

**WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC HEARING**

November 25, 2013

The Wethersfield Zoning Board of Appeals held a public hearing on November 25, 2013 at 7:00 PM at Town Hall, Council Chambers, 505 Silas Deane Highway, Wethersfield, Connecticut.

PRESENT: Thomas J. Vaughan, Jr., Chairman
Daniel Logan, Vice Chairman
Morris Borea
Eugene Ziurys, Jr
David Gustafson, Alternate – Acting Clerk
Paul J. Leblanc, Alternate

ABSENT: Robert Cobb, Alternate

Also Present: Fred Valente - 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.

Application No. 6135-13 Southside Partners LLC, seeking a variance to enlarge an accessory building of which exceeds the permitted square footage and to be used for business in a residential zone at 82 Wolcott Hill Road, East side, GB Zone, (§3.5.1)

Mr. Donte Boffi, Boffi Designs, 20 West Main Street, Avon, CT and Mr. John Carbone, 184 Highland Street Wethersfield, CT appeared before the Board on behalf of Southside Partners, LLC seeking a variance to enlarge an accessory building.

Mr. Boffi stated that there is an existing 24' x 36' 2 bay detached building. They are proposing a 24' x 24' extension off the back of this building. It will be a single bay, with a main door have the same siding and roofing, with no other windows, the ridge line is about a foot less than the existing building. He stated that the purpose of this building is for storage for the tenants. He stated that recently a tenant left because of the lack of storage space; adding it is a necessity to have storage for their tenants. He stated because of the shape of the building expanding the existing footprint is not an option. Mr. Boffi stated that back in 2003 they wanted to do a basement but were prohibited from doing so due to drainage issues; so they had to do a slab grade. Because of this there is no storage available in the building. Also at that time in

thinking of their neighbors, they decided to do a pitched roof instead of a flat roof so that there would be no mechanicals on the roof. Therefore they need space in the building to house the mechanicals.

Mr. Carbone stated that he wants to clarify the use of the existing bays. He stated that one bay is to house the equipment to maintain the building and the other is for file storage. He stated that the new bay is strictly to attract a new tenant and will be used only for storage for the potential new tenant. He stated that he lost a tenant that occupied 25% of the rentable space; he has been in talks with a possible new tenant but it is a necessity for them to have storage space available to them.

Commissioner Borea questioned the hardship. Mr. Boffi stated that the hardship is due to the lack of a basement.

Chairman Vaughan, Jr. questioned if he addressed any of the concerns that the neighbors had last month. Mr. Carbone stated that he tried to address all their concerns; he stated that after last month's meeting he sent out certified letters to the neighbors that had concerns, however, he only heard back from Ms. Ocasio. He stated that he has addressed the concerns of deliveries; adding that no deliveries are to be made until after 7:00AM. He stated that he is sensitive to his neighbor's concerns. He stated that he went to the Lexington Street address and there are 5 yards 60' each between that property and his. He stated that he tried to reach out to all that complained; adding that he does not understand the complaints of noise of air compressors coming from his property. He stated that he is more than willing to address any concerns his neighbors have.

Commissioner Gustafson questioned the perception from the last meeting of a company being run from one of the bays. Mr. Carbone stated that this is absolutely false. He stated that the need for the additional bay is strictly for storage for a potential new tenant. He stated that they do have a Power Point Energy tenant in the building; but there is no business whatsoever running from any of the bays.

Chairman Vaughan, Jr. explained that they do take any neighbors concerns seriously.

There were no further questions from the Board.

There were no audience members who wished to speak in favor of this application.

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

1. Scott Smith, 13 Lexington Street, Wethersfield, CT – He stated that Lexington Street is parallel to Wolcott Hill Road; he stated that from his corner lot to this properties garage it is approximately 70’-75’ not 300’ as Mr. Carbone has stated .

Commissioner Borea questioned if he received a notice of this application. Mr. Smith stated that he did receive notice of the first meeting last month.

Mr. Smith stated that he does not have anything against Mr. Carbone. He stated that if things were going well with this property then no one would be here to complain. He stated that he does not see a hardship adding that he already received a variance and does not feel he should get a variance on top of a variance. He stated that when he is at his kitchen table he can hear power equipment being run. If these buildings were for storage of medical records why would power equipment be running? He stated that he has seen a bobcat emptying things into the dumpster and then driving right into the building where supposedly medical records are being kept. He stated that he took a picture of the bobcat and presented this picture to the Board for the record. Mr. Smith stated to summarize he does not feel that this variance should be granted. He stated that this application is for a variance on a building that is already 90% completed. He stated that he does not have an axe to grind with Mr. Carbone; however, he lives in a residential area and does not want to hear air compressors and power equipment all day.

Chairman Vaughan, Jr. stated for the record that the original variance was not strictly for storage; it was to house the equipment to maintain the building, so some of this noise that is being heard may be allowed. Mr. Smith stated that power equipment would not be on 5 days a week to maintain the building.

Chairman Vaughan, Jr. questioned if he would have an issue if it was limited to certain days and times. Mr. Smith stated that he feels there is a disconnect between what is really being done on the property and what is being proposed.

Commissioner Leblanc questioned how long he has heard the air compressors and if it could have just been since they are building the bay. Mr. Smith stated that it has been going on for a long time and there is a business being run out of there.

Mr. Carbone clarified that they do have a bobcat which helps with deliveries; they do have equipment such as snow thrower, etc. but they do not have an air compressor and is wondering if

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this is coming from another property. Mr. Carbone stated that there is absolutely no business being run from one of the bays.

Chairman Vaughan, Jr. questioned the fact that the building is almost 90% complete. Mr. Carbone stated that he has a contractor who was going to pull the permits; he stated that he was away for a few weeks on vacation over the summer. Due to a miscommunication the permits were not pulled; there was no intention to deceive anyone.

Chairman Vaughan Jr. questioned why the original application had no basement as a hardship and this application does not. Mr. Carbone stated that not having a basement is part of the hardship; adding that additional storage space is really needed.

2. Mr. David Murray, 88 Wolcott Hill Road, Wethersfeld, CT –Stated that even though Power Point Energy operates on Silas Deane Highway; they are doing work on this property. He stated that he hopes this Board with give their voices some consideration.

WETHERSFIELD ZONING BOARD OF APPEALS
Chairman Vaughan, Jr.

Commissioner Gustafson, Acting Clerk

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DECISIONS FROM PUBLIC HEARING

Application No. 6135-13 Southside Partners LLC, seeking a variance to enlarge an accessory building of which exceeds the permitted square footage and to be used for business in a residential zone at 82 Wolcott Hill Road, East side, GB Zone, (§3.5.1)

There was much discussion by all Board Members of the issues that were presented during the Public Hearing. Commissioner Borea stated that he does not see a legal hardship; adding that in his opinion this was a self-created hardship. Vice Chairman Logan stated that the scope and size of this variance concern him.

A motion was made by Commissioner LeBlanc, seconded by Vice Chairman Logan that this application be approved with the following stipulations:

1. Standard office hours of Monday thru Friday 7:00AM to 6:00 PM
2. Use for tenant storage only.

A vote was taken with two (2) (Chairman Vaughan, Jr., and Commissioner Leblanc) approving and with 3 (three) (Vice Chairman Logan, Commissioner Borea, Commissioner Ziurys, Jr.) opposed; therefore this application was **DENIED**.

APPROVAL OF MINUTES

Upon motion made by Commissioner Gustafson, seconded by Commissioner Borea and a poll of the Board it was unanimously voted that the minutes of October 28, 2013 **BE APPROVED** with the following correction:

1. Under Application # 6135-13 page 4 paragraph 5 – correct square footage is 576 proposed and 720 existing.

ADJOURNMENT

The meeting was adjourned at 8:00 PM.

WETHERSFIELD ZONING BOARD OF APPEALS
CHAIRMAN VAUGHAN, JR.

Commissioner Gustafson, Acting Clerk

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

Commissioner Gustafson, Acting Clerk