

TOWN OF NEWINGTON
ZONING BOARD OF APPEALS

Thursday, September 3, 2020 - 7:00 P.M.

This meeting will be presented as a Zoom Webinar/Meeting.
Information on how to attend will be posted on the Town website at:
<https://www.newingtonct.gov/virtualmeetingschedule>

AGENDA

1. Roll Call
2. Public Hearings
 - 2.I. 1. PETITION # 00-20-04: JAT Builders LLC Is Requesting A Variance Of Four (4) Feet For A Side Yard Setback Where Ten (10) Feet Is Required For Single-Family Residential From Section 4.5 For The Expansion Of A Second Story Addition Over The Existing Home And Footprint At 34 Centerwood Road.

Documents:

[ZBA STAFF REPORT - 34 CENTERWOOD RD.PDF](#)
[ZBA APPLICATION - 34 CENTERWOOD.PDF](#)
[APPLICANT NARRATIVE - 34 CENTERWOOD.PDF](#)
[APPLICANT PLOT PLAN - 34 CENTERWOOD.PDF](#)
[LETTER OF SUPPORT FORM NEIGHBOR - 34 CENTERWOOD.PDF](#)
[AERIAL - 34 CENTERWOOD \(2015\).PDF](#)

3. Public Participation
4. Work Session
5. Minutes Of Previous Meetings
 - 5.I. ZBA Meeting Minutes - July 9, 2020

Documents:

[SCANNED ZBA MINUTES - JULY 9 2020.PDF](#)

6. Communications And Reports
7. New Business
 - 7.I. 1. PETITION # 00-20-04: JAT Builders LLC Is Requesting A Variance Of Four (4) Feet For A Side Yard Setback Where Ten (10) Feet Is Required For Single-Family Residential From Section 4.5 For The Expansion Of A Second Story Addition Over The Existing Home And Footprint At 34 Centerwood Road.
8. Old Business
9. Adjournment



Keith Chapman
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Zoning Board of Appeals

To: Zoning Board of Appeals
From: Andrew Armstrong, ZEO
Date: August 20, 2020
Subject: **Petition #00-20-04:** JAT Builders LLC is requesting a Variance of four (4) feet for a side yard setback where ten (10) feet is required for single-family residential from Section 4.5 for the expansion of a second story addition over the existing home and footprint at 34 Centerwood Road.

Description of Petition #00-20-04:

The applicant “JAT Builders LLC” is requesting a Variance of four feet, where ten feet is required for a side yard setback. The applicant is proposing to construct a second story addition over the existing garage, leaving a six-foot side yard setback. The request would expand the structure upwards without expanding the existing footprint of the home.

Originally when I spoke with the applicant it appeared the breezeway connection may have been added illegally. Though, we have found since then that the garage and breezeway were indeed permitted legally in 1949 which left a 6-foot side yard setback. Under the current regulations the structure is considered “non-conforming” due to the side yard setback being less than the 10-foot required.

Staff Comments:

The applicant has stated that the hardship is a recently constructed patio in the rear of the home that prevents building backwards and are unable to build forward towards the front yard because it would reduce their driveway parking space in the front that prevents the expansion either direction. The applicant is not requesting to expand outside of the existing footprint only upwards. There is an approximately 55-foot distance from the front property line to the garage where a 35-foot front yard setback is required. The abutting neighbor to the East has submitted a letter indicating support for the request.

The Town Zoning Regulations speak to non-conformities to say that they should be allowed to continue as permitted but their survival should not be encouraged. The Town Attorney will be writing a follow-up opinion to the Board regarding the non-conformity.

The question for the ZBA is if the hardship presented truly necessitates the second story addition within the side yard setback and prevents the reasonable use and enjoyment of the property.

cc: JAT Builders LLC

Phone: (860) 665-8575 Fax: (860) 665-8577
aarmstrong@newingtonct.gov

PETITION NO. 00-20-04

DATE 8/13/20

USE THIS FORM FOR REQUESTING A VARIANCE OF A ZONING REGULATION STANDARD

**ZONING BOARD OF APPEALS
TOWN OF NEWINGTON
131 Cedar Street
Newington, Connecticut 06111**

ZONE _____ FEE \$360.⁰⁰ CHECK# 2397

APPLICANT'S NAME JAT Builders LLC
ADDRESS 6 Lincoln Street, East Hartford, CT PHONE 860-874-8041

OWNER'S NAME Lisa Solari
ADDRESS 34 Centerwood Road, Newington, CT PHONE 860-965-1868

Address of affected premises: Neighbor - 38 Centerwood Rd. Newington, CT
(If business, state name)

Type of Variance: () Variance of Newington Zoning Regulation found in Table 4a

Variance relates to: Use () Area () Height ()
Build Line (✓) Sign () Home Occupation ()
Existing Building ()

On what portion of the Zoning Ordinance is the Petition based - Provide Section Number:

Specify details of Variance and describe nature of hardship:

we would like to build over our already existing garage that is only 6 ft. from the property line and re-do our rotting breezeway that was previously illegally built connecting the garage to the house. we cannot expand forward due to a short driveway and we can't expand back because of a patio.

Has previous Variance been filed? If yes, provide date and nature of Variance

NO

Owners' Signature Lisa Solari

Notice: See attached sheet for required documents

August 8, 2020

Dear Newington Zoning Board of Appeals,

Thank you for taking the time to review and hear us out on our proposed plans. Our names are Lisa Solari-Tyler and Jordan Tyler. We currently reside at 34 Centerwood Road and Lisa has been a lifelong resident, growing up here in town. Lisa bought her house in 2015 and now as recent newlyweds, plans are being thought about for their future family. We would love to continue to live in town and send our kids through the same school system and remain a part of the community.

With that said, our plans moving forward would be to add a master bedroom and bathroom above an already existing garage. We are not asking to create or build a structure, simply add onto an already existing structure while repairing the structure at the same time. We are unable to build forward or backwards with the only option of building up. In regard to the back, within the last two years we have completed a brand-new patio, which does not allow us room to build backwards. In the front, the driveway is very short and does not allow us the ability to build forward without losing much needed driveway space. Building forward would take our driveway away and in turn the new structure would be too close to the front of the property line. We understand the already existing garage is only six feet from the property line, as opposed to ten feet, and believe it is not necessary to build four feet in from the garage walls as they are already existing, thus being the cause for the variance. This addition would not affect our neighbors at 38 Centerwood Road, who are aware of this application for a variance. It would not obstruct views, passage through, or interfere or impede with the land between our two houses. Ultimately, the space between our houses would remain unchanged. As well, with our discussion with Andrew, it has come to our attention that our breezeway may have been added illegally, connecting the garage to the house. With the new plans, this rotting breezeway that is poorly constructed will be demolished and restructured opening up into the kitchen, thus making it a legal and more safe structure. Jordan would be the carpenter who would be able to complete all work at an affordable cost and allow us to add on and stay in our home.

We would love to continue to stay in town and in our neighborhood, by granting us this hardship we will not be forced to move. Thank you for your time and please feel free to reach out to us with any questions.

Thank you in advance,

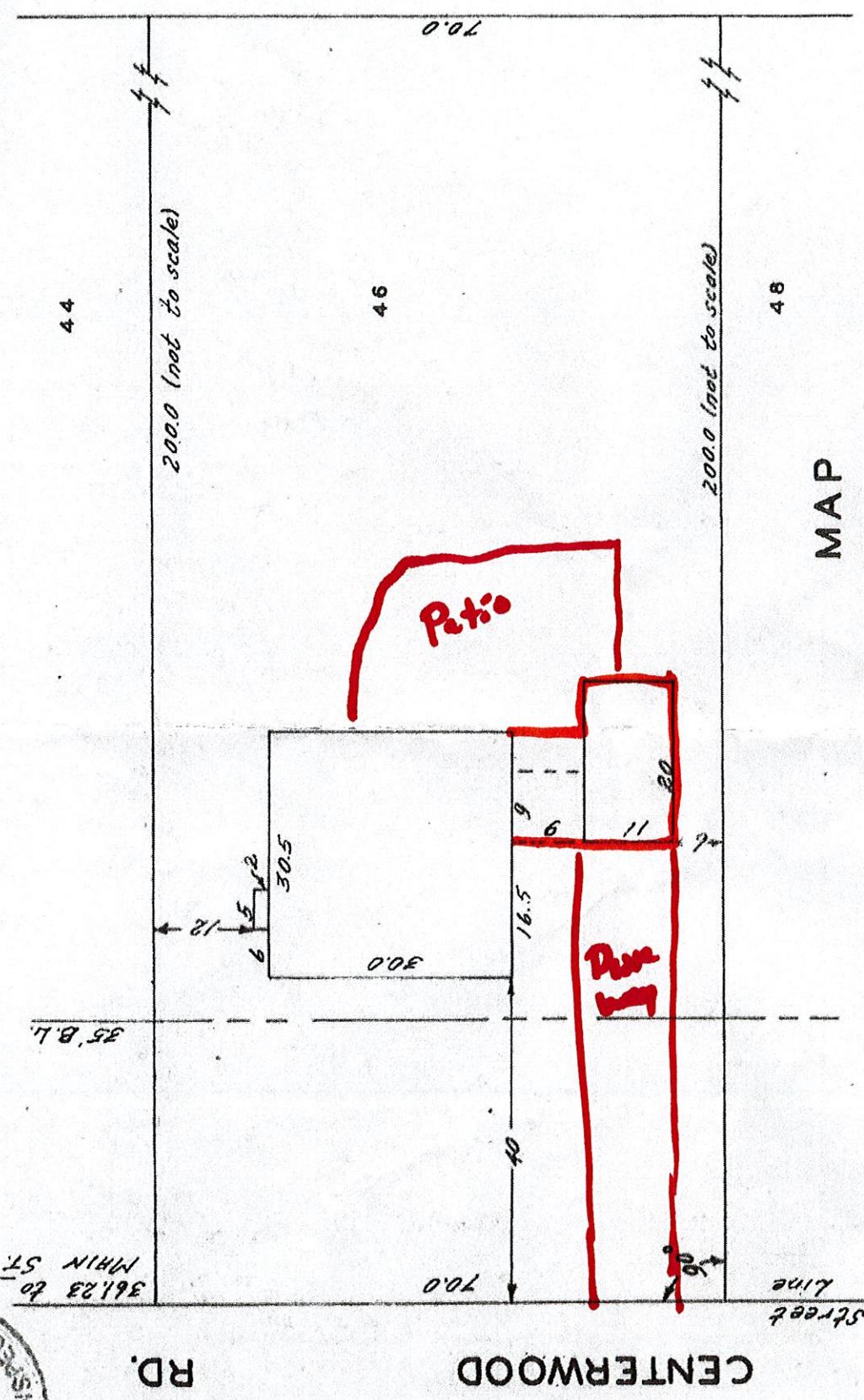
Lisa Solari-Tyler

Jordan Tyler

Lisa Solari-Tyler and Jordan Tyler
860-874-8041

34 CENTERWOOD

N/F ALFRED E. HANBURY



MAP PROPERTY OF

ALFRED E. HANBURY

34 CENTERWOOD RD. NEWINGTON, CONN.
 BEING LOT 46 ON MAP OF "BELDEN ACRES" SHOWING LOTS 44 TO 57
 PROPERTY OF ALFRED E. HANBURY NOV. 1948 E.C. FRESEN, L.S. ON
 FILE IN NEWINGTON TOWN CLERK'S OFFICE.

SCALE 1"=20'
 DEC. 1949
 E.C. FRESEN, LAND SURVEYOR

I hereby certify this map to be substantially correct
 and buildings are staked in conformance with
 zoning regulations. S. P. F. Adams

P9374

August 10, 2020

To Whom it May Concern:

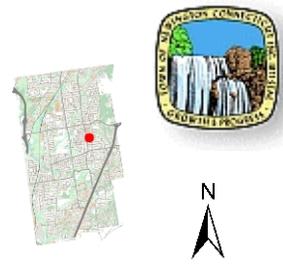
We have been neighbors with Lisa, and now Jordan for many years, and they have made us aware of their proposed variance to the Zoning Board of Newington. We understand the garage is only six feet from our property line and accept their wishes to build. We are aware that they would like to build above their garage which would not affect us in any way. Their garage is already pre-existing and their plans would not impede further into our property, affect the passage way between the houses, or cause disruption between our land and their land.

We are writing this to support their desire to build above their garage and fix the existing structure connecting the garage to their house. We are aware of their wishes and do not oppose their plan.

Thank you,

A handwritten signature in black ink that reads "Mark Handel". The signature is written in a cursive style with a large, sweeping initial "M".

Mark and Melissa Handel
(Neighbors at 38 Centerwood Road)



Map Legend

 Parcels

- BA SEMA P LEGEND**
-  Centerlines
 -  Local Roads
 -  Major Roads
 -  Highways
 -  Buildings
 -  Pool
 -  Deck
 -  Railroad
 -  Sidewalks
 -  Driveways
 -  Paved Road
 -  Streams
 -  Marsh/Wetlands
 -  Water
 -  Vegetation

Town of Newington, CT

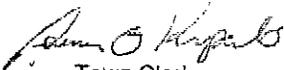
This map is for planning purposes only. Verification of its accuracy, currency and completeness is the responsibility of the reader's own independent research. Neither the Town of Newington nor any of its consultants shall be held liable for any loss, damages or claims made solely as a result of anyone referring to this map.



TOWN OF NEWINGTON
ZONING BOARD OF APPEALS
MEETING MINUTES
VIRTUAL MEETING – ZOOM
JULY 9, 2020

RECEIVED FOR RECORD
IN NEWINGTON, CT

2020 AUG 21 PM 1:18


Town Clerk

Chairman Nicole Pane
Commissioner Willard Bechter
Commissioner Timothy Hutvagner
Commissioner Michael Karanian
Commissioner Sharon Dunning
Commissioner John Bachand
Commissioner Audra Eckstrom

PRESENT

Andrew J. Armstrong – ZBA Administrator
Mario Giguere - Applicant

PUBLIC HEARINGS

Petition # 00-20-03 – Truss Manufacturing Company is seeking a variance form Section 7.4.19.B to install a six-foot fence in the front yard setback at 135 Fenn Road.

DOCUMENTS

ZBA Staff Report
ZBA Application
Applicant Narrative
Fence Location Map
Front Setback Location Map
Section View Map

Mario Giguere

Right now it says I can only do a 4 foot fence within the 25 foot mark, I want to do a six foot fence. I guess with everything I have going on with the back property, I can't get any more property. Its real steep back there. So I won't be able to gain property, and I will lose property. It would also make it tougher on the parking too.

Andrew Armstrong

Hey Nicole, I think you're on mute. This is Andrew.

Nicole Pane

Perfect. Andrew do you have anything you want to say or does anyone have questions.

John Bachand

Couple of questions, am I an alternate this evening?

Nicole Pane

Yes, you are an alternate this evening.

John Bachand

I have a couple of points about the fence. I don't have any problem with the height Variance. I'm not the biggest fan of white vinyl unfortunately. Considering a commercial property has an 8-foot limit on the side yards, where residential only is 6 foot but commercial is pushed back again to 4 foot again on the front yards just like residential. I don't have a problem with the height of the Variance just don't like white vinyl.

One more question, do we know how far it is from the actual curb line? Not the street line.

Nicole Pane

Mario or Andrew do you have that answer?

Mario Giguere

Its 15 feet in from my property line, and the property line is another 10-15 feet from the curb.

Nicole Pane

So total about 25 feet from the curb line?

Mario Giguere

Yes, give or take. I'm also going to have a row of trees or shrubbery in the front also that will grow up and hide most of it.

Nicole Pane

So that will be in front of the fence?

Mario Giguere

Yes, there's going to be the fence the drainage system and the trees would be about 5 to 6 feet in front of the fence.

Nicole Pane

Any other questions? Andrew anything?

Andrew Armstrong

No.

Willard Bechter

I was thinking that 6 foot fence will provide better security for you?

Mario Giguere

Yes it will.

Willard Bechter
Thank you.

Nicole Pane
Anyone have any other questions before work session?

Town Clerk
We do have one individual on the attendee side as well.

Nicole Pane
John us that you on the other side as well? OK maybe not.

Nicole Pane
I'm going to go to public participation, if there is any public participation your ready to speak just state your name and address. And if not, we will close it up and go to the work session.

OK, can I get anyone to make a motion to close the public participation and go to the work session

Willard Bechter
I move to close the hearing and go to work session

Tim Hutvagner
I second that.

Nicole Pane
Thank you Tim, all in favor?

(All agree) Were going to move to the work session.

Nicole Pane
Does anyone have any problems with this or questions?

Tim Hutvagner
I have no problems with tis.

Willard Bechter
May I make motion? Id like to motion to approve the Variance.

Nicole Pane
Alright I'm going to go over the roll to confirm. Please say yes or no to be accurate.

Nicole Pane
Tim Hutvagner?

Tim Hutvagner

Yes.

Nicole Pane

Michael Karanian?

Michael Karanian

Yes.

Nicole Pane

Will Bechter?

Willard Bechter

Yes.

Nicole Pane

Audra Eckstrom?

Audra Eckstrom

Yes.

Nicole Pane

Alright, the motion is all in favor.

Nicole Pane

OK so the meeting minutes, did everyone read them?

John Bachand

I looked over it quickly I did not see any problems.

Tim Hutvagner

Time Hutvagner, I make a motion to approve the minutes form the last meeting.

Nicole Pane

Ok, do we have a second?

Michael Karanian

Second.

Nicole Pane

All in favor? Perfect that's all in favor. Andrew, do you have any communications?

Andrew Armstrong

Yes, actually you should have all received a letter from Town Manager Keith Chapman that went out to all Boards and Commissions in Newington describing a new philosophy of trying to be more business friendly in Town. I hope you all have read over it. I think this Board has done a really good job of having a quorum, being timely, and getting applicants in here. We have done held Special meetings for applicants recently and I want to thank you all of you for doing such a good job. That's all I have.

Nicole Pane

Thank you. Any new business Andrew?

Andrew Armstrong

Nope. I don't have anything else.

Nicole Pane

Ok would anyone like to make a motion to adjourn.

Willard Bechter

So moved.

Audra Eckstrom

Second.

Nicole Pane

Thank you everyone. Meeting is Adjourned

7:15 PM.

Submitted:

Andrew Armstrong