

**WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC HEARING**

September 27, 2010

The Wethersfield Zoning Board of Appeals held a public hearing on September 27, 2010 at 7:00 PM in the Town Hall Council Chambers, 505 Silas Deane Highway, Wethersfield, Connecticut.

PRESENT: Thomas J. Vaughan, Jr., Chairman
George McKee, Vice Chairman
Matthias DeAngelo, Clerk
Morris R. Borea
Mark Rudewicz
Frank Dellaripa, Alternate
Eugene Ziurys, Jr., Alternate

ABSENT: Daniel Logan

Also Present: Brian O'Connor, Chief Building and Zoning Officer

Chairman Vaughan, Jr. opened the meeting at 7:00PM. There was no one from the audience who wished to speak.

APPLICATION NO. 6046-10 Robert & Nancy Jones, seeking a variance to construct a front entrance having less than the required front yard setback at 5 Broad Street north side, B Zone. (§3.7).

Robert Jones, 5 Broad Street, Wethersfield, CT appeared before the Board seeking a variance to construct a front entrance having less than the required front yard setback. Mr. Jones stated that he is looking to construct an 8' X 24' front open porch with the stairs coming out to the front of the house. He stated to do this he needs a 4' variance. Mr. Jones stated that they were unable to put the stairs to the side due to the retaining wall and the garage. Mr. Jones presented pictures of his home to the Board.

Chairman Vaughan, Jr. questioned if he spoke to his neighbors about this variance. Mr. Jones stated that he did speak to his neighbor, Dr. Truex, who stated he did not have an issue with the variance. The other side of him is a pond.

Chairman Vaughan, Jr. questioned the age of the home. Mr. Jones stated that he believes it was built in either 1957 or 1958, adding that the house sits about 75' from the street.

Commissioner Dellaripa questioned if this was approved by the Historic District Commission. Mr. Jones stated that they have approved this and that he is abiding by the materials that they have approved.

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Commissioner Dellaripa questioned if the existing stairs and overhang will be taken down. Mr. Jones stated that the overhang will be taken down and that they will be building over the existing stairs.

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. 6047-10 Elvis Celebic, seeking a variance to keep birds (pigeons) not in the required setback location and exceeding the permitted amount at 62 Saxon Road, east side, B Zone. (§3.5.4).

Elvis Celebic, 62 Saxon Road, Wethersfield, CT appeared before the Board seeking a variance to keep birds (pigeons) not in the required setback location and exceeding the permitted amount.

Chairman Vaughan, Jr. questioned how many birds he has. Mr. Celebic stated that he has 23 birds and 5 quails.

Commissioner DeAngelo questioned if he belonged to the American Pigeon Racing Club. Mr. Celebic stated that he does not these pigeons are more as pets for him and his kids; he does not race them; they are homing pigeons.

Commissioner Ziurys, Jr questioned if they are caged and if they fly out or if they stay in their cages. Mr. Celebic stated that they do both; they are housed in a coop and he does let them out of their coop and they fly back into their coop.

Commissioner Borea questioned if he received any permits when he built the cages. Mr. Celebic stated that he did not because he was not aware that he needed to.

Commissioner Borea questioned why the cages are put so close to the back property line. Mr. Celebic stated that he has a small yard and he wanted an area for the kids to play and an area for a garden, so he felt this was the best place to put the cages.

Mr. O'Connor stated for the record that this application has 2 variances; the first being that he is over the allowed 5 birds and the location of the cages.

Commissioner Borea questioned why he needed so many birds. Mr. Celebic stated that this is an enjoyment to his family. Commissioner Borea questioned how he acquired so

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many birds. Mr. Celebic stated that he received many of them from friends.

Commissioner Dellaripa questioned how they know how to come back to this house as opposed to the neighbor's house. Mr. Celebic stated that they wouldn't go to the neighbor's house; they are homing pigeons and know enough to come back to their own home.

Chairman Vaughan, Jr. stated that the reason for regulations is that it could potentially affect neighbors. Mr. Celebic stated that he spoke with his neighbor that put in the complaint and they came to an agreement to move the birds and the loft and to put up a 6' fence. He added that he asked neighbors on his whole block and no other neighbors have an issue with this and he has signatures from these neighbors stating that they do not have a problem with this variance.

Mr. Bob Carney, 2042 John Fitch Blvd, South Windsor, CT from the Connecticut Classic Racing Club came up to speak in case any of the Board Members had any questions pertaining to pigeons. Mr. Carney stated that when Mr. Celebic asked to join the Club; he was told that he had to keep the birds clean and orderly. Mr. Carney stated that he has gone to Mr. Celebic's home and can attest to the fact that he keeps the area clean and orderly. He also stated that he has vaccinated all of Mr. Celebic's birds.

Chairman Vaughan, Jr. questioned if different Towns have different regulations regarding pigeons. Mr. Carney stated that each Town is different. He stated that he lives in South Windsor on under an acre of land and he is able to keep 50 birds 8' from his property line. He stated that Mr. Celebic's property is much smaller and he would have no room to keep more birds and he has told Mr. Celebic this. Mr. Carney stated that this is an enjoyment to the European people; adding that they are hard working, good people.

Vice Chairman McKee questioned the lifespan of the pigeons. Mr. Carney stated that if they are well taken care of the lifespan is usually around 15 years.

Vice Chairman McKee questioned if the Club educates its members about permits and regulations. Mr. Carney stated that they do not; adding that by the time they meet the people they are already pigeon owners.

Commissioner Borea questioned how he knows which birds are his. Mr. Carney stated that all bird owners have their birds banded and registered.

Commissioner Borea questioned what would happen if the coops came down. Mr. Carney stated that that pigeons would still go back to that property. If this variance is not granted and he has to take down the coops then the birds would have to be euthanized.

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Commissioner DeAngelo questioned if the loft had to be moved would the birds find their way back to it. Mr. Carney stated that this would be fine as long as the loft is in the same yard they will find their way back.

Commissioner DeAngelo questioned if in South Windsor he had to go before any other Board or Agency like the Health District. Mr. Carney stated that he did not. He stated that 99% of the time if there is a problem it is because of the location of the lofts which is a zoning issue.

Commissioner Rudewicz stated that it might be a good idea to be proactive in educating his members on zoning regulations. He stated that maybe he could put something on their website to check into local zoning regulations regarding permits; etc. Mr. Carney stated that this was a very good idea.

Commissioner Ziurys, Jr. questioned if there is a limit on the number of birds that is allowed. Chairman Vaughan, Jr. stated that there is a 5 bird limit.

Commissioner DeAngelo confirmed that there were twelve signatures, some with no addresses next to their names and some signatures from people on Saxon and Goodrich Drive; he read the contents of the letter that they signed.

There were no further questions or comments from the Board.

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

1. Annette Dunn, 61 Saxon Road, Wethersfield, CT - She stated that she was the first person to sign the letter and confirmed that he did explain about the variance. She stated that she has not had any problems with this neighbor or with the pigeons. She stated that she would hate to see his pigeons taken away.

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

1. Nina Dolan, 63 Judd Road, Wethersfield, CT – She stated that she is the rear yard neighbor and is most affected by the pigeons. She stated that she became concerned about these pigeons about a month ago when he wanted to enlarge the cages and add more pigeons, adding that this is when she called the Building Department and was informed that there are regulations as to how many birds and the location. She stated that the number of birds he stated he has today changed from the number of birds he told her he had. She stated that she is concerned about the droppings and diseases that these birds may carry. She also commented about other concerns she has had with this property as far

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as junk accumulating; however Chairman Vaughan, Jr. informed her that he understands her other concerns; however, tonight they can only vote on the pigeon variance. Mrs. Dolan stated that she has spoken with Mr. Celebic and they did come up with an agreement, which she presented to the Board, however, she was informed that she should come to this meeting anyway to voice her concerns.

Chairman Vaughan, Jr. confirmed with Mrs. Dolan that she is fine with this variance if this Board makes him adhere to the agreement; Mrs. Dolan stated that she is as long as he adheres to the agreement and the cages are big enough for the birds.

Mr. O'Connor stated to the Board that the Building Department is working with Mr. Celebic to address the other issues that Mrs. Dolan has brought up.

Commissioner DeAngelo questioned if Mr. Celebic has seen the written agreement and if he is fine with it. Mr. Celebic stated that he did speak with his neighbor and they agreed that he would move the cages, put up a 6' fence and that he would not get any additional birds.

Chairman Vaughan, Jr. confirmed with Mr. Celebic that if this Board is to put these stipulations on this variance then he is legally bound to the stipulations. Mr. Celebic stated that he is fine with this.

Commissioner DeAngelo confirmed that the agreement states the following:

1. Move the coop at least 4' from the building line.
2. No more than 23 birds and 5 quails.
3. Install a 6' solid fence.

Mr. Celebic stated that he is fine with this and that this is what he agreed to with Mrs. Dolan.

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Chairman Thomas Vaughan, Jr.

Commissioner DeAngelo, Clerk

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ABSENT: Daniel Logan

Also Present: Brian O'Connor, Chief Building and Zoning Officer

DECISIONS FROM PUBLIC HEARING

APPLICATION NO. 6046-10 Robert & Nancy Jones, seeking a variance to construct a front entrance having less than the required front yard setback at 5 Broad Street north side, B Zone. (§3.7).

Upon motion made by Commissioner DeAngelo seconded by Vice Chairman McKee and a poll of the Board it was unanimously voted that this application **BE APPROVED** as presented.

APPLICATION NO. 6047-10 Elvis Celebic, seeking a variance to keep birds (pigeons) not in the required setback location and exceeding the permitted amount at 62 Saxon Road, east side, B Zone. (§3.5.4).

Upon motion made by Commissioner Borea seconded by Vice Chairman McKee and a poll of the Board it was voted by a vote of 6-1, with Commissioner Ziurys, Jr opposed, that this application **BE APPROVED** with a limit of 23 pigeons and 5 quails and with the following stipulations:

1. Replace the existing chain link fence with a solid 6' pretreated wood or vinyl fence.
2. Move coop at least 4' from the back property line and 4' from west property line.
3. Limit with regards to number of pigeons and quails for a period of two years to see how everything is going.

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Commissioner DeAngelo stated that he is used to dealing with zoning regulations but not animals. He questioned if there is any other Agency that should be dealing with these matters. Mr. O'Connor stated that the DEP, Public Health, etc., do not deal with livestock. He stated that the Health District knows about these hearings and feels that if they had any concern they would express them. Commissioner DeAngelo stated that based on this it seems like this Board has been delegated to dealing with these matters and is satisfied with that.

APPROVAL OF MINUTES

Upon motion made by Vice Chairman McKee seconded by Commissioner DeAngelo and a poll of the Board it was unanimously voted that the minutes of August 23, 2010 **BE APPROVED.**

ADJOURNMENT

The meeting was adjourned at 8:20 PM.

CHAIRMAN VAUGHAN, JR.

Commissioner DeAngelo, Clerk

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

Commissioner DeAngelo, Clerk