

TOWN OF SOUTHLINGTON  
ZONING BOARD OF APPEALS  
TUESDAY, DECEMBER 8, 2009

Vice-Chairman Robert Salka called the Public Hearing and Regular meeting of the Southington Zoning Board of Appeals to order at 7:10 o'clock, p.m. in the Town Council Chambers with the following members in attendance:

Edward Kuklinski and Patricia Potter

Michael Milo & Robert Sherman, Alternates

Others: Frank Vinci, Zoning Enforcement Officer

Absent: Joseph LaPorte, Chairman  
Paul Bedard, Commissioner  
Joseph LaRosa, Alternate  
Ronald Bohigian, Alternate

A quorum was determined.

The Pledge of Allegiance to the American Flag was recited by everyone in attendance.

Mr. Sherman explained to the audience the procedure to be followed in the presentation of an appeal. He advised that should their appeal be approved, they file it with the Town Clerk's Office before proceeding with the project.

ROBERT SALKA, Vice-Chairman, presiding:

Public Hearing Items:

A. Appeal #5752A, application of Edward S. Slkodzinski for a variance to allow 2 sheds with a total of 210 square feet where 1 shed, 200 square feet in area, is allowed under Section 2-01AA1 of the Zoning Regulations, 80 Winter Park Road, property of Edward Stanley and Barbara Slodzinski in an R-20/25 zone.

MR. VINCI: Please state your name and address for the record.

MR.SLODZINSKI: I usually use my rank of a retired (inaudible) which is permissible. My name is USMC Edward S. Slodzinski, Sr. USMC retired, 80 Winter Park Road, Southington, Connecticut.

Born and brought up right here in town. And, even I though spent many years in the service; my home of record has always been Southington.

I graduated from Lewis High School - many of you remember that. And, after graduating from high school, I enlisted in the Marine Corps during the Korean War.

My wife and I, we purchased the home at 80 Winter Park Road and we moved into it on the 15<sup>th</sup> of December, 1967. I left home for Viet Nam on January 4<sup>th</sup>, 1968. In the summer of 1968, my brother built the shed. My brother was a superintendent for DellaBitta and (inaudible) building bridges throughout the state. In fact, I worked with him for about ten years.

On October 8, 2002, I received a building permit for a new shed. And the additional shed was built and attached to the old shed. The building permit allowed me only one shed, so I dismantled the rear shed and when I removed my 850DR leaf vacuum machine -- there is supposed to be an enclosure to show you what it looks like - maybe Frank didn't put it in there?

VICE CHAIR: I've got it here.

MR. SLODZINSKI: Then the old shed would remain and during that week I tried to put it in the shed and I didn't have it any strength to put it up to the shed because of my disabilities.

I am 77 years old and in May I will be 78. Retired from the US Marine Corp, Korea, and service in Viet Nam. I have a 70 percent disability as a result of my service. I receive free health care from the Veteran's Administration. I see a primary doctor, cardiologist every six month. Every month I go to a clinic for blood tests for my reading on Coumadin which is a blood thinner for my heart condition.

In addition, I have a stint in an interior artery and take seven medications a day as a result of my disability.

I felt if it wasn't for the VA, I wouldn't be here today.

Knowing when I retired from the armed forces, I would have disabilities, but I have worked with construction equipment all my life. And, the maintenance work I do outside my home is very easy. I purchased the equipment to maintain my home, removing leaves, snow removal, lawn care, gardening, et cetera, et cetera.

When I talk about the tractor, the 520H which is a Wheel Horse tractor, it was built before Toro took over Wheel Horse. It was a

give from my father in western Connecticut. And, that is strictly used for snow removal and it has a cab on it.

I'd like to say this; there are two scenarios that I'm faced with. The shed is not going to be permanent. I can't tell you how long I'm going to be physically capable of doing this work. I hope I can get into --- I set a goal, maybe I can do it until I'm 85.

My scenario, I have two scenarios. My health, if I am fortunate and I make it that long, all well and good. If not, I have to take care of my wife. My wife has Alzheimer's disease. If it gets to the point where we have to give her permanent care, the house is going to be turned over to a grandson. The shed will be gone. We're going to build an addition on there for senior citizens. That will be it.

My grandson also reiterated he will build a garage that he can put two pieces of equipment in there.

And, I'd like to say this that when I came home from the service, twice I went. I made a couple of moves towards the town to try to help them. And, one, when you talk about construction, I don't know if you're familiar with the CBs. Is anybody familiar with the CB. Look at a large construction company. In Viet Nam we had about 1200 people. In peacetime, we have 900. We can do any job the civilians can do as a general contractor or special operations.

I've been very fortunate that I've been involved in special projects. Has anyone heard of Diego Garcia? The island off - in the middle of the mountain 2 degrees off the Equator. Well, I was the project manager on the deck supervising that project.

During my short term in home port, I came in and at the end of the October - as I say, on January 4<sup>th</sup> I was on my way again --- I was stationed with MCB (inaudible). At that time, I was assigned TAD to Reindeer Station. Classified project.

I only worked four days a week. Because of my short turn around. Reindeer Station with Diego Garcia.

Another project I was involved in and I was a supervisor of equipment when we did an (inaudible) lift off. (Inaudible comments) training projects. We were driving 22 inch diameter piles. This was quite a unique dock for people who were in the Navy. We brought this old destroyer in and it took us about six hours to do it the first time. And, the second time we did it in an hour. We would disconnect the pontoons and move this ship actually away from them.

And, there were some other very important projects.

The shed, as I said, it's not going to last that long. As long as I can do the work, it'll last. But if my wife is going to need it, then it's going to last. And, then this is going to be turned over to

one of my grandsons and he'll sign a piece of paper stating that he will build the area that we can live in.

So, if there is any questions, I'd be very happy to answer them.

I spend time helping my neighbors. Steve Lewis, passed away, he helped take care of my family when I was away. And, Debbie Testa and her husband sort of look out after us today. If they don't see us for a week or so, they're banging on the door. We're very fortunate.

That's basically it, what I have.

The shed is not going to last a lifetime. It's not going to be passed on to anyone. But it has to go because of that building that we want to build.

MS. POTTER: I'm having a hard time with this because it says the one shed in the front and then there is a second shed. These are already built?

MR. SLODZINSKI: Yah. I have, I went and purchased a shed that's sort of like in the middle of the back of the house. Okay?

MS. POTTER: Yah.

MR. SLODZINSKI: That's the new shed.

MS. POTTER: That's the new shed. It's already up and existing?

MR. SLODZINSKI: It's up there and I have a building permit for it.

MR. VINCI: Well, he got the building permit because he was going to try to attach the new part of it to the old part of it. And, I guess -

MR. SLODZINSKI: Yah, but then it's impossible to do it. Its 61 years old. Or 41 years old.

MR. VINCI: Commissioner Potter is saying they're so far apart. But originally, the plan was to take the new shed and attach it to the --- well, first of all, he purchased the shed not realizing you can only have one shed.

And, then when he came in and couldn't get a permit for two sheds, I suggested that maybe, if the size worked out, he combine the two. If he attached them then it would be one shed. But apparently that couldn't work out based on the drainage? The grading?

MR. SLODZINSKI: I have a big tree. I'd have to cut a tree. And, then to marry them up, I don't think it would survive it. And, then I'd have to pour a pad and then I'm looking at what, five or six years, or so, maybe less and maybe more? Then there is a whole new different scenario for my wife and me.

MR. SHERMAN: Mr. Chairman, we've been reluctant over the years to agree to multiple buildings such as the two sheds instead of one. But Mr. Slodzinski has kept the total certainly within the parameters - only 10 feet above of what one would be. So, it's plenty in line.

So, I don't, I personally don't see a problem with allowing it under the conditions that he is. I do think that we should stipulate though the total of 210 square feet because our approval stays with the property. We don't want somebody coming in with a couple of sheds that are larger than what he has here.

So, I think if we did that, we'd be in good shape.

MR. SLODZINSKI: The house is going to be --- when we give him the house, there is going to be a stipulation that if he ever sells it, it has to remain in the family. I paid \$18,000 and now I could sell it for almost \$200,000 in the area. The house is going to stay in the family.

MR. MILO: Mr. Chairman, do we have the power to put a ten year lease on this, whether he sells the house or not, in ten years it has to go.

MS. POTTER: That is what I'm saying, too.

MR. MILO: Is it in our reign that we could put a limit of ten years for the man?

MR. SHERMAN: I don't think it is enforceable.

MR. VINCI: Well, yes, if the applicant agrees to it. Typically, as Mr. Sherman says, variances run with the land. They go on forever.

However, if he would modify his application to have it for a limited period of time and if he fixes the number and if this board is amenable to that ---

VICE CHAIR: I feel more comfortable with that because we typically do not approve two sheds even though the square footage is - --

MS. POTTER: I do, too. Yah.

MR. SHERMAN: What do you feel the timeframe would be, Mr. Slodzinski, that you'd require this? Five years? Ten years?

MR. SLODZINSKI: If you give me ten years, you know, I'd be lucky - I'd never make that.

(Everyone commenting at once)

If I made it, I'll take it down.

You know, my grandson is going to have it, and he's going to have the big garage he wants to build and that shed is going to be gone. I'll make sure he comes into the building department and informs - or the Assessor, that the shed is gone. Let the Assessor know and then go upstairs and let the building department know.

MR. SHERMAN: In ten years, it's unlikely that I'll be here to check on it.

(Laughter)

MR. SLODZINSKI: I won't be here to see it, either.

(Laughter)

I think that is very, very reasonable.

VICE CHAIR: Okay, is there any more questions of this applicant?

MS. POTTER: No, sir.

VICE CHAIR: Okay, is there anyone speaking in favor of this application?

FROM THE AUDIENCE: Can I ask a question?

MR. VINCI: You've got to come up here and state your name and address.

VICE CHAIR: Please state your name and address for the record. Please.

BRIAN ALBRIGHT: 277 Burrit Street. Can I ask why you don't allow two sheds? What is the reason behind that?

VICE CHAIR: Basically, it is important to note that this Board is, as Mr. Sherman has stipulated a number of times or stated, this is a tweaking Board. We basically enforce the regulations from the planning and zoning department.

If you look at the planning and zoning regulations, the regulations call for one shed, 200 square feet. So if someone is looking for 210 square feet, they have to come to this Board and then we look at that as a minor variance. So we may or may not approve it depending on the particular application.

But typically, when you have, when you are going against the zoning regulations which call for two sheds, that's not a tweak. That's really outside and it's really almost an exception. So, we're really very careful, this Board is very careful when we grant those kinds of appeals or those kinds of exceptions.

That's the reason. The zoning regulations in the town say one shed, 200 square feet. That's the reason.

MR. ALBRIGHT: Most people, they buy a shed and they but it for what their means are and then they find out later that they don't have enough room. You know? And, then that's why I was wondering why you don't allow two.

VICE CHAIR: But as we have said, because you have a lot of stuff, we - that's a self imposed hardship. That's a self imposed hardship. You've got a boat, you've got an RV, and you've got all kinds of stuff. That's a self imposed hardship. That's not necessarily grounds for a variance.

We have to look, is there a hardship? Number one. Number two is is there a special exception that would - say you are handicapped and you need a ramp which may impose on a distance requirement. We would approve that.

But because you have a lot of stuff is not a reason to grant a variance.

MR. ALBRIGHT: I just wanted to know the reason why you don't allow two sheds.

MR. VINCI: Well, that's, the planning and zoning commission makes the regulations and they determined that they don't want a lot of accessory structures out on properties. We have problems with people who operate businesses and doing things they shouldn't do. So they want to limit the amount of assessor structures on a property to prevent crowding.

MR. ALBRIGHT: I just wanted to know why you didn't allow two sheds. That's all. Thank you very much.

(Undertone comments)

VICE CHAIR: Is there anyone else speaking in favor of this application?

(No response)

Is there anyone opposing this application?

(No response)

This application is closed.

And, thank you and thank you for your service.

B. Appeal #5753A, application of Stephen Durocher for a 7' front yard setback variance to allow the construction of an open front porch under Section 7A-00 of the Zoning Regulations, 33 White Deer Path, property of Stephen A. and Lori A.1 Durocher in an R-20/25 zone.

MR. VINCI: Please state your name and address for the record.

MR. DUROCHER: My name is Stephen Durocher and I live at 33 White Deer Path in Plantsville, Connecticut.

My wife and I wife both moved here about 12 years ago. My wife has been a resident in Southington since she was two years old and lived with her parents. We temporarily, for a short period of time after we got married lived in Bristol, and always had the desire to move back to Southington. We love the town. She loved growing up here, the school system and everything had the town had to offer.

We were very fortunate to find this house that was being built. They were being relocated after a year of being there. So, we are very fortunate to be here. To find this house.

We really enjoy the neighborhood. I believe that the Chairman actually lived in the neighborhood where we lived now. It's a very social area. The people, they walk their dogs, their kids and stuff like that. We tend to sit out on the front stoop and we're very social people and we enjoy doing that.

But our neighbors tend to have --- right across the street, both sides, both have large porches. And, they sit on their porch and they socialize and talk with people or read their books and so forth.

My wife and I always dreamed that maybe we would do something like that. We decided this past year after a couple of years of illness with my wife that we would kind of invest in that kind of dream.

So, we submitted the application to go forward to do this. From my understanding. There's a 7 foot request for the variance because of the radius that comes across where the porch would be. It comes in at the deepest point 7 feet and then it kind of eases around it's less than that throughout the rest of the house.

It's a permanent cul de sac. And, expectations were that this is not going to be a closed in porch. It's going to be an open porch with just some railings to keep it safe because there is a little grade there.

I wouldn't be opposed to a stipulation that it would say that it would have to remain an open porch if that were what you decided.

THE CHAIR: Any questions of the applicant?

MR. VINCI: Mr. Chairman, if you look at the site plan, it's only part of the porch that goes within the setback area.

VARIOUS: Yes.

MR. SHERMAN: I'd like to say that it looks a lot better with the - the whole house looks with the porch and the railing. It looks like it would increase the value. It would look a lot nicer than a half porch.

MR. DUROCHER: To that point, there's 17 houses in the two developments and there are about eight porches that look like that. We thought it would fit into the neighborhood better if there were to be a porch there, as well. We thought that would be the case.

MS. POTTER: I'll have to take a ride by because I live in that neighborhood, too. Off of Sandra.

THE CHAIR: Okay. Is there any more questions?

(No response)

Anyone speaking in favor of this application?

(No response)

Is there anyone opposing this application?

(No response)

This application is closed.

7:29 pm.

**REGULAR MEETING**

Approval of Minutes - Regular Meeting of November 24, 2009

Mr. Sherman made a motion to approve the Minutes as presented. Ms. Potter seconded. Motion passed unanimously on a voice vote.

**NEW BUSINESS:**

A. Appeal #5752A, application of Edward S. Slodzinski for a variance to allow 2 sheds with a total of 210 square feet where 1 shed, 200 square feet in area, is allowed under Section 2-01AA1 of the Zoning Regulations, 80 Winter Park Road, property of Edward Stanley and Barbara Slodzinski in an R-20/25 zone.

Mr. Sherman made a motion to approve Appeals #5752A. Ms. Potter seconded.

Stipulation: The approval is for ten years and it is for a total of 210 square feet.

Motion passed 5 to 0 on a roll call vote.

One year to exercise permission.

B. Appeal #5753A, application of Stephen Durocher for a 7' front yard setback variance to allow the construction of an open front porch under Section 7A-00 of the Zoning Regulations, 33 White Deer Path, property of Stephen A. and Lori A.1 Durocher in an R-20/25 zone.

Mr. Sherman made a motion to approve Appeal #5753A. Ms. Potter seconded.

Stipulation: It remains an open front porch.

The Chair noted it is not the full 8 feet any way because of the contour of the property.

Motion passed 5 to 0 on a roll call vote.

One year to exercise permission.

## MISCELLANEOUS/ OLD BUSINESS/ NEW BUSINESS

## Election of Officers:

Mr. Sherman made a motion to table the election of officers until the next meeting which is January 12, 2010. Ms. Potter seconded. Motion passed unanimously on a voice vote.

Mr. Sherman made a motion to adjourn. Ms. Potter seconded. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 7:32 o'clock, p.m.)

**MERRY CHRISTMAS AND HAPPY NEW YEAR!**