

WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC HEARING
June 25, 2007

The Wethersfield Zoning Board of Appeals held a public hearing on June 25, 2007 at 7:00 PM in the Police Department Community Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

PRESENT: Thomas J. Vaughan, Jr., Vice Chairman
Bruce T. Bockstael, Clerk
George McKee
Gina P. DeAngelo
Matt Cholewa, Alternate

Frank Dellaripa, Alternate

ABSENT: Morris R. Borea, Chairman
Mike Wrona, Alternate

Also Present: Brian O'Connor, Chief Building

APPLICATION NO. 5978-07 George Bushnell seeking a variance to create a 2nd building lot not having the required frontage and required buildable square at 761 Wells Road, north side, A-1 Residence Zone (§3.7).

Attorney Peter Barry, along with and representing George Bushnell, 761 Wells Road, Wethersfield, CT appeared before the Board requesting a variance to create a 2nd buildable lot. Attorney Barry stated that they are before the Board tonight with the hopes that the Board will grant their application for two variances.

Attorney Barry stated that this variance would divide an existing lot at 761 Wells Road into two building lots. He stated that the property is on the north side of Wells Road. He stated that the property has 174.6 feet on Wells Road, on the west side it is 232.5 feet deep, on the east it is 232.2 feet deep and on the north 175.4 feet. He stated that the property on the north borders a lot on Cart Way, which is a cul d sac that comes in from Desmond Road. He stated that in the present state there are so many trees in the back it is like a mini forest.

He stated that the property is in an A1 Zone, adding that an A1 Zone requires 90 feet of frontage. He stated that the way their proposal is set forth; parcel B would in fact get 90 feet of frontage. He stated that it is on that lot that they would need a variance for the buildable square. He stated that you need 80 feet square on a 90' lot adding that it is because of the location of the house that this buildable square cannot be met. He stated in the proposal they will be demolishing the front porch which would give them the 12' side yard but it would prevent them from having the 80' square. He stated that the purpose of the 80' buildable square was to prevent rear lots, which does not pertain to this situation.

Attorney Barry stated that the A1 Zone requirements are a 90' frontage, which as he stated one of the lots meet; the lot to the west has 84.6' of frontage. The minimum lot size for this area is 13,500 square feet. He stated that on this property they have a total of 40,640.98'. Which is one of the reasons why they are seeking this variance. He stated that this lot is almost 3 times bigger than what is required in this zone. In this proposal; parcel A would have 22,671 square feet and parcel B would have 17,969 square feet. He stated that from then on they meet all the other requirements; the rear yard of 40', the side yard 12', side yard aggregate of 15' and lot coverage; both of these lots meet all these requirements. Attorney Barry stated that what they need tonight is a variance of the building square requirement for Parcel B, and Parcel A would require a front yard variance.

He stated that he would like to mention that this property dates back probably to 1959 and maybe back as far as 1942.

He stated that the rear of this property was sold to Mr. Desmond. He stated that the two lots to the east are 90' lots and the lot to the west is a 75' lot, therefore, parcel A would be bigger than the abutter to the west. He showed to the Board the map which highlights this.

Attorney Barry stated that one of their problems is the location of the house and where it sits on the property. He stated that this additional lot would be on a state road, Wells Road, adding that one additional lot would not make a difference; the area is controlled to some extent with traffic lights and it would not have any effect on the school as the entrance is off Willow Street.

He stated that the fact that there is a 75' lot would indicate that the zone must have been changed in this particular area at some point. He stated that the Desmond Drive division was created in 1959 and the requirement at that time was a 90' frontage. He stated that based on the size of this parcel he feels that the Board can legally grant a variance for this lot, and with respect to the buildable square that requirement was directed to a different problem which does not apply here.

He stated that Mr. Bushnell has been a resident of Wethersfield for 64 years. He stated that it is their intention to reside on the premises. He stated that the garage on this plan (which he distributed to the Board) is to the left side of the property so that the driveway would not be adjacent to the property at 741 Wells Road. He stated that there are no plans to change anything in the rear; however, he cannot say for certain that the owner of lot 22 Cart Way would not see the house that would be built. He stated however, that he cannot emphasize enough the size of this lot in the present state and the trees that are in the back.

Vice Chairman Vaughan, Jr. questioned that Attorney Barry is speaking of two variances; however, the application is for one variance. Mr. O'Connor stated that they are speaking of two variances, one for each lot. Commissioner Bockstael confirmed that it is for the required frontage and the buildable square.

Mr. Bushnell stated that the purpose of this plan is to get a smaller house with one floor, and to live in Wethersfield. Commissioner Bockstael questioned if the plan that is being submitted is the plan that they intend to use. Mr. Bushnell stated that this is the plan minus the front porch. Commissioner Bockstael stated that the plans dimension is 48' however, if you look at the 73.35' and subtract the 12' side yard and the 15' side yard, you come up with 46.35', questioning if they will be looking for a side yard variance as well. Attorney Barry stated that the side yard had to be 15' on one side and 12' on the other. Attorney Barry stated that that house plans will fit on the property without any other variances. Commissioner Bockstael stated that it is really close.

Mr. O'Connor stated that if the house is 48' wide there is only 46', so that is an issue. Commissioner Bockstael stated that by reducing the lot to 73.35' and maintaining the 15' and 12' side yards it is not going to give a lot of land to build on. Mr. Bushnell stated that this is correct.

Commissioner Cholewa stated that he thought their intention was to get one lot to be conforming. Attorney Barry stated that because of the present position of the house and the lot being so long this is why they did it the way they did. He stated that he cannot emphasize enough the size of the lot, adding that the house is set far back.

Vice Chairman Vaughan, Jr. questioned if he currently lives on the property. Mr. Bushnell stated that he does not; he stated that they bought the property with the intention of sub dividing and building a new house.

Vice Chairman Vaughan, Jr. questioned the hardship; is it the shape of the lot, corner lot, etc. Attorney Barry stated that the hardship is the overall size of the lot and the frontage requirement.

Commissioner Bockstael questioned if this has always been one lot. Attorney Barry stated that it has.

Vice Chairman Vaughan, Jr. questioned how much of a variance is needed for the buildable square. Commissioner Bockstael stated that a 6.65' variance is needed on the buildable square and a 5.4' front yard variance. Attorney Barry stated that a 5.6' variance is needed for the front yard variance.

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 members wished to speak in opposition to this application:

1. Mr. & Mrs. Menesses, 749 Wells Road, Wethersfield, CT -stating that the shape of the lot does not substantiate another building, concerned that this will bring their property value down.
2. Mr. Dave Henderson, 22 Cart Way, Wethersfield, CT - concerned that they may clear the wooded area, concerned that this will diminish his property.
3. Mr. John Provisic, 21 Cart Way, Wethersfield, CT - bought this property for the privacy, concerned because his property abuts this property, concerned about the wooded area being taken down.
4. Ms. Gale Griffin, 52 Desmond Drive - is concerned about houses be squeezed into small places, stated that this property looks big enough but what about the next one.

APPLICATION NO. 5982-07 Carol Kober-Narciss seeking a variance to install a 10 ft. gazebo in the front yard and increase business hours at 7 Railroad Place, west side, B Residence Zone (§5.3.B).

Ms. Carol Kober-Narciss, 7 Railroad Place, Wethersfield, CT appeared before the Board seeking to install a 10' gazebo and increase business hours. She stated that the regulations state that the gazebo cannot be put into the front yard.

Ms. Kober-Narciss stated that there is 150' from the road to the front of the building. She stated that the gazebo is a nice Kloter gazebo; it will be painted white with cedar shingles. She stated that she can go as many feet as is suggested off the driveway.

Commissioner Cholewa questioned where the front yard is; is it Railroad Place or Church Street. Mr. O'Connor stated that basically this is a corner lot, so the frontage would be Church Street, rear yard or rear quarter would be on the railroad tracks or near the railroad tracks.

Commissioner Cholewa questioned why Church Street would be the frontage if you stated that the least narrow side is the frontage. Mr. O'Connor stated that he was sorry; he meant the narrowest or smallest side is the frontage, which is Church Street.

Commissioner Cholewa questioned how far back from Church Street are the plans to put the gazebo. Ms. Kober-Narciss stated that she would like to put it as close to the parking area as possible. Commissioner Cholewa stated that that is pretty far from Church Street, and does not understand why a variance is needed. She stated that she was told a variance is needed because it is in the front of the building and not in the back. Mr. O'Connor stated that accessory structures have to be in the rear yard, otherwise a variance is needed.

Mr. O'Connor stated that there is a building line that they would want to keep the gazebo on the other side of. Ms. Kober-Narciss questioned how many feet from the railroad track this would be. Mr. O'Connor stated that the building line goes across Church Street, which is about 40'.

Commissioner Bockstael stated that the hardship is that the gazebo cannot go in the rear of the property. Ms. Kober-Narciss stated that this is correct; it would not be feasible to put the gazebo in the rear of the building.

Ms. Kober-Narciss questioned what the dotted line on the plot plan is. Commissioner Dellaripa stated that this was a sewer line and approval from the MDC is needed to build over the sewer line. Ms. Kober-Narciss stated that they are not building over the sewer line just placing something over it. Commissioner Dellaripa stated that permission is still needed from the MDC.

Ms. Kober-Narciss stated that she was hoping to put it up more where the curb is. Mr. O'Connor stated that he believes there is a 40' building line in this zone.

Commissioner Bockstael questioned what type of business this is. Ms. Kober-Narciss stated that it will be a chocolate café. Commissioner Bockstael questioned if there is a possibility for people to stay and sit for awhile. Ms. Kober-

Narciss stated that there was.

Vice Chairman Vaughan, Jr. questioned if any variance is needed for outdoor seating. Mr. O'Connor stated that there would not because there will be no table and chairs.

Ms. Kober-Narciss stated that the other issue she has is that when she was before the Board previously she stated that her hours would be 10 AM to 7 PM, however, after speaking with many people she would like to revise these hours to 8 AM to 8 PM Monday thru Thursday, 8 AM to 10 PM Friday and Saturday and Sunday 9 AM to 2 PM.

Commissioner McKee questioned what she is currently approved for. Ms. Kober-Narciss stated that she is approved for 10 AM to 7 PM Monday thru Saturday.

Commissioner Cholewa questioned why the hours are being questioned. Mr. O'Connor stated that they are being questioned now because they were stipulations on a past variance.

Commissioner Bockstael questioned that if there are concerns with these hours is she willing to change these hours to be a good neighbor. Ms. Kober-Narciss stated absolutely.

Commissioner Cholewa questioned what the prior application was for. Ms. Kober-Narciss stated that she was just opening a new café in that building. Mr. O'Connor stated that this building was a bike shop. Commissioner Cholewa stated that the previous variance was for a use variance change. Mr. O'Connor stated that this was correct, change of use.

Commissioner McKee verified that she is now looking for Sunday hours. Ms. Kober-Narciss stated that this was correct.

Commissioner Bockstael questioned if there were any problems. Mr. O'Connor stated that there has not been, but she has not yet opened.

Ms. Kober-Narciss questioned what her next step is in regards to signage. Mr. O'Connor stated that she needs to go before Design Review; that would be her first step.

Vice Chairman Vaughan, Jr. confirmed that she will be going before the Historic District. Ms. Kober-Narciss stated that she has already put in the application.

There were no further questions or comments from the Board.

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

1. Ms. Gale Griffin, 53 Desmond Drive, Wethersfield, CT

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

WETHERSFIELD ZONING BOARD OF APPEALS
Vice Chairman Vaughan, Jr.

Commissioner Bockstael, Clerk

**WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC MEETING
June 25, 2007**

The Wethersfield Zoning Board of Appeals held a public hearing on June 25, 2007 at 7:00 PM in the Police Department Community Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

PRESENT: Thomas J. Vaughan, Jr., Vice Chairman
Bruce T. Bockstael, Clerk
George McKee
Gina P. DeAngelo
Matt Cholewa, Alternate

Frank Dellaripa, Alternate

ABSENT: Morris R. Borea, Chairman
Mike Wrona, Alternate

Also Present: Brian O'Connor, Chief Building

DECISIONS FROM PUBLIC HEARING

Voting Members: Thomas J. Vaughan, Jr., Bruce T. Bockstael, George McKee, Gina P. DeAngelo, Frank Dellaripa.

APPLICATION NO. 5978-07 George Bushnell seeking a variance to create a 2nd building lot not having the required frontage and required buildable square at 761 Wells Road, north side, A-1 Residence Zone (§3.7).

Upon motion made by Commissioner Bockstael, seconded by Commissioner Dellaripa and a poll of the Board it was voted that the above application be approved with the following stipulations:

1. Will not hear any variance request for side yard encroachment.
2. Try and build in buildable lot.
3. Try and maintain open space in rear lot.
4. Will include existing porch being removed.

The motion failed to carry by a vote of 3-2 (with Commissioner DeAngelo and Commissioner McKee opposed.) Therefore this application was **DENIED** as four voting members must approve an application.

Voting Members: Thomas J. Vaughan, Jr., Bruce T. Bockstael, George McKee, Gina P. DeAngelo, Matt Cholewa.

APPLICATION NO. 5982-07 Carol Kober-Narciss seeking a variance to install a 10 ft. gazebo in the front yard and increase business hours at 7 Railroad Place, west side, B Residence Zone (§5.3.B).

Upon motion made by Commissioner Bockstael, seconded by Commissioner McKee and a poll of the Board it was unanimously voted that the above application **BE APPROVED**, for a period of one year, with the following stipulations:

1. Gazebo cannot be over the building line.
2. Hours of operation are to be:
Monday thru Saturday 8AM to 8 PM
Sunday 9AM to 2 PM

APPROVAL OF MINUTES

Upon motion made by Vice Chairman Vaughan, Jr. and seconded by Commissioner Bockstael and a poll of the Board it was unanimously voted that [the minutes of April 23, 2007](#) **BE APPROVED**.

Upon motion made by Commissioner DeAngelo and seconded by Commissioner Cholewa and a poll of the Board it was unanimously voted that [the minutes of May 21, 2007](#) **BE APPROVED**.

ADJOURNMENT

The meeting was adjourned at 8:25 PM.

WETHERSFIELD ZONING BOARD OF APPEALS
VICE CHAIRMAN VAUGHAN, JR.

Commissioner Bockstael Clerk