

WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC HEARING
April 25, 2005

The Wethersfield Zoning Board of Appeals held a public hearing on April 25, 2005 at 7:00 PM in the Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut.

PRESENT: Thomas J. Vaughan, Jr., Vice Chairman
Bruce T. Bockstael, Clerk
Frank A. Falvo, Jr.
Steven F. Clarke
Gina P. DeAngelo, Alternate

ABSENT: Morris R. Borea, Chairman
Matt Cholewa, Alternate
Craig S. Pinney, Alternate

Also Present: Brian O'Connor, Chief Building & Zoning Official

Vice Chairman Vaughan, Jr. opened the meeting. 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. 5904-05 Frank DiBacco seeking a variance to erect a deck with a pool having more than the allowable maximum percent lot coverage at 126 Colonel Chester Drive, east side, A-1 Residence Zone (§3.7.A.4).

Mr. Frank DiBacco, 126 Colonel Chester Drive, Wethersfield, CT appeared before the Board seeking a variance to erect a deck with a pool. Mr. DiBacco stated that he did not realize that there was a zone line change on his property. He stated that he was never notified by the Town of this change. He stated that because of this change there is a hardship to build on his property.

Mr. DiBacco stated that his hardships are the fact that the zone line was moved, and his property is on ledge which cannot be dug up. He stated that the Fire Marshall will not let him blast on the property, adding that had he known that the zone line was going to be moved he would have put the pool in last year before the change.

Vice Chairman Vaughan, Jr. questioned if he made any changes since his application last month. Mr. DiBacco stated that it is now detached from the house and there is now a 3' corridor between the pool and the porch and the deck is smaller. He stated that the original plans were submitted under the A-1 Zone which was at 8% over the maximum allowable area. He stated these new plans are approximately 4.5 to 4.8% over.

Vice Chairman Vaughan, Jr. questioned if his neighbors are aware of this application. Mr. DiBacco stated that they are and have no problem with this application, adding that they are all waiting to use the pool.

Commissioner Falvo, Jr. confirmed that if the zone line was not changed a variance would not have been needed for this application. Mr. DiBacco stated that this was correct.

Commissioner DeAngelo questioned if anyone in his neighborhood was notified of the zone line change. Mr. DiBacco stated that to his knowledge no one received notification of the change. Mr. O'Connor stated that he was not sure if notification went out to the property owners.

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. 5905-05 Peggie Legein seeking a variance to permit outdoor seating having less than the required parking spaces and over the building line at 217 Main Street, west side, Village Business Zone (§6.2).

Ms. Peggie Legein, 60 West End Drive, Old Lyme, CT appeared before the Board seeking a variance to permit outdoor seating. Ms. Legein stated that she is looking to put in an ice cream shop in the former Main Street Creamery location. She stated that they would like to put out a few tables outside as the previous owner did.

Commissioner Bockstael questioned if she has seen the stipulations that the previous owner had. Ms. Legein said she did not. She then received a copy from Commissioner Bockstael; looked over the stipulations and stated that she did not have a problem with any of the stipulations.

Commissioner Bockstael stated that the 3' requested is so that someone in a wheelchair can get through and that the table and chair would have to clear the 3'. He also stated that inside a 5' turning radius is needed for a wheelchair. Ms. Legein stated that she understood.

Mr. O'Connor verified that there were two sets of stipulations; one from 2001 and one from 2004. Ms. Legein stated that she has the letter from 2001. Commissioner Bockstael also gave her the letter with stipulations from 2004 which she looked over and had no problem with.

Vice Chairman Vaughan, Jr. questioned if the latest letter was the correct stipulations. Mr. O'Connor stated that there are actually two sets of variances that the previous owner received.

Vice Chairman Vaughan, Jr. stated that basically the point they are trying to get across is that variances were granted on this property before and that they would most likely do something similar. Ms. Legein stated that this was fine.

Commissioner Falvo, Jr. questioned the name of the business. Ms. Legein stated that it will be named Hallmark Ice Cream.

There were no further questions or comments from the Board.

There was one audience member who had a question regarding the application:

1. Ms. Marjorie Hurtuk, Vernon, CT - she stated that part of the application states "having less than the required parking spaces and over the building line"; she stated that she does not understand this. She questioned what "over the building line" meant, stating that she abuts the property line and is concerned if anything in anyway will be going over to their building line.

Mr. O'Connor stated that the "over the building line" is for the front of the property only. Ms. Hurtuk stated that this was fine, and therefore she is not for or against this application.

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

WETHERSFIELD ZONING BOARD OF APPEALS
VICE CHAIRMAN VAUGHAN, JR.

Commissioner Bockstael, Clerk

**WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC MEETING
April 25, 2005**

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Silas Deane Highway, Wethersfield, Connecticut.

PRESENT: Thomas J. Vaughan, Jr., Vice Chairman
Bruce T. Bockstael, Clerk
Frank A. Falvo, Jr.
Steven F. Clarke
Gina P. DeAngelo, Alternate

ABSENT: Morris R. Borea, Chairman
Matt Cholewa, Alternate
Craig S. Pinney, Alternate

Also Present: Brian O'Connor, Chief Building & Zoning Official

DECISIONS FROM PUBLIC HEARING

APPLICATION NO. 5904-05 Frank DiBacco seeking a variance to erect a deck with a pool having more than the allowable maximum percent lot coverage at 126 Colonel Chester Drive, east side, A-1 Residence Zone (§3.7.A.4).

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

APPLICATION NO. 5905-05 Peggie Legein seeking a variance to permit outdoor seating having less than the required parking spaces and over the building line at 217 Main Street, west side, Village Business Zone (§6.2).

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

1. There shall be no more than 12 table seats which shall occupy no more than the private area immediately in front of 217 Main Street.
2. There shall be a 36" walkway from the doorway to the Town public right of way.
3. The seating shall be seasonal; April 1st - October 31st.
4. There shall be either indoor or outdoor seating, it shall not be simultaneous.

APPROVAL OF MINUTES

Upon motion made by Commissioner Falvo, Jr., seconded by Vice Chairman Vaughan, Jr. and a poll of the Board it was unanimously voted that [the minutes of March 28, 2005](#) **BE APPROVED**.

ADJOURNMENT

The meeting was adjourned at 7:25 PM.

WETHERSFIELD ZONING BOARD OF APPEALS
VICE CHAIRMAN VAUGHAN, JR.

Commissioner Bockstael, Clerk