

TOWN OF NEWINGTON
ZONING BOARD OF APPEALS

September 3, 2020

Chairman Nicole Pane called the Zoom meeting of the Zoning Board of Appeals to order at 7:00 p.m.

1. Roll Call

Members Present:

Nicole Pane
Timothy Hutvagner
Will Becker
Judith Igelski-A
John Bachand-A
Audra Ekstrom

Members Absent:

Michael Kariaian
Sharon Dunning-A

Nicole Pane: Andrew, if we don't hear from Audra, I'm not sure that is her on the attendees, should I seat two people?

Andrew Armstrong: Yes, at the time of voting, you can seat two people to make it a full Commission.

Nichole Pane: Okay, then just seat one now, and I will seat the second on at the end, or should I seat them both now?

Andrew Armstrong: Yes, that's fine.

Nicole Pane: I'm going to make a motion to seat Judy Igelski as well as John Bachand.

Willard Becker: I second the motion.

The vote was unanimously in favor of the motion.

John Bachand: Do we vote when we are asked to be a regular member, I didn't vote on that I wasn't sure if I was supposed to, I'm okay with it, yes.

Nicole Pane: That's a great question, I'm not sure, but sure, why not? Before we begin, let me explain how the ZBA meetings are run. There are two parts of the meeting; the first is a public session and the petitioner will come to the mike and state their name and address and comment on their petition and what the hardship is. After the petition has been heard, anyone from the public may come to the mike and express whether they are for or against the petition. The public part of the meeting will then be closed.

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Andrew O. Kariaian
Town Clerk

During the work session, the public may stay, but cannot comment. If the petitioner can stay for the work session, fine, if not, they can call the Building Department tomorrow and they will let you know what the decision was. So, this meeting is slightly different because it is through ZOOM, so if I'm not mistaken, Lisa and Jordan Tyler, you are welcome to stay throughout the whole meeting if you would like. There is going to be a number on the screen if you would like to call in during public participation as well as if any of the members, as well as you Lisa, would like to speak, just please state your name prior, so that the person doing the minutes will know exactly who is talking.

2. Public Hearing: 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.

Nicole Pane: Lisa, if you would like to speak about this, go ahead.

Lisa Tyler: We submitted a power point, does everyone have access to that?

Nicole Pane: If you would like to read it, you could, Judy does not have access, so if you could speak about it, that would be great.

Jordan Tyler: What we are proposing is to build a second floor addition over our existing garage and breezeway and for a master bedroom and bathroom and we are going to connect it, the new bedroom to the existing bedroom upstairs via pocket door, and the new bedroom will also have a separate staircase coming down into our kitchen. Once we complete that we would replace the original roof of the house and vinyl side our house also. So, as you can see in the plot plan, if you zoom in, we are currently six feet away which we will not be impeding toward the property line any more than existing, and our neighbor did say he is completely fine with being six feet away. He actually wrote a letter that I believe you have.

Nicole Pane: We did receive that, yes.

Lisa Tyler: So on the next slide is the proposed blueprint plan and that is just showing what it will look like from the outside, so it is all going to be uniform, and then the following two pages show the downstairs interior.

Jordan Tyler: As you can see, we will be expanding our kitchen towards our garage also and then the back left corner of the kitchen will be the staircase going up to the new bedroom.

Lisa Tyler: The next slide moves onto the upstairs interior just to show that we already have two existing bedrooms, so we will be adding over the current breezeway and the current garage. The following picture, currently we have rot in the breezeway which kind of prompted this, so we would like to replace the structure in general and that is the connection to the garage, so that is where we would be adding the above bedroom, and then we just added a picture of the side yard between 34 and 38 so we are not impeding any further and we're not really on top of each other. In the following picture, we just discuss the land issues.

Jordan Tyler: We actually have about a 900 square foot patio in our back yard that we did about two years ago, and it will still allow us to move backwards because of that existing pergola and we cannot build forward either because of the driveway being so short. We have a tough time with parking as is.

As I stated the neighbors at 38 Centerwood submitted a letter saying they were okay with it, and all of the neighbors have actually approached us about the public hearing regarding our plans and thought it was a great idea. We're just looking to stay in town, we really like it here.

Lisa Tyler: Two houses up, at 44 Centerwood a couple of years ago, they actually did a similar addition, but more recently, if you flip to 56 Cheney Lane, this is a current addition that is going on two streets over. This house was approved for a total knockdown of their current garage, so we were told that we can't continue a survival of a structure, and this house was allowed to totally knock down and rebuild, and their new constructed garage is only five and a half feet from the property, so I just, on the next slide, put in the plot plan for 56 Cheney Lane and zoomed in just to show that they are closer to the property line than we are. That is their property line, just to give an idea that there are more houses in our neighborhood that are currently filing for the same kind of addition.

Jordan Tyler: That ends our presentation and we appreciate any questions or comments.

Nicole Pane: Thank you very much. Would anyone like to ask a question? If you do, please state your name for the record, I'd appreciate it.

John Bachand: I have a couple of questions. For the applicants or whomever, are they going to maintain a garage there or is there not going to be a garage. I didn't see that front elevation, it flashed quickly, is that still going to be a garage on the first floor?

Jordan Tyler: Yes it will be.

John Bachand: You are not changing the footprint, either of the breezeway or the garage?

Jordan Tyler: The breezeway, yes, we are actually going back a little bit.

Lisa Tyler: We are going to line it up with back of the kitchen that we currently have, just to open the wall, just to expand the kitchen.

John Bachand: So just about where the back of the house is now, but that is outside of the ten foot that we are discussing, correct?

Jordan Tyler: Yes.

John Bachand: Regarding that Cheney Lane property, I have seen that addition going on myself, Nicole, did that come before this Commission, or was it required to come before this Commission if you remember?

Nicole Pane: From what I know, it has not come in front of this Commission. We would have to ask Andrew.

Andrew Armstrong: I'm not sure about that exact situation, how that come to be. It looks like there are kind of two structures that are somewhat melded together, I don't know if they had a variance or how that came to be exactly.

Nicole Pane: Andrew, if we could look into that at some point, that would be nice maybe, I'm not sure exactly.

John Bachand: I'm just curious, and just one more question. Is it normal that a builder asks for a variance, or would it be the property owner that would normally ask for the variance.

Lisa Tyler: I applied for the variance, but my husband is a contractor. It's under JAT Builders, but I filed for the variance.

John Bachand: Okay, I was just curious. I thought it was a totally third party. That's all.

Judy Igielski: I'm just trying to picture it, being at a meeting where I can't see anyone is kind of hard, is the number of the house 34?

Nicole Pane: Yes it is.

Judy Igielski: Okay, and they are talking about a house on Cheney Lane, comparing things that have been done to houses in the general area? Okay, that's it. Thank you.

Nicole Pane: Does anyone else have any questions at all?

Will Bechter: I don't have a question, but I did a drive by this afternoon to look and I was in the car, didn't get out or anything, and it looks pretty good, and according to the paper work that I have, that property line distance has been in existence since 1949, so it shouldn't be any problem since they are just going up and the footprint stays that same. I don't see a problem.

John Bachand: I'm looking at the aerial view of the neighbor and you can see the house next door is probably about the off set, maybe around six foot or so, and from the Town Attorney's letter, he mentions that is what is was originally, so it only became non-conforming when they changed it.

Nicole Pane: Andrew, would you be able to read Ben Ancona's letter into the minutes?

Andrew Armstrong: Today we got a letter from the Town Attorney, and I'm going to read it into the record: Dear Mr. Armstrong: I have considered all aspects of the subject premises and the homeowners' desire to add a room over their garage, including relevant statutes and case law, and don't believe it violates Section 5 of our zoning regulations. The subject property is a single family residence in the Southwood, Centerwood and Northwood development, also known as the "Hanbury" development. There are multiple properties in this subdivision which were originally build with rooms over the garages or had them added later. For most of the years that this subdivision was in existence, the side yard setback was 6 feet and therefore, there was no problem with any sort of addition, however, in more recent years, the setback was increased to

10 feet with no discernible reasoning or logic. I suspect the change was made without realizing the impact it would have on the subdivision.

As you know, the whole point of limiting expansion of preexisting non-conforming uses is to ensure that a property doesn't have a future negative impact on the neighborhood or surrounding homes. It is also intended to drive development toward uses that the Town Plan and Zoning Commission desired when it was functioning in its legislative capacity. Accordingly, if we are going to consider allowing an expansion of the subject property, we must ask the following question: "Is the intended use or expansion in harmony with the surrounding houses and neighborhood?" I believe the proposed addition not only is in harmony with the other properties, but actually augments their values and is not inconsistent with the legislator's intent to end disharmonious non-conformities, especially considering that the addition is a vertical improvement with no expansion of the building's footprint. Therefore, although I don't believe the intended project is in violation of Section 5 of our regulations and may be approved administratively, I am recommending that the matter go before the Zoning Board of Appeals for its blessing. Thank you for requesting my opinion and I have copied the Chairman of the Zoning Board of Appeals out of convenience and for her edification.

So I think hopefully everyone has had a chance to hear that and read it off the screen, I asked for the Town Attorney's opinion on this and he provided me this letter today. In addition, I'll just state, the neighbor closest to the side yard setback has submitted a letter in support and during the course of preparing for the hearing, I received two phone calls from neighbors. The first was an anonymous caller that had no issue with the project and the second happened to be a neighbor just a few homes down who actually indicated support for the request as well. So that is all that I have.

Nicole Pane: Thank you Andrew, I appreciate that. I'm going to open it up, if there is any public participation? Is there anyone calling in?

James Krupienski: You do have one individual on the attendees side, I'm going to unmute them and allow them to speak.

3. Public Participation

Bob Newbold: I live at 50 Centerwood, and I came here ready for a fight, but you know, I'm really happy to hear that Jordan and Lisa have gotten your blessings I believe. If it has gone that far. I just have a couple of notes that I was going to say, but most importantly, Lisa grew up in that house and she is not a newcomer to our street. We love her and I've known her since she was like 7 or 8 years old, and so, we would hate to lose her. Jordan is a great guy, she found a good one, and he's a builder too and I know this is going to be a beautiful house when they are done. I offered to trade houses if they needed something a little bigger. I put an addition on my house in 1996 and we actually went back 40 feet behind our garage, and we had to kick that in ten foot at that time because my house is six feet from my next door neighbor. In addition, you mentioned the neighbors to Jordan and Lisa, they have a lot like mine, and I believe it is 13 feet to the property line from their house, so there is really like 20 feet there between the houses, so it makes sense that they are able to go up. It's going to add value to the neighborhood, and I'm happy I came to hear the good news. Thank you very much.

Nicole Pane: Is there anyone else for public participation, or do we have any more questions?

James Krupienski: We have no one else.

Nicole Pane: If no one else has questions, I'm going to open up the work session. If anyone else wants to make a request to close the Public Participation.

Judy Igielski moved to close the Public Participation. The motion was seconded by Timothy Hutvagner. The vote was unanimously in favor of the motion.

4. Work Session

Nicole Pane: I did drive by, I did see what they were doing. After reading the letter from Attorney Ben Ancona as well as seeing everything and talking with Andrew, as long as they are not changing the footprint of what is outside of the ten feet, I don't see an issue. I don't know if anyone else has any questions or issues about it? I see they are trying to make a house a lot bigger for them, so they can stay in town, which I love to see. I don't want anyone leaving this town for no reason.

John Bachand: I agree with you, and I don't have, I think it's a reasonable request. I don't know if these should be done administratively, so I think they should continue to come before the Commission. Just one housekeeping question, they had the proper sign, and it was put out there?

Andrew Armstrong: Yes, the public hearing sign was out there. I delivered it myself and I had a few neighbors who called and asked about it because of the sign.

John Bachand: It's good that the neighbors are all in support, so that's it from me.

Will Bechter: I'd like to make a motion to approve the request because all of the data that was in the paperwork that we received, the plot stays the same, the footprint does not change. It's a vertical addition and the setback has been in existence since 1949. I see no problem with approving this request. That's my motion.

Audra Ekstrom: I second the motion and agree with it. The roll call vote was unanimous in favor of the motion.

Nicole Pane: Lisa, Jordan, did you hear that.

Lisa Tyler: Yes, thank you. We appreciate you listening to the power point and approving it. Thank you.

Judy Igielski: They realize that there are some sidebars to this approval? About staying within the footprint, etc?

Nicole Pane. Yes, Bill, when he made the motion, said they will be staying in the same footprint.

5. Minutes of Previous Meeting, July 9, 2020

Nicole Pane: Everyone that was at the meeting. I know we don't have Sharon or Mike Karanian here, I think I just might wait, if that is fine with you Andrew, to approve those minutes until they all come.

6. Communications

None

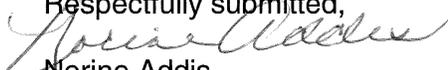
7. New Business

None

8. Old Business

July Iglieski moved to adjourn the meeting. The motion was seconded by Nicole Pane. The meeting was adjourned at 7:29 p.m.

Respectfully submitted,



Norine Addis,
Recording Secretary