variance. Mr. Taneja stated that he sent the letter the same time as the other neighbors. Mr. Taneja explained that he did not speak with him personally.

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.

Application No. 6107-12. The Art Institute of Connecticut LLC, seeking a variance to install an elevator on the south side of the building not having the required side yard setback at 100 Great Meadow Rd., East side, BP Zone, (§5.4.A.4).

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Attorney John Murphy, Local Counsel for the Art Institute, 100 Great Meadow Road, Wethersfield, CT appeared before the Board seeking a variance install an elevator on the south side of the building not having the required side yard setback.

Attorney Murphy explained the history of the Art Institute and their local goal of opening the Connecticut campus which will focus on Culinary and the Arts.

Attorney Murphy explained that the intent of the landlord is to maintain the Art Institute School as a separate “campus” from the building. In doing this they have maintained separate signs, entrances, etc. This elevator is a part of that separation. This elevator will be on the south side of the building. He stated that they are looking for a 6’ variance. They have an upgraded elevator with a 3500lb capacity. They decided on this upgraded elevator to make sure it is big enough to be able to fit a gurney in the elevator if needed.

Attorney Murphy stated that the hardship of this application is that they do not have enough side yard to put it in. He stated that back when the building was built a 15’ set back was required but due to the 2004 zone change to a Business Park a 20’ set back is now required.

Chairman Vaughan, Jr. questioned what is behind the building. Attorney Murphy stated that after the fire lane there is a 1’ drop and there are wetlands there. He stated that this does not affect any of the site lines.

Commissioner Cobb questioned where the access to the elevator is. Attorney Murphy stated that the access is only inside the building; that way the elevator is dedicated to this building only.

Chairman Vaughan, Jr. questioned the placing of the elevator. Attorney Murphy stated that most of the lot is used for parking and fire lanes; he stated that this is the best area so not to take away from any parking.

Commissioner Borea questioned the fire lanes. Attorney Murphy stated that this does not affect the fire lanes at all.

Commissioner Borea confirmed that the owner of the building is fine with this. Attorney Murphy stated that it was the owner’s idea; the Owner was in the audience and confirmed this.

Commissioner Ziurys, Jr. stated that he did not see any pictures of what the elevator would look like attached to the building. Attorney Murphy provided photos for him to look at.

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Commissioner Borea questioned if he needed to go before any other Boards. Attorney Murphy stated that he still needs to go before the Wetlands Commission and State Traffic Commission; he has already gone before Planning and Zoning.

Commissioner Leblanc questioned how they envision people getting to the elevator. Attorney Murphy stated that it is only accessed from the inside.

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.

Application No. 6108-12. Artfx Signs, seeking a variance to install a store front sign larger than permitted at 1285 Silas Deane Hwy, West side, RC Zone, (§6.3.F.2).

Mr. Lawrin Rosen, owner of Artfx Signs, 27 Britton Drive, Bloomfield, CT, appeared before the Board seeking to install a store front sign larger than permitted. Mr. Rosen stated that the sign he is proposing is 2 square feet per linear foot; 1 square foot per linear foot is what is allowed. He stated that only 1 square foot is allowed because of the small identity sign that is out in the front of the shopping center.

Mr. Rosen stated that he has a history with this shopping center; stating that back in the 1990's he made a unified sign system for this complex; some of which still exist today. He stated that a problem exists now; he stated that new owners have allowed different design styles; many of the tenants are now going with channel lettering.

Mr. Rosen stated that the sign he is designing is for the Medicare Spot. He stated that this store has 21' of store frontage. He stated that he is hoping to get the 2 square feet per linear foot because the stores are set so far back from the street that it is hard to see from the Silas Deane Highway. Mr. Rosen entered into the record pictures of signs in this shopping center.

Chairman Vaughan, Jr. questioned if all these signs are in compliance. He stated that a few look larger than the 1square foot per linear foot, and he does not recall them coming before this Board for a variance. Mr. O'Connor stated that he is not sure if any have a variance. He stated that some of the signs could have been put up before the free standing sign in the front of the center.

Chairman Vaughan, Jr. confirmed that if the free standing sign was not there then they could get the 2 square foot sign without needing a variance. Mr. O'Connor stated that this was correct.

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Commissioner Borea confirmed that this variance is for this one store only. Mr. O'Connor stated that this was correct. Mr. Rosen stated that he would like to get a unified sign system in this shopping center; and that is something that the owners of the building should really think about.

Commissioner Cobb questioned why some of the signs are semi circles, some white, some have a brick face, etc. He stated that there is no uniformity to it at all. Mr. Rosen stated that he agrees; there really should be some type of unified sign system.

Chairman Vaughan, Jr. stated that the application shows Artfx Signs as the applicant; and questioned who he represents. Mr. Rosen stated that he represents Mr. Jay Belanger from Medicare Spot. He stated that he would like to work with the owners of Goff Brook to put up a unified sign structure system.

Commissioner Cobb stated that this sign looks so different than any other sign in the center. He questioned if any other signs have the peak as this one does. Mr. Rosen stated that there are others that have the peak; adding that he has done them there in this center before. Commissioner Cobb stated that it would have been helpful if he brought in pictures of those signs also.

Commissioner Borea confirmed that the size of the lettering is the only variance they are looking at; confirming that the peak is not the issue. Mr. O'Connor stated that this was correct.

Commissioner Gustafson confirmed that if the Goff Brook sign was not there then no variance would be needed. Mr. O'Connor stated that this was correct.

Commissioner Borea confirmed that the hardship is that the building is set so far back from the Silas Deane Highway. Mr. Rosen stated that this was correct.

There were no further questions or comments from the Board.

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

1. Jay Belanger, Medicare Spot, and 1285 Silas Deane Highway, Wethersfield, CT – He stated that this whole process has not been very easy. He stated that because there is no signage his business has been very slow. He stated that the owner has requested that he get the channel lettering as his hope is to get uniformity to the center. He stated that any consideration would be very much appreciated.

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Commissioner Borea confirmed that he leases the property and has the owner's approval for the signage. Mr. Belanger stated that this was correct.

Commissioner Borea stated that the owner should look into getting STEAP grants to help pay for signage in the complex.

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

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Chairman Thomas Vaughan, Jr.

Commissioner Rudewicz, Clerk

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The Wethersfield Zoning Board of Appeals held a public hearing on September 24, 2012 at 7:00 PM in the Town Hall Council Chambers, 505 Silas Deane Highway, Wethersfield, Connecticut.

PRESENT: Thomas J. Vaughan, Jr., Chairman
Mark Rudewicz, Clerk
Morris Borea
Eugene Ziurys, Jr.
Robert Cobb, Alternate
Paul J. Leblanc, Alternate
David Gustafson, Alternate

ABSENT: Daniel Logan, Vice Chairman

Also Present: Brian O'Connor –Chief Building Official

DECISIONS FROM PUBLIC HEARING

Voting members: Chairman Vaughan, Jr., Commissioner Borea, Commissioner Rudewicz, Commissioner Ziurys, Jr. and Commissioner Cobb.

Application No. 6095-12. Larisa & Khurshid Khan, seeking two variances (1) to construct a residential dwelling on a lot having less than the required frontage and (2) to construct a two family dwelling in a single family residential zone at Lot 005, 330 Middletown Ave., East side, A, C, AG Zones, (§3.7) (§3.2).

A motion made by Chairman Borea, seconded by Commissioner Gustafson was made that each variance be voted on separately and that variance one be approved with stipulations. By a poll of the Board it was voted by a vote of 2-3 (with Commissioners Rudewicz, Ziurys, Jr. and Cobb opposed) that this application **BE APPROVED**; therefore it did not pass and no vote on the second variance is needed.

Voting members: Chairman Vaughan, Jr., Commissioner Borea, Commissioner Rudewicz, Commissioner Ziurys, Jr. and Commissioner Leblanc.

Application No. 6105-12. Joseph & Frances Eligio, seeking a variance to add a 12' X 24' garage to an existing garage, not having the required setback on the street side of a corner lot at 717 Wells Rd, North side, A-1 Residential Zone, (§3.7.A).

Upon motion made by Commissioner Borea, seconded by Commissioner Rudewicz and a poll of the Board it was unanimously voted that the above application **BE APPROVED** as presented.

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Voting members: Chairman Vaughan, Jr., Commissioner Borea, Commissioner Rudewicz, Commissioner Ziurys, Jr. and Commissioner Gustafson.

Application No. 6106-12. Kapil Taneja, seeking a variance to add a walk in cooler to the side of the building not having the required side yard setback at 770 Silas Deane Hwy, East side, RC Zone, (§5.4.A.4).

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

Voting members: Chairman Vaughan, Jr., Commissioner Borea, Commissioner Rudewicz, Commissioner Ziurys, Jr. and Commissioner Cobb.

Application No. 6107-12. The Art Institute of Connecticut LLC, seeking a variance to install an elevator on the south side of the building not having the required side yard setback at 100 Great Meadow Rd., East side, BP Zone, (§5.4.A.4).

Upon motion made by Commissioner Borea, seconded by Commissioner Cobb and a poll of the Board it was unanimously voted that the above application **BE APPROVED** as presented.

Voting members: Chairman Vaughan, Jr., Commissioner Borea, Commissioner Rudewicz, Commissioner Ziurys, Jr. and Commissioner Leblanc.

Application No. 6108-12. Artfx Signs, seeking a variance to install a store front sign larger than permitted at 1285 Silas Deane Hwy, West side, RC Zone, (§6.3.F.2).

Upon motion made by Commissioner Leblanc, seconded by Commissioner Rudewicz and a poll of the Board it was voted by a vote of 4-1 with Commissioner Ziurys, Jr. opposed that the above application **BE APPROVED** as submitted; for this one location only.

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APPROVAL OF MINUTES

Upon motion made by Commissioner Ziurys, Jr., seconded by Commissioner Borea and a poll of the Board it was unanimously voted that the minutes of August 27, 2012 **BE APPROVED.**

VOTE FOR CLERK

Upon motion made by Commissioner Borea and a poll of the Board it was unanimously voted that Commissioner Rudewicz be Clerk for the Board.

ADJOURNMENT

The meeting was adjourned at 8:53 PM.

WETHERSFIELD ZONING BOARD OF APPEALS
CHAIRMAN VAUGHAN, JR.

Commissioner Rudewicz, Clerk

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

Commissioner Rudewicz, Clerk