

**WETHERSFIELD ZONING BOARD OF APPEALS  
PUBLIC HEARING**

**August 27, 2012**

The Wethersfield Zoning Board of Appeals held a public hearing on August 27, 2012 at 7:00 PM in the Town Hall Council Chambers, 505 Silas Deane Highway, Wethersfield, Connecticut.

**PRESENT:** Thomas J. Vaughan, Jr., Chairman  
Morris Borea  
Eugene Ziurys, Jr., Acting Clerk  
Robert Cobb

**ABSENT:** Daniel Logan, Vice Chairman  
Mark Rudewicz

**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. He explained because there are only four members present; and four affirmative votes are needed for approval; all votes must be unanimous in order to be approved. He stated that because of this the Applicant will have the option of being heard next month when hopefully there will be more Members. This would be at no additional cost to the Applicant.

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**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).

Khurshid Khan appeared before the Board seeking two variances on property located at 330 Middletown Avenue. He apologized that Larisa was unable to make the meeting tonight. He stated that he is a Computer Scientist and helps the US Intelligence Agency and his wife is a Nurse at Mosanic Care. He stated that they grew up poor and in a poor Country. He stated that it is with great pride that he owns this land.

Mr. Khan explained that he purchased this land for two reasons. The first being that the Church selling the land needed the money; and the second was that when he looked at the 2 parcels of land he was told that he could build four (4) or five (5) homes on that land. He explained that when he was ready to begin building they did a survey of the land which cost roughly \$8,000 and an additional \$2,000 for a soil scientist. He stated that the survey revealed that part of the parcel was in wetlands; he stated that this took away about half of the land to build on.

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Mr. Khan explained that this really changed his plans for the property. He stated that now what he would like to do is build a 2 family home for his children to live in. He stated that he has three children who currently live in California but are moving to the East Coast.

Mr. Khan explained that there are two family homes in this neighborhood. He stated that there is a very narrow access so he can build a driveway with enough room for fire trucks to go in the back there if need be.

Chairman Vaughan, Jr. questioned the amount of frontage needed. Mr. O'Connor stated that for a single family a 60' frontage is needed and for a two-family a 75' frontage is needed. He stated that this property has 21' and 4" or 5". He added that there is enough width for a driveway.

Commissioner Ziurys, Jr. confirmed that there are other two family homes in the area. Mr. O'Connor stated that this was correct; all the houses in the front of this property are two family dwellings.

Chairman Vaughan, Jr. questioned if he knew why this is zoned as A and not C; and questioned if it was zoned C would a variance still be needed. Mr. O'Connor stated that he is not sure why this is zoned A instead of C; however, a variance would still be need even if zoned C.

Chairman Vaughan, Jr. questioned how long he owned the property. Mr. Khan stated that he purchased the property in 2004.

Chairman Vaughan, Jr. questioned what the alternative would be if this variance is not approved. Mr. Khan stated that he would have to build one single family home, around 4,000 sq. feet with a 4 car garage. He stated that he feels this would look very out of place in this neighborhood. Chairman Vaughan, Jr. stated that a variance for the frontage would still be needed.

Chairman Vaughan, Jr. questioned if he thought of doing anything as a buffer between driveways. Mr. Khan stated that he was thinking of arborvitaes or bushes.

Chairman Vaughan, Jr. questioned if he spoke to any neighbors. Mr. Khan stated that he and his wife spent a half a day there and explained to neighbors what they were hoping to do on the property.

Commissioner Borea questioned how he is getting taxed on the property. Mr. Khan stated that he pays around \$2,400 a year for a building lot and pays separate taxes for agricultural land.

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Commissioner Borea questioned who told him that this was a buildable lot. Mr. Khan stated that he was told this by the Assessor's Office.

Commissioner Cobb questioned what led him to belief that he would be able to build four (4) or five (5) homes on the lot. Mr. Khan stated that from speaking with the Real Estate Agent and the fact that there were 10 homes on similar acreage; so he thought he would be able to build four (4) or five (5) homes on his lot. He stated that it was not until the soil survey came back as wetlands that he realized he would not be able to do this.

Commissioner Cobb questioned what surrounds the lot. Mr. Khan stated there are 4 or 5 two-family homes, another street, and an empty lot.

Commissioner Borea questioned if anything could be built on this lot right now without any variances. Mr. O'Connor stated that basically with a variance for the frontage; what Mr. Khan is planning to do is pretty much all that can be done on this property.

Commissioner Borea confirmed that without the variance on the frontage he would not be able to build anything. Mr. O'Connor stated that this was correct.

Commissioner Borea questioned if he went to the Wetlands Commission yet. Mr. O'Connor stated that he would have to go there after this.

Commissioner Borea explained that there is a letter from the Fire Marshall requesting certain things be addressed. Mr. O'Connor confirmed that yes; if this is approved, there are certain things that the Fire Marshall wants done.

Mr. O'Connor explained that because the lot is in an A Zone; 2 family homes are not permitted that is why the second variance is needed.

Commissioner Cobb questioned if he knew he was in an A Zone when he purchased the lot. Mr. Khan stated that he did not; he stated that he was just told that it was a buildable lot by the Agent and by the Assessor's Office.

Chairman Vaughan, Jr. reminded Mr. Khan that he would need a unanimous vote tonight to get these variances approved, and explained that he can come back next month at no cost to him. Mr. Khan decided to be heard next month.

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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Chairman Vaughan, Jr. confirmed that he would still like to be heard tonight even though there are only four members presented. Attorney Murphy stated that he would.

**Application No. 6103-12. The Art Institute of Connecticut LLC**, seeking two variances (1) to install wall signage which will exceed the maximum square footage permitted and (2) logos on the wall signs exceeding the maximum 25% of the sign areas at 100 Great Meadow Rd., East side, BP Zone, (§6.3.F) (§6.3.C).

Attorney John Murphy, 1233 Silas Deane Highway, Wethersfield, CT appeared before the Board as local counsel for The Art Institute, LLC, seeking two variances. 1) to install wall signage that will exceed the maximum square footage permitted and 2) to permit logo wall signs exceeding the maximum 25% of the sign area.

Attorney Murphy stated that the Art Institute is based in Pittsburgh, PA and has over 50 schools in the United States. This is the first school being proposed for Connecticut and its focus will be on the Culinary Arts. He stated that there will be roughly 400 plus students and 35 faculty members.

Attorney Murphy stated that the first 3 floors of the lower tower will be just for the Arts Institute and they will have a dedicated entrance. He stated that they want to brand the Putnam Park Building as the Arts Institute. He stated that as part of the branding process there needs to be appropriate signage. Therefore; they are looking for relief from this regulation. He stated that he understand these regulations work well for a strip mall/retail space; however, they do not work well for a building of this size when you are trying to brand it. He stated that their total signage is 302 square feet.

Attorney Murphy stated that with regards to the second variance needed; the logo size is quite important to branding. Therefore they are also looking for relief from the 25% maximum.

Attorney Murphy stated that the hardship to this application is the size of the building. He stated that it is one of the tallest buildings in Wethersfield; however, the view is quite limited because of the trees and the bridge itself; and on top of that the cars on the highway are going 65 plus mph. He stated that there is no pedestrian traffic and the surrounding area is an oil facility to the north and State of CT property to the south.

Chairman Vaughan, Jr. asked if they are planning on putting up any other signs. Attorney Murphy stated road signage only; for directions.

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Chairman Vaughan, Jr. commented that because this is a larger building he feels the proposed signage doesn't seem out of scale with this size building. His only concern is if other tenants would have any issues because this would limit them. Attorney Murphy stated that no other tenants have rights to signage.

Chairman Vaughan, Jr. confirmed that they are looking for a 206 square foot variance and about an 8% variance for the logo sign. Attorney Murphy 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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Chairman Vaughan, Jr. confirmed that he would still like to be heard tonight even though there are only four members presented. Attorney Murphy stated that he would.

**Application No. 6104-12. Cedar Jordan Lane, LLC**, seeking a variance to erect a filling station which will be situated within a radius of 200 feet from the boundary of residential zones at 1380-1430 Berlin Turnpike, East side, RC Zone, (§5.7.A ).

Attorney Peter Alter, Glastonbury, CT appeared before the Board representing the owner/applicant seeking a variance to erect a filling station which will be situated within a radius of 200 feet from the boundary of residential zones. Attorney Alter stated that Tom Shibley who represents the owner, and Ray Gradwell, project manager are also in the audience should there be any questions for them.

Attorney Alter stated that they are proposing a fueling facility for the Stop and Shop. He stated that this is their largest tenant in the complex. He stated that they are located in an RC Zone.

Attorney Alter explained that they have a significant parking area. He showed the map to the Board and the proposed area of the fueling facility. He stated that this is on a single parcel; the fueling facility will be in the center to the west of the parcel.

Attorney Alter explained that the parcel is within 200 feet of a residential zone; however the fueling station is not. He stated that the cemetery across the street is considered a residential zone.

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Chairman Vaughan, Jr. questioned how many feet from an “actual” residence would the fueling station be. Attorney Alter stated no closer than 450 feet. He added that they would never be able to comply with 200 square feet because of the cemetery across the street.

Attorney Alter explained that they need relief from Zoning Regulation 5.7. He stated that when this regulation was enacted back in April 1956 he feels that filling stations were very different then than they are now. This would strictly be a filling station.

Chairman Vaughan, Jr. questioned if the cemetery was not considered residential would they still need a variance. Attorney Alter stated that if that were the case they would need to create a lot inside a lot; then they would meet the regulations; but since they needed to come before the Board due to the cemetery they decided not to do that.

Chairman Vaughan, Jr. questioned if they had to go before any other Boards. Attorney Alter stated that they still need to go before Planning and Zoning for the site plan approval.

Commissioner Borea questioned if they need a special permit. Attorney Alter stated that they do.

Commissioner Ziurys, Jr. questioned how many pumps. Attorney Alter stated there would be four bays for the pumps and a kiosk in the middle to pay.

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. Judy Libby, 165 Ridge Road, Wethersfield, CT – she explained how she has witnessed people running red lights, taking illegal turns and other problems in this area. She stated that she would be very concerned with tanker trucks loaded with fuel in this area. She is also concerned with these trucks being on these roads because of the steepness of these roads during bad weather.

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WETHERSFIELD ZONING BOARD OF APPEALS  
Chairman Thomas Vaughan, Jr.

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Commissioner Ziurys, Jr., Acting Clerk

**WETHERSFIELD ZONING BOARD OF APPEALS  
PUBLIC MEETING**

**August 27, 2012**

The Wethersfield Zoning Board of Appeals held a public hearing on August 27, 2012 at 7:00 PM in the Town Hall Council Chambers, 505 Silas Deane Highway, Wethersfield, Connecticut.

**PRESENT:** Thomas J. Vaughan, Jr., Chairman  
Morris Borea  
Eugene Ziurys, Jr.  
Robert Cobb

**ABSENT:** Daniel Logan, Vice Chairman  
Mark Rudewicz

**Also Present:** Brian O'Connor –Chief Building Official

**DECISIONS FROM PUBLIC HEARING**

**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).

Applicant Khan chose to have this application heard next month due to the fact that there are only four (4) Board Members tonight. Therefore this application is **TABLED** until the September meeting.

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**Application No. 6103-12. The Art Institute of Connecticut LLC**, seeking two variances (1) to install wall signage which will exceed the maximum square footage permitted and (2) logos on the wall signs exceeding the maximum 25% of the sign areas at 100 Great Meadow Rd., East side, BP Zone, (§6.3.F) (§6.3.C).

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 submitted.

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**Application No. 6104-12. Cedar Jordan Lane, LLC**, seeking a variance to erect a filling station which will be situated within a radius of 200 feet from the boundary of residential zones at 1380-1430 Berlin Turnpike, East side, RC Zone, (§5.7.A ).

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

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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 July 23, 2012 **BE APPROVED.**

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**ADJOURNMENT**

The meeting was adjourned at 8:18 PM.

WETHERSFIELD ZONING BOARD OF APPEALS  
CHAIRMAN VAUGHAN, JR.

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Commissioner Ziurys, Jr., Acting 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 Ziurys, Jr., Acting Clerk