

TOWN OF SOUTHTON  
ZONING BOARD OF APPEALS  
TUESDAY, JANUARY 11, 2011

Chairman Robert Salka called the Public Hearing and Regular meeting of the Southington Zoning Board of Appeals to order at 7:02 o'clock, p.m. in the Town Council Chambers with the following members in attendance:

Edmund Costello, Jeffrey Gworek, Patricia Potter & Bryan Wysong

Alternates: Matthew O'Keefe  
Juanita Champagne

Others: Rob Librandi, Zoning Enforcement Officer

Absent: Ronald Bohigian, Alternate  
Michael Milo, Alternate

A quorum was determined.

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

Vice Chairman Edmund Costello 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, Chairman, presiding:

Public Hearing Items:

A. APPEAL #5833A, application of William Lange for a front yard variance to allow 36.5' where 44.5' was allowed and 50' required to install a covered porch: and .7' front yard variance where 50' is required: and an 8.7' side yard variance where 25' is required and 18.3' previously allowed to rebuild existing garage and add addition onto rear of garage under sections 7A-00 & 15-04, 124 Thistle Lane, property of Diane C. & William H. Lange in an R-40 zone.

THE CHAIR: Will the applicant please come forward.

MR. LANGE: Bill Lange, 124 Thistle Lane, Southington. What I would like to do is put a covered porch on the front of the house.

But, as you can see it's an R-40 zone right and it's supposed to be a 50' setback. I bought the house, it's 44.5'. That's where the first problem comes in. So, that's where I'd like to get the variance.

The second part is the front of the house points north. During the wintertime it gets no sun at all. The stairway that I had on the front of the house was an uncovered stairway. Basically, during the winter - it would never see any sun - so if there was any ice or any water on it, it would freeze.

I tried a couple of times getting the ice off it. I've slid off of it. So, I think it's a liability. It was a liability. So, for the last few years I haven't even tried to plow or shovel the front porch or try to do anything with it because I didn't want anybody trying to use the front porch. So that's basically what it is.

You can see by the plans it is just going to be an 8' by 23' long porch on the living room side of the split level.

I also added a couple of pictures. The first picture ---the first two pictures are the darker brown house is on, I believe it's Nalene Street, and they had the same situation. R-40 zoning. They had to come to you for a variance that you gave to them and basically this is what I'm copying. They had a ranch, but it's a full porch on the whole front of the house. But it's going to have the round columns on it. I'd like to the exact same thing. This is basically what I'm copying.

The other house, the light brown house, is a house on Savage Street and that's a house that's a split that'll look like what I'm going to get done. But it has square columns and I'm looking to put round columns on it.

So basically, being that the front of the house is pointed north, and again, I think it's a liability right with the snow that we're going to get tonight and everything. I haven't used the front porch during the winter for the last two or three years just because if I slid off of it, I don't want somebody else going up on the front porch and it being uncovered, slipping on ice and falling of it again. It's happened to me.

That's basically the whole front porch. There'll be one step up, too, also on the front porch as you'll see on the side elevation. It's going to be underneath the overhang so from the sidewalk, one step up on to the porch.

That's kind of what I'm looking for for the porch itself.

Then the second part of it is on the garage. The garage has seen better days. It's starting to fall down. What I'd like to do is replace it. And, what I'm looking for is a 2' variance, if I can get it, so I can have 2' between each garage door. So, its 2' to the left-hand side of the garage door is what I'm looking for. And, again, the

side setback on these is supposed to be, for an R-40, is 25'. And, as you can see, as I bought it, it was 18.3. So again, I don't have the right setback to do anything to do it.

And, I guess what you looked for the last time was some side elevations where my neighbor - I see my neighbor sitting here and I really didn't know that - what he was going to look like or what he was going to look at when he gets up in the morning.

Again, it's just going to be a 2-car garage. It's going to be a full room above it. But it's not going to be, it's just going to be one big, full room with no - it's not going to be a bedroom. It's not going to be a living room. It's not going to be anything. Just something for the kids to go and play in if they want to go do that.

But again, what I'm really looking for is just the 2' variance on the side, if that could happen.

THE CHAIR: When you talk about the 2' variance, when you do that and remodel your garage, assuming you get the 2', is the second floor going to cover the whole, including the mudroom and the garage?

MR. LANGE: No. It's going to cover about half of it. Because I am going to have a very sharp roof. It's a very low pitched roof. So I am not looking to put a big room. I'm not looking to put, you know, extra walls in the front or anything. It's just going to be a straight, front roof going straight up. There'll be a knee wall in it about, I think it's about 12' in or something like that if it works out to be about that.

And, it's just going to be one room.

THE CHAIR: Where is the --- I guess I'm confused. Where is that room going to end? When you look at the picture you provided here?

MR. LANGE: It's going to end at the --- on that, it's going to be, the pictures, what they are are, one is the front. And the second one being the side view, is it's going to end up right at the very end of it. Well, it's going to end up 12' past the very end of this building, this garage right now.

MS. POTTER: You don't think that is a little excessive? I mean, it seems like it's awful excessive.

I mean, I know you would like to put the 2' in-between, but have you thought about any other options?

MR. LANGE: If you don't give it to me, it's going to be right where it's at right now. And, instead of 2' between doors, it'll be about 14.

THE CHAIR: So, it will stay within the same footprint?

MR. LANGE: It will stay within the same 18.3.

THE CHAIR: But you are going to go second floor?

MR. LANGE: Yes.

THE CHAIR: You are still going to put on the second story?

MR. LANGE: Yes. And, again, it's not a full second story. It's going to again be -

MS. POTTER: A bonus room.

MR. LANGE: --- large slanted roof with a knee wall in it and then it's going to be about 12' in front of the front where the knee wall is going to be.

MR. COSTELLO: The second story is the full width of the garage?

MR. LANGE: Yes.

MR. GWOREK: Is the deck going to be final off the back of it? Is that part of this proposal?

MR. LANGE: Well, I'd like to put a deck off the back because the whole back wall is going to be all windows and a slider only because I want to get the solar gain off this thing. It's a perfect setting for a solar set up. I want to get as much solar energy - solar gain into it as I possibly can.

MR. WYSONG: Does the front porch solve your ice problem?

MR. LANGE: I think so. Because right now it's an uncovered --- it was an uncovered set of steps.

MR. WYSONG: You have removed those steps, haven't you?

MR. LANGE: Yes. Because again, they were tilting to the right. I stood on them and I slid off of them.

MR. WYSONG: Okay.

MR. LANGE: I think the covered roof will solve the problem because again, if you look at ---

MR. WYSONG: In your drawing, the step projects out from the porch.

MR. LANGE: There'll be one step and it will be underneath the overhang of the roof.

MR. WYSONG: Will it be underneath the overhang?

MR. LANGE: It'll be about 10" wide step.

MR. WYSONG: It says 12 in the drawing.

MR. LANGE: Well, 12. I'm going to use the plastic decking. It's about 5.5 with ---

MR. WYSONG: Unless I --- let's see. The overhang is 1' 1.5". The step is 1'.

MR. LANGE: It doesn't include gutters and fascias.

(Pause)

MR. WYSONG: In the side elevation, it says south elevation? I'm not quite sure how that's the south elevation.

MR. LANGE: No, unfortunately, it got stuck on the wrong side of the drawing. It's supposed to be on the right-hand side.

MR. WYSONG: Be that as it may, it shows a 1' projection of something. Either a window that projects?

MR. LANGE: It's a bay window.

MR. WYSONG: It's a bay window. Okay.

MS. POTTER: It almost looks like the house on Strawberry Lane which is going to be all house. It just looks so excessive for the piece of land that's there.

THE CHAIR: Right.

MS. POTTER: It just looks like it's going to be just a big house and then there is the drop off to the bottom room.

THE CHAIR: Well, I guess, I guess the, when you look at the variance they're asking for and I'll ask Rob the question which is, if he stays within the same --- forget the front porch, for a second. Just on the garage itself, if he was to keep it within the same footprint, he doesn't need a variance, correct? He can put on a second story.

MR. LIBRANDI: If he stays within the same dimensions that -

THE CHAIR: If he stays within the dimensions. So, we really can't necessarily, we can talk about staying within the dimensions, but if he does, he still can put on the second story the way he has got it outlined here. We really can't -

MR. LIBRANDI: He just has to meet the height requirements for the zone.

THE CHAIR: Right. And, if it stays within the roofline that he's got, he's within compliance.

MS. POTTER: Yah, but can he add on the front porch?

THE CHAIR: Right, that's -

MS. POTTER: Separate.

THE CHAIR: Well, it's part of the application. And, that's a question that we can ask the applicant. When we go to vote on this particular application, we have to take it in its entirety, just the way you presented it, and we can vote it up or down.

Or, we could perhaps outline for you what we're looking for and have you come back - we can't negotiate. But we can ask you to come back with, based on our recommendations, you can either say vote it up or down. That's your call.

Or you can say, we can continue the public hearing and you can come back with what we are suggesting. That's another alternative that you have.

MR. LANGE: Okay.

THE CHAIR: Again, I am not making that determination. The board will make that determination. But it's an option.

Because you know, we've got the porch and it could have a hardship. Allowing the extra footage may not necessary be the hardship.

On another part of this application, but before we even broach the subject of voting on it, it's my understanding that Rob, the Zoning Enforcement Officer, was out there today.

MR. LIBRANDI: Yesterday, yes.

THE CHAIR: And, you've got a couple of pictures? Apparently there are a couple of structures on your property that do not have building permits and they may or may not be in compliance? So before, we vote on this particular application that needs to be brought into incompliance.

And, if you say well, I want a variance on that; you can come back and bring the whole package back to us as a package. Or you can satisfy --- if all it needs is a building permit, well, we don't need to get involved in that. You can work that through with the building department.

So, who knows?

MR. LIBRANDI: Well, with the sheds, um, in question, they would both need a zoning and building permit for them. I think they exceed the amount of square footage.

THE CHAIR: Okay. Because based on one of the pictures I'm seeing here, it's a pretty large, at least the one I can see, it looks like a pretty large shed.

MS. POTTER: Yah.

THE CHAIR: Back here. And, then there is another one besides. You are only allowed one shed.

So, um, let's take it the next step. And, basically, have you finished with you presentation?

MR. LANGE: I believe so, yes.

THE CHAIR: Okay. Okay.

Is there anyone again speaking in favor of this application?

(No response)

Is there anyone speaking against this application?

FROM THE AUDIENCE: I am.

THE CHAIR: Okay.

MR. SMITH: Good morning, Mr. Chairman. My name is Kent Smith. I live at 136 Thistle Lane. I live to the east. I am the neighbor that's greatly affected.

Okay. Um, I want to just read a letter that I have written to Mr. Librandi, to you, and to you folks here on the committee.

I'm writing this letter to you to state my opposition to William Lange's application/appeal #5833A at 124 Thistle Lane. The existing one story garage and mudroom was built by the original owner himself. I believe it was as nonconforming then as it is now. It is 18' from our property line and it should be 25'.

Now, Bill wants to go up 2 or 2.5 stories, as well. And, come 2' closer to our property line which would be only 16' from the property line.

I oppose these changes for the following reasons: I do not want a garage any closer to the property line than it is now. In fact, I would prefer that it go back to 25 in the building code. If Bill needs a bigger garage, why can't he just eliminate the mudroom?

I do not a 2.5 story garage next to my property. We already have drainage problems in that area especially in the spring. In fact, Bill and I each paid half to remove some overgrown poplar trees that added to the drainage problem.

Bill also installed an underground drain pipe along the property line because it's too wet there.

The reason three is the 2.5 story (inaudible) would also shade our shrubs and lawn in that area and hinder it for growth.

I have nothing wrong, nothing against the Langes. They are very good neighbors. It's just the matter of protecting our property and our interest. My wife and I are approaching retirement age and some day may wish to sell our house. We are trying to avoid any problems or complications with such a sale.

Therefore, I must oppose and ask Bill to follow the town building codes with any future construction.

Now, along with all of that, I did take a couple of pictures for you folks to look at at your convenience. And, also - Rob, when you get done, these are some pictures that I had taken.

MR. LIBRANDI: Sure.

MR. SMITH: Basically, on the pictures that you will look at, you will see fence that is on the property line and also on the back of some of the pictures I either put one star or two stars and I drew a line where the line is and where or how close Bill's garage looks like now.

Now, when I was asked if I minded Bill fixing the garage, I said no. It's okay because he does beautiful work and his garage is falling down. Okay. I didn't expect 2.5 or stories or 2 stories high to be honest with you.

And, it's just that as a person, you know, like protecting our interest because of the water in there and so forth. It's just if they're tearing down a structure, the garage and the breezeway, Bill can design it and build it any way he wants, but I was just wondering if we could go back to 25' from the property line. That way the grass and the shrubs and the future sale, if I do sell my house, is not affected.

And, like I said, Bill and Diane, I love them. They're great people. Their kids are great. It's just that, you know, I have to watch out for future properties for my wife and myself.

I don't know if those pictures that I took can help you. I just happened to take them, you know, from my property and from the street.

Any questions, anything I can get you folks, I'd be glad to answer it, Mr. Chairman.

THE CHAIR: What are we looking at? Is this, these pictures like with the shed, is this of his property?

MR. SMITH: Some of them are with the line and you see the size of the sheds.

THE CHAIR: Their shed?

MR. SMITH: Huh? Their shed.

THE CHAIR: Their shed.

MR. SMITH: Everything is on their property.

THE CHAIR: Got it, okay.

MR. SMITH: Like the tree house, you know, it's right on the line. You can see where the line is.

And, the picture I took from the street, where you can see the garage, and I put a line in where there is a pine tree? That's where the line would be.

And, also, when you take a look at the garage, when you look straight at it, it's like 16' to 18'. It's really close. Never mind that's only one story high.

Now, the first owner - I'm the second owner of my house. I probably moved in my house like three years after this gentleman, he was a chemical engineer. He thought he could do carpentry work. But he couldn't. Because his roof, he had um, a gable on top with the rooster, you know, for the wind direction? And, in the center, it caved in.

And, then the second owner came in and propped it up. I'm sorry. The second came in and propped it up so the garage wouldn't fall in.

And, then when Bill moved in, he did a great job by supporting it. Using the proper materials. He was a carpenter before he became an engineer.

So, I'm sure that whatever Bill does, it will look beautiful. It's just that with me and my wife, it's that we want to protect our property and I think it's just too close to the property. And, if you go up in height, whatever the board decides, you know, I'll go along with it. It's just that like I said, in the mudroom, I was just wondering if they could back and even go up. But that's for Bill and you guys to decide.

Basically, that's why I'm here, to state that I am opposed to moving it closer. If it's possible to go back, you know. If he goes up and he goes backwards, I don't care. That's on his property.

I was going to come here at December's meeting, but I fell down on ice on my steps. And, I couldn't make it. But the Minutes I read, um, there was talk about putting a basement in. Solar energy for the future. And, doing some other things.

His yard is like mine, 325' wide and 200' deep. There should be plenty of room for him to do whatever addition he wants instead of coming closer to my property.

And, that's why I was wondering if we could go back to the 25'.

And, that's all I have to say on it. I mean, unless you have any other questions?

THE CHAIR: Do you have any questions?

(No response)

Okay, thank you.

MR. SMITH: Thank you, sir.

BOB DUDAC: My name is Bob Dudac and I'm Mr. Smith's brother-in-law. I've been employed by the City of New Britain for 22 years in the Assessor's Office. So, he asked me to address some more technical questions.

The first question I have is, I was under the impression that if it is a nonconforming use, you would have to rebuild it to the exact footprint. Is that the truth?

MR. LIBRANDI: It's my understanding that once a variance is given, it's always on the - its place on the land records so that variance is given. So no matter what's done, it's legally written on there.

MR. DUDAC: So it doesn't go back to the original zoning?

MR. LIBRANDI: It always has that one variance.

MR. DUDAC: Okay. That was just a question that we had.

I know if you tear down a house, you have to rebuild a house. Whatever the zoning is, you can go up, but you can't go out.

The other question we had was the garage was built in or CO'd in 1978. Now, if they got a CO, it must have had some sort of variance. Is there anything on record that there is a variance to build that garage?

MR. LIBRANDI: There was a variance -- in 1981 a variance was approved for a 6.7' side.

MR. DUDAC: So that would have been after the garage was CO'd?

MR. LIBRANDI: I believe so.

THE CHAIR: None of us were around in 1978. That variance then went from the 25' and brought it down to the 18'. And, once the

variance is approved, it stays with that property, regardless of who owns that particular property. That's with it.

MR. DUDAC: Okay.

MR. WYSONG: Can I ask an informational question here?

THE CHAIR: Sure.

MR. WYSONG: My impression is there is nothing about this house that's unique to the neighborhood and it very closely matches the R-20/25 zone as does most of the rest of the neighborhood.

Are we dealing with a change in zoning to R-40 sometime subsequent to when the houses were built?

MR. LIBRANDI: There was in the Minutes when these were getting approved in 1981 that one of the members of the board was talking about how while this subdivision was being built that it was when they changed the regulations and when they switched from one zone to the other. So it is a unique area in that sense where they placed the buildings, I believe, prior to ---

MR. WYSONG: Well, like I say, it very much, except for the variance on the garage, the rest of the house matches the R-20/25 as does the square footage of the lot.

And, the Lange house is right in line with every other house down Thistle Lane. I mean, they are just boom, boom, boom, boom at about 45'. Which I think is probably what the setback was for R-20/25 at the time.

MR. LIBRANDI: Yes.

MR. DUDAC: And, just this one little point. If you allow the Langes to go to 16'3" which is what it would be side yard, there is no reason that my brother-in-law would be turned down, theoretically, for a variance to build 16'3" from the line which would make it 32' instead of 50'. That's just, you know, that's here again, you have the zoning requirements and you're talking about 32' instead of 50'. Theoretically.

THE CHAIR: Well, one of the things about this board is that we look at each application as a unique application. We look for the hardship; we look for the uniqueness of the particular piece of property. Is it pie-shaped versus the next door neighbor's not pie-shaped. Whatever the --- but again, because we approve a variance or not approve a variance, does not preclude the next door neighbor coming in with something similar and it gets turned down. We take each application on its own merits. And, I'll leave it at that.

MR. DUDAC: Okay, thank you very much for your time.

THE CHAIR: Okay.

MS. POTTER: On one of those pictures, did they already start work on the porch? Because the stairs are gone. In the pictures that gentleman handed us?

THE CHAIR: I would ask Mr. Lange if he wants to, number one, rebut and um -

MS. POTTER: I was just wondering if -

THE CHAIR: You can ask the applicant.

MR. LANGE: What I did is, I took the stairs down because they were a hazard. I also took all the bushes and everything out from the front of the house ---

MS. POTTER: Because it looked like you were starting work on the porch. It is what it looked like. You took all of your bushes out and you got rid of stairs.

I was looking at one. In the snow picture, I can't see it. I didn't see it until I could see the --- yes, yes, that's the one.

MR. LANGE: What it is the ledger board I took out because it's all selitex (sp). Half the selitex (sp) was gone so I got rid of the selitex (sp) and I put pressure-treated half inch plywood on it and I just put the aluminum flashing over it just for another protection for the winter.

THE CHAIR: You haven't started any construction or anything like that?

MR. LANGE: Nope.

THE CHAIR: Okay.

Do we have any other questions for the applicant at this point?

MR. O'KEEFE: I'm just struggling with the nature of the hardship that makes this unique and different from other properties in the neighborhood in terms of the sides.

THE CHAIR: Which side?

MR. O'KEEFE: He's talking about increasing the side yard on a nonconforming use. And, my question is, what makes --- what is the hardship that would require you to do that?

MR. LANGE: Well, I was just looking forward to an extra 2' so I could get 2' between the doors. That's all it was.

THE CHAIR: So the hardship you came to this board for was really the front porch, the icing conditions ---

MR. LANGE: The front porch, yes.

THE CHAIR: -- because it's facing north.

MR. LANGE: And, what I was told is I could put both of them on one when I was applying for the permit, so that's why there is two on one.

So the front is the liability, hardship. Kent fell on his, you know, in December.

And, there is that liability.

And, the other part of it, for a variance part of it was to just see if I can get 2' more so I get 2' between the doors. Just a little more symmetrical.

If I get it, I get it. If I don't, I don't.

THE CHAIR: Does that answer your question?

MR. O'KEEFE: Yes.

MR. WYSONG: On none of the drawings that you've supplied at this meeting show the tie in to the current house.

MR. LANGE: No, it doesn't. It is going to actually be on the same property line as what is there.

MR. WYSONG: For instance, the roof on the porch, you've extended the front of the house 8'. Where is the ridgeline? Is it staying where it was? Or are you -

MR. LANGE: The original ridgeline of the house.

MR. WYSONG: The ridgeline over the - the right-hand wing of the house, is it staying at the same level?

MR. LANGE: The original peak is staying at the original level. It is only going to go 3' up on to the roof. So it's going to look just like those pictures.

Probably the easiest one to look at is that light brown house?

MR. WYSONG: Okay.

MR. LANGE: It's going to go 3' - well, 3' up on to - onto the existing roof.

MR. WYSONG: Have you architecturally drawn that to determine it? Because this porch is only about 4' wide. And, you are going 8'.

MR. LANGE: Well, the other house is actually 7'8" or something along those lines. And, it I the exact same setting.

MR. WYSONG: You have taken a tape and measured on this house?

MR. LANGE: No, I haven't measured that house. No.

MR. WYSONG: On this house, I see a ridgeline that looks reasonable. It's a fairly flat roof over the house. Your proposal is to come out 8'. If you go up the same 3' on the existing roof, you will have a very flat pitch. It won't look like this I don't believe.

MR. LANGE: No, it won't. It'll be a little flatter than that. Yes, you are right. But it'll be what the other house is, that darker colored house.

That one goes out, I believe, 7'8" or something like that, the deck.

MR. WYSONG: Yes. But this ties in to a second floor roofline which is a much steeper pitch than your current.

MR. LANGE: Um-hum.

MR. WYSONG: Well, my feeling is, as drawn, as drawn, you are going to be all the way back to the ridgeline and you won't have anything to tie in unless this roof is flat.

(End of Tape #1, Side A)

(Beginning of Tape #1, Side B)

I guess my request is, if it comes to having a continuation of a meeting, will you supply drawings of how the front porch and the garage tie into the existing structure?

I think the garage covers at least one of the windows of an upstairs bedroom.

MR. LANGE: Yes, it does.

MR. WYSONG: Are you putting an access through at that level?

MR. LANGE: No.

MR. WYSONG: Okay. The ridgeline of the garage is somewhere relative to the house. Is it hanging out in space behind the house? Does it abut against the sidewalk?

Your drawings are very nice, it's just we now have --- two weeks ago we had no picture. Now we have in my mind a half a picture. There is one more level of picture I think I'd like to see.

MR. LANGE: Okay.

THE CHAIR: Any other questions for the applicant?

MS. POTTER: No, sir.

THE CHAIR: Okay, hearing none, this application is closed.

7:35 pm.

### REGULAR MEETING

#### APPROVAL OF MINUTES:

- Regular Meeting of December 14, 2010

Ms. Potter made a motion to approve the Minutes of the previous meeting. Mr. Wysong noted a correction. His name is spelled wrong. It should B-r-y-a-n. Mr. Costello seconded. With that correction, the minutes were approved on a unanimous voice vote.

The Stenographer will make the correction.

#### NEW BUSINESS:

A. APPEAL #5833A, application of William Lange for a front yard variance to allow 36.5' where 44.5' was allowed and 50' required to install al covered porch: and .7' front yard variance where 50' is required: and an 8.7' side yard variance where 25' is required and 18.3' previously allowed to rebuild existing garage and add addition onto rear of garage under sections 7A-00 & 15-04, 124 Thistle Lane, property of Diane C. &William H. Lange in an R-40 zone.

Ms. Potter suggested a table for one more time to get the final picture because I have my druthers. I'm half here with half of that and to make an honest opinion; I'd like to see it, like you said, with the full picture.

The Chair advised that then number one, we should continue the public hearing and not table it. We should continue the public hearing. That way there there may be some perhaps give and take with the applicant. I think it's important that we convey to the applicant - you had one comment on the drawing itself. Do we want to offer up - because if the applicant comes back with the drawings that you are requesting and it comes before us and we decide that 2' is not what we want, we might think about conveying to the applicant sort of what our desires might be and then when he comes back, he can make the decision whether we wants to withdraw the application, modify the application so we have the full picture and not have to go back through it again.

This application contains two different variances. One is the front porch which you have addressed with the overhang and that kind of thing. He does perhaps have a hardship there.

The other one, which is the 2', which really is something he's asking for but there is no real hardship shown. He just wants 2' because he wants 2' between the garages.

Discussion of whether they would be voted on separately. The Chair advised said not the way the application is written, no. Mr. Librandi confirmed that.

Mr. Wysong asked about suggesting to Mr. Lange that he withdraw this one and re-enter it as two separate applications? The Chair said that would be probably the best way to do it. It would be easier for us to grasp, number one.

Mr. O'Keefe said the comment, when you are saying 2' on the side; I'm seeing it as maybe more than 2'. Because if you're going back beyond the existing structure and the existing structure is already nonconforming, it's 2' where the structure exists but its 12' beyond in the depth itself. So it's really 2' in a portion and 12' in another portion.

The Chair said the variance is not necessarily in the backyard. It's the side yard strictly regardless of how far back it goes.  
Discussion.

Discussion about the structure not being square to the sideline. The front is 18'3" and the back is 18'4". It would go farther away from the property line as you go farther back, pointed out Mr. Gworek.

Mr. Costello said he would like to see a modification in the application. I'd like to see the applicant concentrate on the porch with the next application. That's really where I'm at with it.

Mr. Wysong asked Mr. Librandi regarding the definition section, the definition of a residential garage has a 1.5 story height. Are the definitions, are we also asking for a variance on the height?

Or, do the definitions not have the strength of the detail code on buildings? Mr. Librandi responded what the section says on the setback variance also shows what the height requirements are for any structure in that zone. There is a height limit of 35'.

Discussion of the definition section, Section 2, Page 8.

The Chair pointed out it says 1.5 stories and not 2 plus. What is the question? Mr. Wysong said his question is, does the definition have the strength of the building code - what rules or how is the height of the structure, 1.5 stories, defined? Mr. Costello pointed

out it is a garage right now and after seeing the plans, it's going to be a garage with a room above it. That definition may not apply. Is there anything in the regulations against that? Mr. Librandi said it is going to be two separate uses. Mr. Wysong said he is satisfied if we want to interpret it that way.

Mr. Librandi advised if it is a garage, it adheres to what is stated in the definitions. If it is an accessory use, another use, then it has to go by the setback requirements, I believe. I could ask my supervisor that.

The Chair wanted to get a motion to table and as part of the motion we ask the applicant to work with the Zoning Enforcement Officer and the Building Department to make sure that whatever they resubmit meets the code. That should answer your question the next time they come back.

Mr. Wysong suggested to the applicant, there is a section of the Zoning Regulations, Section 8-04A on Page 6. It basically deals with the design considerations of height, scale, bulk, roof shapes, harmony with the neighborhood. I'm sure the intent of that section was so that you don't build a stone Tudor next to a Frank Lloyd Wright modern, next to a ranch house of 1,000 sf.

In doing your design work on your garage particularly, I guess I would like you to look at drawings or sketches of what the entire structure will look like from the loose words here in Section 8-04A.

The Chair again said he should work with the Zoning Enforcement Officer on that. We always want to see and understand what kind of material and is it in harmony with the neighborhood. We've been burned a couple of times when they come in with hand-sketched drawings and then all of a sudden what goes up is not what we had envisioned. That's a good point.

Mr. Costello made a motion to continue the application to modify the application and work with the Zoning Enforcement Officer to make sure it's in compliance. Ms. Potter seconded. Motion passed 5-0 on a roll call vote.

#### NEW BUSINESS/OLD BUSINESS/MISCELLANEOUS

Nothing this evening.

Mr. Costello made a motion to adjourn which was seconded by Ms. Potter. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 7:45 o'clock, p.m.)

