Chairman Robert Salka called the Public Hearing and Regular meeting of the Southington Zoning Board of Appeals to order at 7:00 o’clock, p.m. in the Municipal Center Assembly Room with the following members in attendance:

Jeffrey Gworek, Joseph LaPorte, Matthew O’Keefe & Bryan Wysong

Alternates: Thomas Lombardi
Dee Ahern

Absent: Ronald Bohigian, Alternate
Paul Bedard, Alternate

Others: David Lavallee, Assistant Town Planner

A quorum was determined.

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

Mr. Gworek explained the procedure to be followed in the presentation of an application and advised should their appeal be approved they file it with the Town Clerk’s Office as soon as they receive the formal approval in the mail before starting any work. You have one year to begin the project.

Approval of Minutes – Mr. LaPorte made a motion to approve the Minutes of the previous meeting. Mr. Wysong seconded. Motion passed unanimously on a voice vote.

ROBERT SALKA, Chairman, presiding:

PUBLIC HEARING ITEMS:

A. APPEAL #5990A, Application of Michael & Stacy A. Taber for a 324 sf variance to 1,188 sf where 864 sf is allowed to construct a detached garage under Sections 2-01 2-07 & 15-04 of the Zoning Regulations, 95 White Oak Drive, property of Michael & Stacy A. Taber in an R-20/25 zone.
THE CHAIR: Will the applicant please go to the podium and state your name and address for the record, please?

MR. TABER: Good evening Mr. Chairman and commission members. I’m Michael Taber of 95 White Oak Drive Southington.

I come before you tonight for a variance for one additional garage bay under Sections 2-01, 207 and 15-04 under the zoning regulations. Now this would be a 22 x 32 or 704 square foot detached garage. It wasn’t mentioned in the agenda but it is shown in the submitted arrangement drawing.

Now, 95 White Oak Drive consists of over a half acre lot. And, the home is well buffered from surrounding properties. The proposed garage is smaller than other detached garages on White Oak Drive which were constructed after a variance was granted. We believe the requested variance is minor in nature as the garage is significantly smaller than what has already been approved by the building department.

Now the last time we met, we were instructed to create a plan that met the regulations. So I worked with Rob Librandi and obtained a building permit for a compliant detached garage.

However, the permitted garage has raised several concerns from neighbors and has created both chaos and confusion. So, I’ve applied for this variance in order to state my neighbors’ concerns and also give them an opportunity to speak publicly as they are in support of the variance for several reasons.

Aside from my neighbors’ concerns, I do have several hardships which make the approved garage both difficult and undesirable for the neighborhood. On the southeast side of our home, as you’re looking at the plot plan, that’s the left side, the lot is narrow with steep topography leading to the back yard. There is also underground wiring and an electrical box on the southeast side of the home. This hill and the electrical issues will not facilitate a driveway along this side of the house.

Unlike other lots, we have a unique hardship in that there is a drain easement nearby on the northwest side of the house which drains water into our yard. Our lot is at a lower level than the neighboring lots and the soil and areas in the back yard are wet because of this drainage. The wet soil and/or the high water table will not facilitate a driveway along this side of the home.

Because of these hardships, the driveway for the approved garage will be more like a winding road from the street to our back yard.

The variance, however, would eliminate the need for a driveway because we could maintain use of the exiting attached garage. The variance could also eliminate vehicles being parked in the back yard.
as we believe having a parking lot in the back yard could be uncharacteristic of the neighborhood.

In addition, we would have the hardship of destroying the environment by cutting down several mature trees that our neighbors have benefited from for many years. With the variance we would not need to cut these trees down for a parking lot in the back yard and all of those established trees could be saved.

In consideration of public safety, the variance would prevent multiple vehicles from being parked in the street. This is because we would no longer have the existing attached garage. So this in fact creates a safety hazard for people walking in the neighborhood, as guests, including us as the homeowners, would most likely park in the street.

We also have the hardship of destroying the character of the house and destroying the character of the neighborhood by converting the existing garage to a storage facility. These changes are very uncharacteristic of the neighborhood, especially since other neighbors, who were not required to board up their existing garage. And, keep in mind these other garages are larger than what we are requesting tonight and these other homeowners were allowed to retain use of their existing garage which preserved the character of the neighborhood.

So, I am here tonight to preserve the environment by saving a lot of mature trees. I’m here to avoid creating a safety hazard. And, I’m here to avoid destroying the character of the neighborhood. And, I’m here mostly because we have the hardship of unhappy neighbors that are concerned about the current plans that have already been approved. These neighbors are here tonight and I also have letters that I’d like to read, but I guess, are there any questions so far?

MR. O’KEEFE: Do you have a copy of the approved plan that we could see? Because you are talking about it quite a bit and none of us have seen it.

MR. TABER: Sure, sure. Yes, I have the approved drawings.

Because we are required to board up the existing garage, we had to maximize the size of the detached garage in the back yard. These are the approved plans and I’ll have to get you a copy of these because this is the original.

The approved garage is a three car garage. The variance garage is a two car garage.

MR. LOMBARDI: So you are saying that if this variance is not granted you are going to build a three car garage?

MR. TABER: That’s correct.
MR. LOMBARDI: Add one to the existing two car garage?

MR. TABER: That’s right. Plus a parking lot in the back yard, plus a long winding driveway. You know, if I could retain use of the existing attached garage, I do not need to put in a driveway. It would essentially be a standalone two car garage for storage of vehicles. Just the same as the other neighbors that have obtained variances for the same reason.

THE CHAIR: Can you tell me what neighbors? I drove down the entire length of your road and I only saw your neighbor had a detached oversized garage. I don’t quite understand where they got the variance from, but all the other houses have two car garages. Starting from the beginning all of the way down to your house. I didn’t see any other, other than your next door neighbor.

MR. TABER: Okay. The next door neighbor has the larger detached garage and then nine houses away, there’s an even larger detached garage than that.

MR. LAPORTE: I don’t understand. You are talking about a one car garage and a two car garage. What is it going to be?

You are talking about one car or two car?

THE CHAIR: Well, the plans we have in front of us show a two car. Its 32 deep by 22 wide.

MR. O’KEEFE: And, 22 high.

MR. TABER: Right. The variance garage is a two car garage. The approved garage is a three car garage which is substantially larger than the one with the variance.

MR. LAPORTE: Who approved it? The town approved it?

MR. GWOREK: Yah, you are allowed to have a three car garage.

MR. LOMBARDI: These plans say detached garage on them. And, there is three bays. Is that a mistake?

MR. TABER: What is happening there is the existing attached garage is being boarded up and I’m constructing a three car detached garage.

MR. LOMBARDI: In the same location that you are proposing this variance?

MR. TABER: Correct.
MR. LOMBARDI: Okay, so option one is that we approve this and he puts a two car garage back in the back and maintains the two car garage in the front.

THE CHAIR: So, he has four bays.

MR. LOMBARDI: Option two is he boards up the existing garage, remodels it into living space, whatever. And, then he puts a three car garage in the back of the house, same location as this variance.

MR. TABER: With a driveway and with a parking lot.

MR. LOMBARDI: Right.

MR. TABER: The variance garage would not require any asphalt.

MR. LOMBARDI: So, the variance garage, how would you get a car back there?

MR. TABER: It’s for storage of antique vehicles. They’re occasionally used. Very, you know, not very often. The driveway would not be required.

MR. LOMBARDI: So, it is basically a glorified shed is how you meant to use it?

MR. TABER: Sure.

MR. LOMBARDI: Okay.

MR. LAPORTE: This isn’t a business? It is just a hobby?

MR. TABER: It’s just a hobby.

THE CHAIR: And, you also have a shed, also a shed back there, correct? About a 10 x 10 shed?

MR. TABER: There is a small shed.

MR. LOMBARDI: I have one more question, too. Where did this --- and this maybe a question for the board, too. Where did the 864 square foot -

MR. GWOREK: That’s allowed, 12 x 24.

MR. LAPORTE: He doubled the single.

MR. LOMBARDI: Okay.

(Pause)
MR. GWOREK: Now, is there going to be any loft above any of these designs? I mean, its 20, up, 21?

MR. TABER: It is a story and a half which is allowed under the regulations.

MR. GWOREK: So you are planning on having some kind of storage? I would assume. Its loft ceilings.

MR. TABER: There could be storage.

MR. GWOREK: What about as far as windows? I passed the packet on. I mean, I see one. One above the overhead doors. Any on the sides or just the front and back?

MR. TABER: There will be windows on the sides.

MR. O’KEEFE: How many vehicles would you be storing there?

MR. TABER: It would be two. Two in the attached garage and then two in the detached garage.

MR. O’KEEFE: Why would it need to be 32 feet deep for two vehicles?

MR. TABER: It’s for additional storage much like the other detached garages on White Oak Drive.

MR. LAPORTE: And, you are saying you were going to board up the two car garage you’ve got there right now?

MR. TABER: Under the approved detached garage, I would need to board up the existing garage.

MR. LAPORTE: But then again you are asking for – if you didn’t do it that way, you would have two and then two in the back. Right? You’re going to do four.

MR. TABER: Correct. The variance is for one additional garage bay which would bring the total to four garage bays.

(Undertone comments)

MR. WYSONG: I’m sorry. I’m lost in this whole drill. I have a notice that you are asking for a 324 square foot variance to 1,188 square feet where 864 square feet is allowed to construct a detached garage.

MR. TABER: The way Rob Librandi calculated that ---
MR. WYSONG: I have your signed application for a detached two
car garage 22 x 32 feet to the rear of the existing house. That’s 704
square feet.

What’re you asking for?

MR. TABER: I am asking for a 704 square foot detached garage. If
you had the 704 –

MR. WYSONG: That’s what you’re asking for?

MR. TABER: Yes.

MR. WYSONG: That’s what we are going to decide on tonight?

MR. TABER: Correct. Including retaining use of the existing
attached garage.

MR. GWOREK: The plan is already approved, like he said. He’s
either giving us this option with the smaller detached garage or he
boards up his existing one and puts a 36 x 32 garage detached in the
back. It’s already approved.

THE CHAIR: Well, if he goes with the approval, he’s going to
have a driveway running to the left side of his hide. He’s going to
have a parking garage --- a parking lot in the back. And, a huge
garage.

MR. WYSONG: Is the huge garage 10 feet away from the property
line been approved by this board?

MR. TABER: It has been approved by zoning.

MR. WYSON: Has it been approved by this board? It can come
before this board for a three car garage 10 feet away from the
property lines.

MR. TABER: Ten feet away from the property lines meets the
zoning regulations.

THE CHAIR: He doesn’t need to.

MR. WYSONG: In an R-20/25?

MR. LAPORTE: But, he’s already got approval. So ---

THE CHAIR: He’s got the approval for the building.

MR. WYSONG: Does he have a variance on the setbacks?

MR. LOMBARDI: I don’t think he needs them.
MR. TABER: The setbacks are 10 feet.

THE CHAIR: I don’t think he needs it. It’s 10 and 10.

If he builds the three car garage and boards up the exiting garage he has, he meets the regulations. That’s already been approved by building.

What he is asking for is not to have a driveway, not to have the parking lot in the back and have a two car garage, two bay garage in the back and retain his existing front one.

MR. LOMBARDI: With no driveway.

THE CHAIR: With no driveway going back.

You have a fence there as well, correct?

MR. TABER: There are –

THE CHAIR: How are you going to get the cars back there without taking down that fence?

MR. TABER: There’s hemlocks on the southeast side of the house and –

THE CHAIR: Well, let’s face your house. I went out there today. You’ve got the hemlocks on the left facing your house. You have a fence between the hemlocks and your garage. Correct?

MR. TABER: Correct. The vehicles could pass through on the opposite side of the house.

THE CHAIR: Where you’ve got the drainage ditch.

MR. TABER: Correct.

THE CHAIR: Or, whatever you want to call it where it drops off.

MR. TABER: Correct.

THE CHAIR: So you’d go on your grass, around the back of your house.

MR. TABER: Correct, which is very occasionally.

STENOGRAPHER: I’m sorry. Which is very what?

MR. TABER: Occasion. Very occasional use of the vehicles.

(Pause)
MR. O’KEEFE: If you are only going to keep two vehicles in there, would you consider eliminating the shed and storing whatever was in the shed in that garage?

MR. TABER: Under the approved garage I am not required to do anything.

MR. O’KEEFE: I didn’t ask you whether or not you were required. I asked you if you would be willing to do that in order to get a variance.

MR. TABER: I don’t think so.

MR. O’KEEFE: Okay.

(Pause)

MR. LOMBARDI: The thing that concerns me is you don’t have a path to get back there. And, I understand you are not going to use it frequently, but if you sell the house five, ten years from now, that looks as a garage with no driveway.

MR. WYSONG: What am I missing? Point of order, Mr. Chairman.

Section 7A-00: No lot shall be used and no building or structure shall be erected except in conformance with the following schedule: R-20/25, minimum yards, side, 20, rear 25.

THE CHAIR: Go ahead, Dave.

MR. LAVALLEE: Mr. Chairman, under Section 2-01A, the garage would be considered an accessory structure in that residential zone so it would be 10 feet from each property line if in the rear yard.

MR. WYSONG: In the rear yard.

THE CHAIR: Because it is classified as an accessory.

Now, let me ask you a questing, Dave, on that. It says: one accessory building. He has a shed and a garage. Isn’t that two? I’m referring to Matt’s question. He is only allowed one accessory building.

MR. LAVALLEE: Historically, it has been a shed and a garage. Historically, it has been a shed and a garage that’s allowed.

THE CHAIR: Okay, because the way I read it, it says one accessory building.

MR. LAVALLEE: We’ve approved sheds.

THE CHAIR: I’m sorry?
MR. LAVALLEE: We’ve approved sheds and garages.

MR. WYSONG: Okay. Point of order.

Section 2.01A: Other than garages used to house motor vehicles and barns used to shelter animals, accessory buildings shall follow the area schedule below: 260 square feet.

So you are asking for a variance of 500 square feet to build a two car garage as an accessory building? Things aren’t fitting together.

If it is an accessory building, you’re dealing with 260 square feet allowed by code, 10 feet from the property lines.

If you are building a garage, you are allowed 836 square feet, I think, but it has to be farther from the lines.

So I’m having trouble, we have a piece of paper we have to approve or turn down. It doesn’t strike me that it serves your purpose to either approve it or turn it down.

MR. TABER: Okay. I believe this would be considered a garage since it is for storage of vehicles. And, like Dave suggested, a garage is different than a shed.

MR. WYSONG: Okay. Then as a garage, it needs to be 25 feet from the rear line and 20 feet from the side line.

THE CHAIR: Dave, can you clarify it?

MR. O’KEEFE: I think it does because it says under 7A-00 no lot shall be used and no building or structure shall be erected.

And, if we look at the definition of structure under 2.2-1(9) it says anything constructed or erected would require the location on the ground or the attachment to something having a location to the ground. That’s a structure.

And, if it is a structure, it’s got to meet the -

THE CHAIR: The 20 foot --

MR. O’KEEFE: --- the 20’ in the rear yard.

THE CHAIR: Dave, would you clarify it, please?

MR. LAVALLEE: Sure. Mr. Chairman, this caveat is for structures, garages in the rear yard. Okay? Otherwise complying with the appropriate front or side yard. So that is correct if they are not in the rear yard. They have to meet the side and the front.
And, the accessory, as you say, one is allowed. It is one accessory shed is allowed with a garage. So you can’t have two structures which would other than a garage - sheds. One garage, one shed.

MR. O’KEEFE: But the structure, the garage, has to be --- has to meet the side and front --- the side yard and rear yard.

MR. LAVALLEE: Unless it is in the rear yard.

MR. O’KEEFE: Where does it say that?

MR. LAVALLEE: In 2-01A.(1).

MR. O’KEEFE: Okay.

For private garages.

MR. LAVALLEE: Correct.

THE CHAIR: So, let’s clarify again what or where or what you are asking for. What you submitted on the paperwork is not what you are asking for. Is that correct?

Because what we are looking at here --- I just want to make sure what we’re --- what you are asking for and what we are voting on.

MR. TABER: In the application, the description read: for a detached two car garage, 22 x 32, to the rear of the existing house. The appeal relates to having four garage bays.

MR. O’KEEFE: So if we were to approve say a 22 x 24, you would have four garage bays and a shed.

(Pause)

THE CHAIR: We’re getting ourselves into - and I understand exactly what you’re saying. We’re getting ourselves into a negotiation and I don’t --- I would prefer not to do that.

The applicant and I hear what you are saying, Matt and I agree with you.

MR. O’KEEFE: Well, what I’m concerned is -

THE CHAIR: Thirty two feet is much larger --- first of all, at 32 feet you can get in probably three cars.

MR. O’KEEFE: Well, that’s my point. At 22 x 32 there is nothing that precludes three cars from being stored in there and now you are talking five cars.
THE CHAIR: Correct. So, I don’t want to get into a negotiation saying would you be or would you agreed to 22 x 24.

What I want the board to understand is what you are coming and asking us. There are two alternatives as I understand it. Boarding up the front. You already have approval for a three car garage. You have to put in a driveway. You have to put in a parking lot, whatever you want to call it. That’s option one.

What’s option two is what you are asking for on your application is the ability to store four cars, one of which is a detached garage in the rear of your property and the size of that garage is 22 x 32 x 21 feet high. That’s what you are asking for.

MR. TABER: That’s correct.

THE CHAIR: Okay. So if this board is --- concentrates on option two, and we don’t necessarily agree with the 32 and we turn it down, you are then, we are locked in with a three car garage in the back. He doesn’t have to do anything. Just so we understand what we’re voting on.

MR. O’KEEFE: Well, it also appears that there is a second story on this garage from the drawing.

THE CHAIR: It is a story and a half and he’s allowed a story and a half, what do you want to call it --- one and a half stories.

So, you know, that’s what we have in front of us.

MR. WYSONG: What’s the --- excuse me.

THE CHAIR: Huh?

And, we can continue on with any questions. I just want to make sure of it in my own mind because I was totally confused.

MR. LAPORTE: Back there, what is that? That’s the option with the three car garage?

THE CHAIR: That’s the option with the three car garage. He’d have to put in a driveway. Obviously, with a three car garage he’s going to have a huge amount of asphalt in front of those three car garages.

MR. LAPORTE: Well, it’s getting away from the residential look. That’s all.

THE CHAIR: Well, I, well, that is what has been approved. What’s been approved by the town is he can go ahead and put that in and he can board up his existing two car garage and that’s what we’ve
got. So we’re caught between a rock and a hard place. If we turn it down, that’s what we get: a three car --- a large three car garage.

MR. O’KEEFE: But probably the shed has to be removed in that instance, too.

THE CHAIR: Why? Because it’s still a garage and one accessory building.

MR. O’KEEFE: Just the size of the lot, that’s all. And, the location.

THE CHAIR: Yah, well, and some trees would come down, I guess.

MR. O’KEEFE: Right.

THE CHAIR: Because you do have a number of trees ---

THE CHAIR: When I looked back there --- I’m sorry, Matt, go ahead.

MR. O’KEEFE: I said just with the size of the building I think the shed would have to be moved because he wouldn’t be able to fit it.

THE CHAIR: Yah.

MR. TABER: The difference between the two car variance garage and the three car approved garage is with the three car approved garage the doors are on the side. With the smaller variance garage, the doors are in front. So, that’s the difference.

THE CHAIR: And, how many trees would you have to take down in either case? Seems to me you’ve got to take some trees down. With either garage.

MR. TABER: There is a lot of trees. There are a lot of trees.

THE CHAIR: Right.

MR. TABER: However, with the variance garage, I will not need to put a parking lot in the back yard.

THE CHAIR: But you still have to take down some trees to put the building up.

MR. TABER: I would estimate having to take down two trees versus more than a dozen trees. I have nice aerial shots showing the trees in case you might not have stopped by.

THE CHAIR: That would be helpful. I noticed a number of very large trees.
(Submitted aerial shots)

(Pause)

MR. WYSONG: What is the height of the ceiling on the first floor?

MR. TABER: I estimate the height to be nine to ten feet.

MR. LOMBARDI: Now, would you be able to, if you wanted to and I know you stated that you didn’t want to, would you be able to put a driveway in similar to your next door neighbor’s where it comes off the normal driveway and goes back to the garage? A single lane.

MR. TABER: It’s possible. But my goal would be to not put a driveway in.

MR. LOMBARDI: Right. I’m just asking the question.

MR. TABER: And, retain the character of the back yard.

MR. LOMBARDI: Just for the future if some other home owner might be interested in that.

MR. TABER: I plan to be at 95 White Oak Drive for a very long time.

(Pause)

MR. WYSONG: You say the ceiling is, you estimate to be nine to ten feet?

MR. TABER: Correct.

MR. WYSONG: The sill height in your drawing is at 14 feet. Upper plate of the story and a half.

(Pause)

MR. TABER: Are you referring to the variance garage or the approved?

MR. WYSONG: I’m talking about the variance garage. I’m questioning whether it is a story and a half.

MR. TABER: The way I understand it and I went over this with Rob Librandi. If you cannot stand up on the second floor, it is considered a story and a half.

MR. WYSONG: Well, in the regulations there is a definition of that and it requires that the sill be no higher than two feet from the floor to be considered a half story. And, I think your floor at nine
feet would be upwards of three feet from the sill which would define it as a second story. A two story garage.

    MR. TABER: I believe when the drawings were created, the intention was a story and a half. I’ll have to go back and ---

    MR. O’KEEFE: But you can clearly have a room up there with eight foot ceilings and just have storage on the sides because of the size of it. You can clearly have a second story with that height.

    MR. WYSONG: Well, I think the definition in Section 2-07(g), if I wrote it down correctly or in 2-02(b) or 2-19(s) there is a requirement on what constitutes a half story and a full story. And, the governing requirement is if the floor is two feet below the sill, then it is a story. Otherwise, you could build your sill up 23 feet, put a little pitch roof on it and call it a half story. But you can’t do it unless the floor is less than two feet from the sill.

    (Pause)

    MR. LOMBARDI: Would you be opposed to a stipulation stating no living space above the garage?

    MR. TABER: That would be fine. We have no intentions of using the upstairs for anything but cold storage.

    MR. LAPORTE: So, this garage in the rear would be 704 square feet, total?

    MR. TABER: That’s correct.

    MR. LAPORTE: You are not going to add to that? That’s total?

    MR. TABER: That’s the total.

    (Pause)

    THE CHAIR: Do we have any other questions?

    MR. O’KEEFE: Well, I am looking at the definition of story and I talks about in determining the number of stories, a story with a ceiling which is six feet or more above the average level of the ground along the walls of the building shall be included.

    And, under the definition of half story, it talks about the portion of a building between the gable, hip or gamble, and the roof provided the flooring is not more than two feet below the plate.

    And, it looks like there is more than two feet from here to here (indicating). I mean, it is not a half story.
MR. WYSONG: It scales --- the plate is at fourteen feet off the ground. By the applicant’s estimation the floor is going to be at nine to ten feet. So you’ve got a floor with some structure that is at least three feet below the plate.

My concern is the building is disproportionately high. It’s really a two story building where one and a half is the maximum allowed.

MR. TABER: Would it help to raise the ceiling on the first floor?

THE CHAIR: Well, I think --- first of all, he doesn’t have building department approval for this, correct? This two car garage. He doesn’t have building department approval, correct? He does for the three.

MR. LAVALLEE: Right.

THE CHAIR: But he doesn’t for the two. So, as part of our stipulation we can stipulate that it is only a story and a half. When he goes before the building department that’s what they should be looking at when they approve the plan. Would that satisfy your requirement or your comment about it looks like it is ---

MR. WYSONG: It sounds like we’re in discussion.

(Chuckles)

THE CHAIR: Because the garage that’s the house to the left of it, the garage is facing in the other direction so it doesn’t look quite as tall, as in your face. I don’t know what the height of it is, but it is a two car —

MR. TABER: It’s actually a one car ---

MR. WYSONG: The neighbor ---

THE CHAIR: Right next door, they’ve got a —

MR. WYSONG: It’s quite a large building.

THE CHAIR: Huh? It is a large building but it is only a single car garage with one bay, door. I don’t know what it is in there. But it is very large.

And, one of the things that we have typically stipulated in the past when you have got a 32 foot depth -- Matt, to your comment about you could probably get at least three cars in there -- was to put a hip in there which means you don’t have a straight drive thru all the way thru. Which means, if he wants it for storage, that’s what would be for storage and not for storage for another car.
MR. O’KEEFE: Well, that’s what I was asking. If he’s asking for a variance, is he willing to give up the shed. It’s not a point of negotiation but it is a point of hardship. What’s the hardship you need storage if you’ve got a shed and you are saying you need storage.

THE CHAIR: Well, yah. But the point is the applicant doesn’t need to give it up --- give anything up. So our stipulation can be that there is a --- remember ---

MR. LAPORTE: A knee wall.

THE CHAIR: What?

MR. LAPORTE: A knee wall.

THE CHAIR: A knee wall at the 24 foot level. That way there he can use it for storage but he can’t put another car in there.

MR. O’KEEFE: And, no door on the other side.

THE CHAIR: I didn’t realize there was a door.

MR. O’KEEFE: No. There isn’t, but I’m just saying -

THE CHAIR: Correct, correct.

MR. O’KEEFE: He can put a knee wall in and put a door and go around.

THE CHAIR: Would that be acceptable, that stipulation?

MR. TABER: I think it would, yes.

I also have letters from my neighbors which I’d like to read.

THE CHAIR: Now, which neighbor is this?

MR. TABER: This is Jack and Leila Olson. The letter reads:

“To Whom It May Concern: We are the original owners of one of the first homes built on White Oak Drive in the year 1976. We request that a zoning variance be approved in favor of our neighbors, Michael and Stacy Taber in order to preserve the character of our neighborhood.

The zoning variance would allow construction of a detached garage which is modest and low key. Without the request variance our neighbors will continue constructing of a larger approved detached garage forcing the destruction of mature trees and possibly impacting the positive benefits we have obtained from those trees over the last thirty-seven years. Please consider
that those trees provide substantial shade for our home, including shade protection for our seasonal porch and thoughtlessly cutting down trees would be devastating to us after all these years. The shade provides comfort to our home and without the trees the personal value of our home will be diminished. We personally believe a variance is appropriate in order to avoid destroying a number of trees as a result of future construction.

Given a variance, a small garage which is more consistent with the existing conditions in the neighborhood will be constructed. We kindly request a common sense approach to protect the environment and maintaining the shade that the neighboring trees provide will be well preserved.

We believe the future construction of the larger approved detached garage is not our neighbor’s intended objective has produced a negative impact on the neighborhood given the substantial changes required to the land, changes to the trees and changes to the environment.

We favor a variance in order to eliminate the tremendous amount of asphalt required for a new driveway and parking area in the rear of the lot.

We are deeply concerned about the construction work that will be taking place to install the enormous driveway leading to the rear of our neighbor’s lot.

Please consider our meticulously maintained hemlocks and shrubbery separating the property as these trees were planted many, many years ago and they hold an irreplaceable value. Potential damage to our hemlocks and trees during construction would be devastating to us.

We believe it would be appropriate to allow a variance for a smaller garage as to not encourage damage to the existing landscape that has been part of our neighboring property for over thirty-seven years. In addition, without a variance, there will be undesirable changes to our neighbor’s existing garage which after review of the proposals, construction drawings, we do not believe will be visually pleasing. The changes to the existing garage will likely destroy the character of the neighborhood.

We ask that a variance be granted to avoid these problems. We have given much thought to this letter and hope that we have been able to clearly express our concerns. It is apparent the regulations are not logical and an unfavorable impact will occur to the environment and the character of the neighborhood without a much needed variance.
Having more than thirty-seven years of loyalty to our neighborhood we request that a variance to our neighbors be approved.”

THE CHAIR: Would you please turn that in to the secretary, please? And, if you have any others, you can turn them all in and we’ll read them in. Do you have others?

MR. TABER: I really think that letter says it all. Like I said, my neighbors are here tonight. This will give them an opportunity to speak publicly.

MR. LAPORTE: The knee wall, how far from the back?

THE CHAIR: The garage is 24 feet deep, so I would say at the 24 foot level. That would give them eight feet for storage in the back.

MR. O’KEEFE: I guess what confuses me is when I am looking at the approved plan; the depth of the garage is 24 feet, albeit it’s three cars. And, I’m wondering why the two car garage has to be 32 feet when 24 feet is what he would get. The structure is almost the same size except under the approved plan; he’d have a structure that’s 24 x 36 feet. Here he’s asking for 22 x 32 which is fairly close, plus the two car garage, attached.

What bothers me is the sheer size of it. In terms of how do you make something that big and then claim it’s a hardship when you could certainly make something smaller and not have a hardship.

MR. TABER: I don’t believe we could obtain the benefit that we’re seeking with a smaller garage.

MR. O’KEEFE: But you would have four bays. Instead of three. With a smaller structure.

MR. TABER: Let me just say that with the approved garage, the existing attached garage will be boarded up and used for storage space. Okay?

For example, if I was to construct a single one car garage in the rear of the lot and then take that storage space and attach it to that single car garage, that’s even larger than the one I am requesting tonight.

You see what I am saying? If I were to move this storage facility and attach it to single car garage at the rear of the lot, it’s even bigger.

The 704 square foot garage is the smallest detached garage. The other two garages are larger.
MR. WYSONG: You have an approved three car garage. I think the drawings went by here.

THE CHAIR: Right.

MR. WYSONG: You were before this board for a side yard variance for that garage some number of weeks ago?

MR. TABER: It was the --- it was an appeal. It was not a request for a variance. It was the --- it was an appeal. It was not a request for a variance.

THE CHAIR: And, the appeal was for what?

Dave, do you have that, the previous one?

MR. LAVALLEE: Yes.

(Pause, pause)

MR. GWOREK: An appeal for more clarification.

MR. TABER: Correct. It was a public hearing for clarification of the zoning regulations.

THE CHAIR: Okay, so there was no vote taken.

MR. TABER: The application was withdrawn.

THE CHAIR: Okay, that’s right. Okay.

Matt, do you have any other questions?

MR. O’KEEFE: No.

THE CHAIR: Any other questions?

MR. WYSONG: If you were to build a three car garage, which you say is approved and I’m not sure what the approved is, would you be looking for a side yard variance?

MR. TABER: I don’t believe a side yard variance is required. The three car garage has already been approved.

(Pause)

MR. LAPORTE: So, all in all, we’re getting a choice here.

MR. LOMBARDI: I just have one question.

MR. WYSONG: I don’t know where the three car garage is going in the back.
MR. LOMBARDI: Same spot.

THE CHAIR: The same spot.

MR. WYSONG: Okay, it wasn’t an addition to the existing.

THE CHAIR: No, no.

MR. WYSONG: Thank you for that clarification.

MR. O’KEEFE: But you wouldn’t be able to do this three car garage until after you dismantled your existing garage, correct?

MR. GWOREK: No, he would have to board it up. Claim it is not used as a garage.

To get the CO.

MR. LOMBARDI: If you proposed a one car garage, it would be an oversized one car garage similar to your neighbor. You wouldn’t need a variance. Is that correct?

MR. GWOREK: He’d only be able to do 12 x 24 without it.

MR. LOMBARDI: We didn’t establish a 12 x 24 was a standard, right? We just called it a one car garage.

THE CHAIR: Planning & zoning was going to look at that and do something with it.

MR. LOMBARDI: And, that wouldn’t require a variance.

THE CHAIR: Right.

MR. LOMBARDI: And, that is what his neighbor has.

THE CHAIR: Correct.

MR. LOMBARDI: A one car.

THE CHAIR: He’s got a one car but it’s huge.

MR. TABER: The neighbor did obtain a variance for a fourth garage bay. Okay, in case you’re wondering how the other neighbors on the street obtained the same variance for a detached garage ---

THE CHAIR: I don’t think that’s --- it’s really not germane because we take a look at every variance as it stands on its own merit.
What a board may have done ten years ago or five years ago is not necessarily — we don’t --- we are not a precedent setting board. We take a look at every variance and it stands on its own merit. Everyone might have a slightly different hardship, whatever. So going back and looking at history doesn’t really --- at least for me ---

MR. O’KEEFE: Yah, just a question. I mean, we’re talking about an approved three car garage. Am I correct in assuming that you could not get a building permit until such time as that two car garage was no longer a two car garage.

MR. TABER: That’s uh — I would say that —

THE CHAIR: You couldn’t get a CO.

MR. O’KEEFE: CO? So you could get the permit but you couldn’t get the CO.

THE CHAIR: Right.

Okay. No other questions?

Is there anyone speaking in favor of this application?

FROM THE AUDIENCE: I would like to.

THE CHAIR: Okay.

WILLIAM REDDY: I am William Reddy and I live at 90 White Oak Drive which is directly across the street from 95.

THE CHAIR: Okay.

MR. REDDY: You drove by, so the brown cape. Anyway.

I am in favor of the variance for slightly different reasons anyway. I am the person that has to look at that boarded garage if he builds a three car every day. I don’t aesthetically it fits into the neighborhood if that happens. I don’t think that will help real estate value. At some point, you know, I want to sell my house and I want my real estate values to go up.

The proposed variance, which I agree with, I that will enhance real estate values. I think aesthetically it is going to look a whole lot better than the other option. I know you weighed the two options back and forth. I really think the variance is the only legitimate option that makes sense for the neighborhood, for the character of the neighborhood. Now you can make some minor changes as you talked about, but I just think that that is the one that makes the absolute most sense. And, my drive, motivation strictly is the character of the neighborhood, real estate values and I have to look at that every day across the street.
THE CHAIR: Okay. Thank you.

JACK OLENSON: Good evening, I am Jack Ollenson, 85 White Oak Drive. I settled there in 1976 when LePage Builders was developing that neighborhood. At that point, there was a great deal of concern of the consistency of the appearance of the neighborhood, what house went where versus garrison vs Dutch. Colors of the shutters, et cetera, et cetera.

I was asked not to even put an antenna on the chimney up on top. And, the wife was also asked not to put a clothes line where it is visible from the street. So it was a deal of concern for the contingency (sic) of the neighborhood, the appearance. And, I further agree with what Bill Reddy just said and that basically goes along with the same line as far as resale and appearance of the neighborhood.

When you come around that corner and you see that nice white garrison sitting there for the corner, and it is uh, very appealing. And, I just cannot see how it’s going to look with a boarded up wall. With an empty space which is not going to accessible for anything.

The garage is actually detached from the home, so I can’t even see where they can even utilize it for a living space.

Thank you.

THE CHAIR: Thank you.

Anyone else here speaking in favor of this application?

(No response)

Is there anyone opposing this application?

Is there anyone opposing it?

(No response)

Hearing none, this application is closed.
B. APPEAL #5991A, Application of J & J Automotive Customs LLC c/o Jonathan Stairs for a special exception approval to allow applicant to apply to the State of Connecticut for used car sales & service under Section 4-03.32A, 11-03 & 15-05 of the Zoning Regulations, 2211 Meriden Waterbury Road, property of Marion Mall Associates, LLC c/o David Cayer in a B zone.

JONATHAN STAIRS: Good evening, everyone. My name is Jonathan Stairs and I am the owner and member of J & J Automotive Customs, LLC. I currently reside in (inaudible) Hotchkiss Road, Prospect, Connecticut.

I am here before you tonight with the application for a new business to be located at 2211 Meriden Waterbury Road. Starting May 1, 2013, I will be running a retail business selling and installing after market accessories and handicapped adaptive equipment while selling used vehicles and general repair.

I will be leasing the store fronts 7 & 8 from Marion Mall Associates. At this location there was recently a business offering the same services since the 1970’s.

Any questions?

THE CHAIR: Okay.

MR. LAPORTE: So this business is similar to what was there?

MR. STAIRS: Yes, sir.

MR. WYSONG: Was the business that was there in the business of selling used cars?

MR. STAIRS: Yes.

THE CHAIR: Are you talking Custom Coach?

MR. STAIRS: That is correct.

MR. LOMBARDI: Where would you be storing the used cars for sale?

MR. STAIRS: The used vehicles would be --- there are nine parking spaces behind the gas station up front. The used vehicles I am actually going to be more focusing on what are handicapped accessible vehicles. So there really does not have any need to be roadside viewing because people that are looking for that type of vehicle I will be selling, obviously, will drive in.

There is nine parking spaces.

THE CHAIR: What are your hours of operation?
MR. STAIRS: We will be open Tuesday thru Friday, 9:00 to 6:00 and 9:00 to 3:00 on Saturday. Closed Sunday and Monday.

MR. LAFORET: We did have stipulations on the last one.

THE CHAIR: Yah, the vice chairman has got the list of them.

MR. GWOREK: You said there is going to be nine parking spaces that are going to be marked for the used sales.

MR. STAIRS: Correct.

MR. GWOREK: How many total vehicles? I mean, are you going to have some in the shop offered for sale? You said the handicapped vehicles are not going to be used for show, but just to get an idea of how many vehicles at any one time will be for sale.

MR. STAIRS: Inside the shop there will be --- to do handicapped sales there has to be a vehicle inside for people to come in and actually see the types of ramps and whatnot.

I would honestly say at the most I would have seven vehicles for sale. But like I said, there are nine spaces, parking spaces.

MR. GWOREK: If I write nine, is that acceptable? No more than nine?

MR. STAIRS: Yes.

THE CHAIR: And, what do they do? They drive around the back of the facility to get the vehicles in for maintenance and repair?

MR. STAIRS: Absolutely.

THE CHAIR: There is no body work going on?

MR. STAIRS: No.

THE CHAIR: No body work, painting or that kind of stuff?

MR. STAIRS: No.

THE CHAIR: Nothing from an environmental standpoint?

MR. STAIRS: No.

THE CHAIR: Okay.

MR. WYSONG: This is under Section 403.32A- special permit use that you are requesting?

Maybe I’ll address this to the chairman.
Mr. Chairman?

THE CHAIR: This is a special exception that we’re looking at.

MR. WYSONG: It is a special exception as it is written on the agenda.

THE CHAIR: Correct.

MR. WYSONG: Under article or 4-03.32A they talk of special permit uses. Is there a difference?

THE CHAIR: Let’s check with the zoning --- the acting zoning enforcement officer.

MR. WYSONG: The acting zoning enforcement officer --- I’ll cut right to the chase.

Under a special permit use, there is a letter requirement to all property owners within 500 feet or something.

MR. LAVALLEE: Correct.

MR. WYSONG: Has that letter been sent?

MR. LAVALLEE: No. I believe that the option is special exception or special permit. So, we’re working under the guise of the special exception, site plan, what have you, through planning & zoning. If he changed the parking spaces, which he is not, so likely he would just need a zoning permit for the location and special exception from this board to do so.

MR. WYSONG: Then your interpretation of the zoning regulations would not require this applicant to have notified all business and property owners within a certain radius of this automotive business?

MR. LAVALLEE: No. No. Other than the posting of the sign that he had.

MR. WYSONG: Thank you.

THE CHAIR: Okay, do we have any other questions of the applicant?

(No response)

Matt?

MR. O’KEEFE: No.

THE CHAIR: Okay, thank you.
MR. STAIRS: Perfect. Thank you.

THE CHAIR: Is there anyone here speaking in favor of this application?

Is there anyone here speaking in favor?

(No response)

Anyone opposing this application?

Anyone opposing?

(No response)

Hearing none, this application is closed.
C. APPEAL #5992A, Application of Katholiki Georgaras Morin for special exception approval for a food vending trailer under Sections 4-01.31 & 15-05 of the Zoning Regulations, 447 North Main Street, property of Polar Properties LLC in a B zone.

THE CHAIR: Will the applicant please state your name and address?

MR. MORIN: Jeff Morin, 457 North Main Street. We just wanted to renew our permit for our food vending trailer and with the option to extend the hours. It expired.

You can see them right there.

MR. WYSONG: Okay.

THE CHAIR: Questions of the applicant?

MR. GWOREK: All the previous stipulations would be fine except the hours of operation would be changed?

MR. MORIN: Exactly.

THE CHAIR: And, you’ve been there, what, this past year you were there. There has been no complaints as far as I know to the zoning enforcement officer.

Unless we have questions? Any questions of the applicant?

(No response)

Thank you.

MR. MORIN: Thank you.

THE CHAIR: Anyone here speaking in favor of the application?

(No response)

Anyone opposing this application?

(No response)

Hearing none, this application is closed.

8:00 pm.
Chairman Robert Salka called the Regular meeting of the Southington Zoning Board of Appeals to order at 8:00 o’clock, p.m. in the Municipal Center Assembly Room with the following members in attendance:

Jeffrey Gworek, Joseph LaPorte, Matthew O’Keefe & Bryan Wysong

Alternates: Thomas Lombardi
Dee Ahern

Absent: Ronald Bohigian, Alternate
Paul Bedard, Alternate

Others: David Lavallee, Assistant Town Planner

A quorum was determined.

ROBERT SALKA, Chairman, presiding:

NEW BUSINESS:

A. APPEAL #5990A, Application of Michael & Stacy A. Taber for a 324 sf variance to 1,188 sf where 864 sf is allowed to construct a detached garage under Sections 2-01 2-07 & 15-04 of the Zoning Regulations, 95 White Oak Drive, property of Michael & Stacy A. Taber in an R-20/25 zone.

Mr. LaPorte made a motion to approve Appeal 5990A with the stipulations of the 704 square feet in size and the knee wall will be 24 feet in. Mr. Gworek seconded.

Discussion:

Mr. O’Keefe said when he questioned the applicant; his concern was the hardship and the size. And, I don’t know that the applicant addressed the issue of the size. What he basically did was say to us, you can give me something that’s too big or I can do something else that is offensive to myself and to the neighbors. But I don’t think he stated a hardship.
Mr. Gworek asked about adding the one and a half story stipulation as well. The Chair agreed.

Mr. Gworek withdrew his second. Mr. LaPorte withdrew his motion.

Mr. LaPorte then stated a new motion to approve with the following stipulations:

1. The knee wall 24 feet in.
2. The square footage would not exceed 704 square feet.
3. The height would be a story and a half.

Mr. Gworek seconded.

Further discussion:

The Chair said the concern he has is we are being asked to look at two alternatives. There was really no - I didn’t see a hardship given but my concern is I don’t like the first alternative as approved by the planning & zoning. That, to me, is just much too big. And, with the amount of blacktop for the driveway --- then you’ve got to start worrying about runoff and all kinds of things. Not only being offensive to the neighbors.

And, the current two car garage that is attached to the house is separated by a small foyer between the two. So, if he did decide to board that up, you know, I’m not sure what it would look like. So, I agree with one of the neighbors that lives across the street. The whole front of the house would have to be basically redone. And, I’m not so concerned about the cost of it, but just the look of it.

And, the idea that the three car garage with a driveway and all of the blacktop associated with it which is the only other option and that’s been approved. I don’t like that option at all.

And, with the two car with the stipulations put I, quite honestly, I think it’s the best we could do.

Mr. Wysong noted the drawing shows vertical siding. I don’t believe the main structure is vertically sided. I don’t remember. Perhaps we can ask the applicant. The Chair said he believed that the requirement for a detached structure is it has to be built out of the same material. It doesn’t say that the siding has to match exactly.

Mr. Lavallee said that was correct.

Mr. Wysong thought there was something that was kind of architecturally compatible in appearance.

(Pause)
Mr. Lavallee said he thought it was just the same material. He wasn’t sure it said anything about architecture.

The Chair asked Mr. Lavallee to take a few minutes to look that up.

(Pause, pause)

The Chair advised he thought it was under accessory buildings.

(Pause)

(Undertone comments)

Mr. Wysong pointed out that could wonder through three different sections of our book.

(Pause)

Mr. Lavallee commented that short of finding it, we could say that it has to meet the regulations.

Mr. Wysong referred to 2-07(g) a private garage shall not exceed the height of one and a half stories and shall be constructed with the same exterior building material as that of the principle structure. If it is horizontal vinyl siding then it is horizontal vinyl siding and not boarded.

The Chair felt that would be up to the building department. They would have to then catch that. Mr. Lavallee agreed.

The Chair said the approved garage has the horizontal so I would ask the building department to look to focus on that.

Roll Call:

O’Keefe: No
LaPorte: Yes
Wysong: Yes
Gworek: Yes
Salka: Yes

Motion passed 4 to 1.

B. APPEAL #5991A, Application of J & J Automotive Customs LLC c/o Jonathan Stairs for a special exception approval to allow applicant to apply to the State of Connecticut for used car sales & service under Section 4-03.32A, 11-03 & 15-05 of the Zoning Regulations, 2211 Meriden Waterbury Road, property of Marion Mall Associates, LLC c/o David Cayer in a B zone.
Mr. Gworek made a motion to approve Appeal #5591A with the following stipulations:

1. No automotive work to be done outside the building.
2. No cannibalized vehicles.
3. No outside storage of equipment, parts or material.
4. Not more than nine vehicles to be offered for sale.
5. Nine specified parking spaces to be marked.
6. No advertising flags, banners, strings or pennants, festoons of lights, twirlers, propellers, streamers, sandwich board signs or similar devices of a carnival nature to be displayed on the site.
7. Parking spaces to be striped.
8. Handicapped signage to be installed.
9. No gasoline sold.
10. Hours of operation will be from Tuesday thru Friday, 9:00 am to 6:00 pm. Saturday 9:00 to 3:00. And, closed Sunday and Monday.

Mr. O’Keefe seconded.

Discussion:

The Chair said it is basically the same use that has been over the past few years with Custom Coach. The same basic work. They had vehicles for sale. So it’s not really a change. And, it sounds like with the handicapped there will actually be less traffic and activity because they had a retail store, as well. It sounds like it is a pretty good fit for that mall. It’s got the parking spaces. Not necessarily designated for selling, but the parking, et cetera.

Roll Call: O’Keefe: Yes
LaPorte: Yes
Wysong: Yes
Gworek: Yes
Salka: Yes

Motion passed 5 to 0.

C. APPEAL #5992A, Application of Katholiki Georganas Morin for special exception approval for a food vending trailer under Sections 4-01.31 & 15-05 of the Zoning Regulations, 447 North Main Street, property of Polar Properties LLC in a B zone.

Mr. LaPorte made a motion to approve 5992A. Mr. Wysong.

Mr. Gworek asked if it would be the same stipulations as the previous application? The Chair said yes.
Mr. Wysong withdrew his second. Mr. LaPorte withdrew his motion.

Mr. Gworek made a motion to approve Appeal 5992A with the following stipulations:

1. There is no temporary signage allowed including but not limited to balloons, streamers, flags and banners.
2. The trailer must be removed off site at the end of each business day.
3. Garbage must be cleaned up.
4. The location of the trailer shall not obstruct any sight lines.
5. Health department approval is necessary.
6. Any storage of food on site must satisfy health department regulations.
7. Hours of operation will be limited to Monday thru Friday from 7:00 am to 8:00 pm. Saturday 9:00 am to 3:00 pm.
8. Applicant is the only person allowed to operate at the specific location.
9. No other location will be allowed unless the applicant applies to the zoning board of appeals for approval.

Mr. O'Keefe seconded.

Mr. O'Keefe said it has been there before and it’s a minor deviation in hours. It’s not really any change at all.

Roll Call:

O'Keefe: Yes
LaPorte: Yes
Wysong: Yes
Gworek: Yes
Salka: Yes

Motion passed 5 to 0.

MISCELLANEOUS / OLD BUSINESS / NEW BUSINESS

Mr. LaPorte brought up the streamers. The Chair asked Mr. Lavallee if he had the time to do any enforcement for this kind of thing. Mr. Lavallee said he sent letters and he will make visits to the sites.

Mr. LaPorte asked about parking on the grass, is that allowed --- Meriden Waterbury Road. Down by Topp’s. There is steamers and they’re parking on the grass. It’s right next to McDonald’s. Mr. Lavallee said he would look into it.

Mr. Wysong noted there was a package store liquor State of Connecticut application also at 2211 Meriden Waterbury Road. A big
sign posted May 9th and it has to stay up to the 5th or something like that. What’s the process? Do they go to get state approval first? And, then come here? Or come here first? The Chair advised they have to come here first. Mr. Lavallee said then we would sign off and they go to the state.

Mr. Wysong said there was a state sign put up just in the last couple of days. It is a 3 x 4 foot reproduction of a state liquor application permit with fancy trim around the edge. It looks like they blew up a 9 x 11 certificate. It is in the same mall that we just dealt with, 2211 Meriden Waterbury Turnpike.

There is a new Chinese restaurant that’s going in.

Discussion around the fact that was approved in February.

Mr. Wysong advised he could’ve been off on a cruise some place. Sorry about that.

(Chuckles)

Mr. Gworek made a motion to adjourn. Mr. LaPorte seconded. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 8:15 o’clock, p.m.)

Robert Y. Salka, Chairman
Zoning Board of Appeals