

WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC HEARING
May 22, 2006

The Wethersfield Zoning Board of Appeals held a public hearing on May 22, 2006 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
Gina P. DeAngelo
George McKee
Earle R. Munroe, Alternate

ABSENT: Morris R. Borea, Chairman
Frank Dellaripa, Alternate
Matt Cholewa, Alternate

Also Present: Brian O'Connor, Chief Building Inspector

Vice Chairman Vaughan, Jr. opened the meeting at 7:05PM. Before the meeting started, the public was welcomed to speak regarding anything except specific cases in the past or on the night's agenda. There was no one present who wished to speak.

APPLICATION NO. 5949-06 Patricia Rust seeking a variance to construct an addition not having the required side yard and rear yard setbacks at 16 Meggat Park, east side, B Residence Zone (§3.7).

Ms. Patricia Rust, 16 Meggat Park, Wethersfield, CT appeared before the Board with Mr. Don Gove, Gove Restoration seeking to construct an addition without the required side yard setback. Mr. Gove stated that there is a correction to the application; only a side yard variance is needed. He stated that the south side yard goes back at about an 86 degree angle instead of a 90 degree angle and at the corner of the house there is a small amount of clearance. He stated that this is on the second page of the plot plan. He stated that going back 12'; if the building line was actually straight there would be no problem with this addition, but because it is at an angle, the addition is over by 4". He stated that the addition is to extend the bedroom, put a new bathroom in and also extend the family room that is already there. He stated that the addition cannot be moved over because of the bulk head that is there.

Vice Chairman Vaughan, Jr. confirmed that this is for a 4" variance. Mr. Gove stated that this was correct.

Ms. Rust stated that she does have letters from two neighbors in favor of this application. Commissioner Bockstael confirmed that there are letters from the following neighbors in favor of this application:

1. Mrs. Lucinda Hughes, 14 Meggat Park, Wethersfield, CT
2. Mrs. Louise Lostocco, 19 Meggat Park, Wethersfield, CT

Commissioner DeAngelo questioned if the 4" includes the overhang. Mr. Gove stated that there will also be a gutter. Mr. O'Connor stated that the 4" variance is for the foundation, the gutter can go over into the yard.

Mr. Gove stated for the record that the Historic District Commission did approve this addition.

There were no further questions from the Board.

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

1. Mrs. Lucinda Hughes, 14 Meggat Park, Wethersfield, CT

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

APPLICATION NO. 5950-06 Nelson & Kristen Baltazar seeking a variance to construct an addition not having the required side yard setback at 64 Old Pewter Lane, east side, A Residence Zone (§3.7).

Nelson & Kristen Baltazar, 64 Old Pewter Lane, Wethersfield, CT appeared before the Board seeking to construct an addition not having the required side yard setback. Mrs. Baltazar stated that their hardship for this addition is that there is no other spot to put this addition on the house. She stated that if you are facing the house and look to the left the driveway is right there, the kitchen and garage go out the back with the pool and deck. The only other spot is to put the addition, a sunroom, on the side of the house. She presented to the Board pictures of the side of the home. She stated that they would like to go out 12' for the sunroom.

Commissioner Bockstael questioned if the fence is on the property line. Mrs. Baltazar stated that it is not on the property line; they have several feet past that. She added that the sunroom will go to about where the fence is.

Mrs. Baltazar presented to the Board pictures of the neighbors home to the side of them. She stated that they are actually on 35 Foote Path Lane and they have a very large back yard, adding that their homes are not close to each other. She stated that she does have a letter from them in favor of this application.

Vice Chairman Vaughan, Jr. questioned if this is the neighbor that would be most affected by this variance. Mr. Baltazar stated that they are. Mr. O'Connor stated that there is a map in the Commissioners packet that shows the abutting properties that are highlighted in yellow.

Vice Chairman Vaughan, Jr. confirmed that this home is on a cul-d-sac, and questioned if the lot is straight back or angled. Mrs. Baltazar stated that if you look from the road the lot is angled; she added that the sunroom with the way the property is angled and the way that the cul-d-sac goes would not be visible from the road.

Mrs. Baltazar stated that she has letters from neighbors in favor of this application.

Commissioner Bockstael confirmed that there are letters from the following in favor of this application:

1. Mr. & Mrs. Pierz, 35 Foote Path Lane, Wethersfield, CT
2. Mr. & Mrs. Stavola, 58 Old Pewter Lane, Wethersfield, CT
3. Ms. Carolyn Ledler, 61 Old Pewter Lane, Wethersfield, CT

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.

Commissioner Bockstael stated for the record that they received a letter from the following in opposition to this application:

1. Mr. Osgood, 39 Foote Path Lane, Wethersfield, CT - stating that it would make more sense to reduce the size of the addition by 2' than to encroach on a neighbor's property.

APPLICATION NO. 5951-06 Tim & Paige Lambrecht seeking a variance construct an addition which will be located over the building line at 91 Highland Street, north side, A-1 Residence Zone (§3.7).

Tim and Paige Lambrecht, 91 Highland Street, Wethersfield, CT appeared before the Board seeking a variance to construct an addition which will be over the building line. Mr. Lambrecht stated that they would like to put up a 399 square foot addition. He stated that the hardship is that the entire house is outside the building line; adding that a subdivision, Stocking Mill, was built behind their property. He stated that they are a growing family which likes the neighborhood so they do not want to move. He stated that they have done nothing but improve their home; Mrs.

Lambrecht added that they have opened their home to the Historic District for an open house years ago, she stated that this addition will enhance the beauty of their home.

Vice Chairman Vaughan, Jr. questioned the effect of the development. Mr. O'Connor stated that the home is non-conforming and that they are adding on to a non-conforming home going out 16' so they will be going out 8' more from the porch line on the plans.

Commissioner Bockstael stated that his sketch does not show that they are going out beyond the face of the home but it is going back. Mr. O'Connor stated that this was correct, but this is the street side front yard because this is a corner lot. He stated that typically on a corner lot they would be able to hold the minimum side yard, which in this zone is 12', so if they were conforming behind the setbacks, they would be able to go 12' to the neighbor's property.

Mr. Lambrecht stated that as you can see on the plot plans the only thing that is conforming on their lot is the garage and they are not going back any further than the garage is.

Commissioner Bockstael questioned the distance between the back of the garage and the next property line. Mr. O'Connor stated that he believes it is about 40' from the proposed addition.

Commissioner Bockstael questioned the side yard set back for this zone. Mr. O'Connor stated that it is 12' on a corner lot.

Mr. Lambrecht presented to the Board pictures of what the proposed addition would look like.

Commissioner Bockstael questioned the rationale for not putting the addition on the back of the house. Mrs. Lambrecht stated that if they put the addition on the back of the home there would be no other access to the garage; so they would lose the garage.

Commissioner Munroe questioned if there will be an additional driveway out to Stocking Mill. Mrs. Lambrecht stated that there would not, everything else stays the same; the driveway is on Highland Street.

There were no further questions 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. Mrs. Therese O'Hare, 6 Stocking Mill Road - She stated that she feels this Board should object to this application. She read off a list of items that have been done to the home where no permit was pulled, she stated that she feels this shows a pattern of encroachment on regulations.
2. Mr. John O'Hare, 6 Stocking Mill Road - He stated that he feels the hardship that they stated is not a true hardship, adding that the changes made by previous owners were all done when they purchased this property. He stated that the application that was submitted was not accurate or complete. He feels that this addition will diminish his property value. He also feels that this addition will cause a blockage from his property, diminishing his view.
3. Mr. Thomas Mahar, 20 Stocking Mill Road - He stated that he feels that any further visibility restrictions would affect backing out of his driveway. He also feels that this addition will detour the vision of people entering Stocking Mill Road. He stated that he feels the zoning laws should be upheld, adding that he feels this would decrease his property value.

Vice Chairman Vaughan, Jr. questioned why they feel that their property values would be diminished by this addition. Mr. O'Hare stated that this is a congested area and feels that his view from his property will be diminished; not being able to see people walking, etc.

Commissioner Bockstael stated that he is taken back by the fact that they can build in the building line; which is almost asking them to build a separate building. Mr. O'Hare stated that the choice to build the garage where they did

was made knowing that they could not add on with out making a self imposed hardship. Commissioner Bockstael stated that this choice was not made by the applicants; but made by the previous owners.

Commissioner Bockstael questioned Mr. O'Hare about the diminished view, stating that the view would be from his garage. Mr. O'Hare stated that the addition would have an affect on the living area view, adding that the view would be diminished by 16', stating that the views were considered when the homes were built.

Commissioner Bockstael also stated for the record that he feels that the addition would add to the value of the homes not diminish them.

Vice Chairman Vaughan, Jr. questioned what this applicant would have been able to do before Stocking Mill Road came in. Mr. O'Connor stated that they could have done anything behind the house.

There were no further questions or comments from the Board.

APPLICATION NO. 5952-06 The Oldham Realty Corp. seeking a variance to permit retail space in an office zone at 401 Silas Deane Highway, west side, Office District Zone (§5.2.D).

Mr. John Oldham, 888 Wells Road, Wethersfield, CT appeared before the Board seeking a variance to permit retail space in an office zone. He stated that he leases the property at 401-403 Silas Deane Highway which is at the corner of Hillcrest and Silas Deane Highway. He stated that Dance 10 occupies the 2nd floor and up until a few years ago SK Taekwondo occupied the entire 1st. floor, they now only occupy a part of the 1st. floor. He stated that he has 2500 square feet of open space. He stated that he has showed the property many times but because of the Dance Studio upstairs and the Karate Studio next door it is not conducive to an office environment. He stated that he was approached by a possible tenant who would like to lease the space for a retail dance apparel store, selling, shoes, clothing, etc. He stated that the hours would not over lap with the Karate Studio so there would be no parking issues. He stated that the Apparel Store would be day hours and the Karate Studio is evening hours.

Commissioner Bockstael confirmed that there would be no parking problems. Mr. O'Connor stated that the parking is not an issue.

Commissioner Bockstael questioned the rational for this area being zoned only for office space. Mr. O'Connor stated that he believes it is because it is so close to a residential area.

Commissioner Bockstael questioned if this were to be granted can it be granted for only this usage. Mr. O'Connor stated that it can be granted only for a specific usage. Mr. O'Connor also stated that the Planning and Zoning Commission is in favor of this application.

Commissioner Bockstael read into the record a letter from the Planning and Zoning Commission in support of this application.

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. Ms. Iacobucci, 19 Hillcrest Avenue - she stated that she came here tonight to oppose this application, however, after hearing the application she is not opposed, however she does have concerns over the hours of operation. She stated that she is not opposed to this specific business; however, she would have a problem if any type of business were able to rent the space.

Commissioner Bockstael questioned the proposed hours of this business. Mr. & Mrs. Polvani, 27 Prospect Street, Wethersfield, CT, the proposed tenants, stated that the hours would be Monday thru Friday 10:00AM to 5:00PM, and

Saturday 10:00AM to about 2:00PM.

There were no further questions from the Board.

WETHERSFIELD ZONING BOARD OF APPEALS
CHAIRMAN MORRIS BOREA

Commissioner Bockstael, Clerk

**WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC MEETING
May 22, 2006**

The Wethersfield Zoning Board of Appeals held a public hearing on May 22, 2006 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
Gina P. DeAngelo
George McKee
Earle R. Munroe, Alternate

ABSENT: Morris R. Borea, Chairman
Frank Dellaripa, Alternate
Matt Cholewa, Alternate

Also Present: Brian O'Connor, Chief Building Inspector

All 5 members voted.

DECISIONS FROM PUBLIC HEARING

APPLICATION NO. 5949-06 Patricia Rust seeking a variance to construct an addition not having the required side yard and rear yard setbacks at 16 Meggat Park, east side, B Residence Zone (§3.7).

Upon motion made by Vice Chairman Vaughan, Jr. seconded by Commissioner McKee and a poll of the Board it was unanimously voted that the above application **BE APPROVED** as amended with the following stipulations:

1. 4" side yard variance.
2. No rear yard variance.

APPLICATION NO. 5950-06 Nelson & Kristen Baltazar seeking a variance to construct an addition not having the required side yard setback at 64 Old Pewter Lane, east side, A Residence Zone (§3.7).

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

APPLICATION NO. 5951-06 Tim & Paige Lambrecht seeking a variance construct an addition which will be located over the building line at 91 Highland Street, north side, A-1 Residence Zone (§3.7).

Upon motion made by Commissioner Bockstael seconded by Commissioner McKee and a poll of the Board it was

voted by a vote of 3-2 to approve, with Vice Chairman Vaughan, Jr., Commissioner Bockstael, and Commissioner McKee in favor and Commissioner DeAngelo, and Commissioner Munroe against, however, this application was **DENIED** due to the fact that you need 4 members to approve in order to grant a variance.

APPLICATION NO. 5952-06 The Oldham Realty Corp. seeking a variance to permit retail space in an office zone at 401 Silas Deane Highway, west side, Office District Zone (§5.2.D).

Upon motion made by Commissioner Bockstael seconded by Vice Chairman Vaughan, Jr., and a poll of the Board it was unanimously voted that the above application **BE APPROVED** with the following stipulations:

1. to be used as retail dance apparel usage only; if changes are made to usage it must return to the Board.
2. Hours are to be Monday to Friday 10:00AM to 5:00PM, and Saturday 10:00AM to 2:00PM.

APPROVAL OF MINUTES

Upon motion made by Commissioner McKee., seconded by Commissioner DeAngelo and a poll of the Board it was unanimously voted that [the minutes of April 24, 2006](#) **BE APPROVED**.

DISCUSSIONS

There was a discussion as to the procedure of sending out notices to abutting neighbors. Mr. O'Connor stated that the Planning and Zoning regulations state that the applicant is to send out these notices, however, because of a previous discussion on this the Building Department is currently sending out these notices. Mr. O'Connor stated that if the Board wants to continue with this practice than there must be a request to the Planning and Zoning Commission. It was discussed by the Board and decided that the Board would like to continue to have the Building Department send out these notices.

ADJOURNMENT

The meeting was adjourned at 8:25 PM.

WETHERSFIELD ZONING BOARD OF APPEALS
CHAIRMAN BOREA

Commissioner Bockstael, Clerk