

**WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC HEARING**

October 25, 2010

The Wethersfield Zoning Board of Appeals held a public hearing on October 25, 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
Daniel Logan
Mark Rudewicz
Frank Dellaripa, Alternate
Eugene Ziurys, Jr., Alternate

ABSENT: Morris R. Borea

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. 6048-10 Guy and Lena Carbone, seeking a variance 1) construct a pool not in the required rear yard setback 2) construct a garage exceeding the allowable square footage, at 120 Highland Street, south side, A-1 Zone. (§3.5.1 & 3.6.D2).

Jim Cassidy, Hallisey, Pearson, & Cassidy Engineering Associates, Inc, 35 Cold Spring Road, Rocky Hill, CT appeared before the Board on behalf of Guy and Lena Carbone seeking two variances; 1) to construct a pool not in the required rear yard setback and 2) to construct a garage exceeding the allowable square footage.

Mr. Cassidy explained that this is a new low-impact sub-division. He showed to the Board the plot plans and drawings of this new sub-division. He stated that this application is regarding Lot 2 of the sub-division. He stated that the hardship for the first variance is due to the orientation of the house. He stated that most commonly pools are put in the rear yard which is the rear of the home; however, technically, with this home it would be the side yard. He stated that it is impossible to meet the regulations. He explained that the regulations state that the pool can be 8' off the property line; the proposed location of the pool would be 12' off the property line.

Mr. Cassidy explained that the second variance is concerning a garage. They are proposing a garage with 997 square feet; a normal three car garage is 876 square feet. However the homeowners concerns are that they have four growing boys with a lot of sporting equipment and they need the extra storage for that along with space for 3 cars.

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They do not want to install a shed for storage. Mr. Cassidy explained that the hardship for this variance is the site plan; it has a very small driveway which limits the area to put a car and have a play area for basketball, etc.

Commissioner DeAngelo questioned if anything has been built in this new sub-division yet. Mr. Cassidy stated that lot three has been built and is already occupied. Lot two's foundation has already been poured; and nothing has happened to lot one as of yet.

Commissioner DeAngelo questioned if the basement is finished. Mr. Cassidy stated that it is a finished basement.

Commissioner DeAngelo asked Mr. Cassidy to repeat the hardship for the second variance. Mr. Cassidy explained that the driveway has a very limited area. He stated that a larger garage for storage would prevent storing sporting equipment and bicycles outside as they prefer not to install a shed for storage.

Chairman Vaughan, Jr. questioned if the first lot is sold. Mr. Cassidy stated that it is not.

Commissioner Dellaripa questioned the location of the garage; Mr. Cassidy showed where the garage is on the plot plan.

Commissioner DeAngelo questioned if the pool was intended when this went to Planning and Zoning for approval. Mr. Cassidy stated that they never thought about the pool.

Chairman Vaughan, Jr. questioned if the house was twisted to make the pool fit better. Mr. Cassidy stated that this was correct; they twisted the house and moved it a bit forward so now it is 12' off the property line; however, technically it is not the rear yard.

Chairman Vaughan, Jr. confirmed that they are in compliance with the setback. Mr. O'Connor stated that this is correct.

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. 6049-10 Michael and Martha Conneely, seeking a variance to place an A/C condenser unit not having the required side yard setback, at 12 Fairmont Street, north side, A Zone. (§3.7).

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Michael Conneely, 12 Fairmont Street, Wethersfield, CT appeared before the Board seeking a variance to place an A/C condenser unit not having the required side yard setback. Mr. Conneely stated that this AC unit has already been installed; he did not know that a variance was needed. Mr. Conneely stated that there is limited rear yard space and that is why the unit was put in the side yard. He stated that when he learned that he needed a variance he contacted his neighbor, they are away in Florida. He sent them pictures and they told him that they did not feel this would be an issue.

Mr. Conneely stated that he now has learned that they contacted the Building Department directly with some concerns about possible noise and the way that it looks. He stated that they have always had a good relationship and wished that they would have come to him first with any concerns.

Mr. Conneely stated that he has a big hemlock by the unit and does not feel that his neighbors can see the unit from any of their windows; even from the second floor. He stated that he has been in this home a long time and takes pride in his home and would never do anything detrimental to the area.

Mr. Conneely stated that regarding the noise issue; he really doesn't feel this would be an issue. He stated that this unit is 12, 000 BTU and has a decibel rating of 49-51. He stated that because this is a kitchen unit it will not be running over night; and would most likely get turned off by around 9:00 at night. He also added that he feels that the hemlocks would muffle any noise.

Mr. Conneely showed the Board a plot plan he received from the Assessor's Office. He showed them that all along the rear of the home he has a stone patio; therefore, there is no place to put the unit in the rear of the yard. Mr. Conneely passed around to the Board pictures of the unit which shows where it is placed.

Mr. O'Connor stated for the record that this house is legal non-conforming; so anything that is done to the side of the home would need a variance.

Chairman Vaughan, Jr. questioned how many window air conditioning units he has. Mr. Conneely stated that he has 4 window ac units.

Chairman Vaughan, Jr. questioned if he would have a problem with putting something there to cover the unit. Mr. Conneely stated he would not have a problem with that at all.

Commissioner Dellaripa questioned who owns the hemlocks and questioned if there was a fence by the unit. Mr. Conneely stated that they are his hemlocks, adding that there is a fence there because when he first moved in they had young children; however, they have been thinking of removing the fence.

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Chairman Vaughan, Jr. confirmed that the unit cannot be placed in the rear because of the patio. Mr. Conneely stated that this was correct, the patio is an L shaped paver stone patio with a seating wall, so there would be no place to put the unit.

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.

WETHERSFIELD ZONING BOARD OF APPEALS
Chairman Thomas Vaughan, Jr.

Commissioner DeAngelo, Clerk

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

ABSENT: Morris R. Borea

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

DECISIONS FROM PUBLIC HEARING

APPLICATION NO. 6048-10 Guy and Lena Carbone, seeking a variance 1) construct a pool not in the required rear yard setback 2) construct a garage exceeding the allowable square footage, at 120 Highland Street, south side, A-1 Zone. (§3.5.1 & 3.6.D2).

Upon motion made by Commissioner Dellaripa seconded by Commissioner Rudewicz and a poll of the Board it was unanimously voted that variance one of Application # 6048-10 **BE APPROVED** as presented.

Upon motion made by Commissioner Dellaripa seconded by Commissioner Rudewicz and a poll of the Board it was voted by a vote of 4-1 with Commissioner DeAngelo opposed that variance two of Application # 6048-10 **BE APPROVED** as presented.

APPLICATION NO. 6049-10 Michael and Martha Conneely, seeking a variance to place an A/C condenser unit not having the required side yard setback, at 12 Fairmont Street, north side, A 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 Application # 6049-10 **BE APPROVED** with the following stipulations:

1. Maintain height of hemlocks.
 2. Replant the plants that were removed while the unit was being installed.
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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 September 27, 2010 **BE APPROVED**.

ADJOURNMENT

The meeting was adjourned at 7:45 PM.

DISCUSSION

Mr. O'Connor discussed the following with Board Members:

1. Informed Board Members of an upcoming class for Land Use Commissioners. This class will be held on Saturday, November 20, 2010 at Central Connecticut State University. Information was emailed to all Board Members.
2. There was an open discussion on a memo presented by Mr. O'Connor regarding issues and clarifications that should be made to the zoning regulations. He asked Board Members that if they can think of anything that they would like to see clarified in the regulations to please bring these changes to his attention.

WETHERSFIELD ZONING BOARD OF APPEALS
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