

TOWN OF NEWINGTON
ZONING BOARD OF APPEALS
CONFERENCE ROOM L101
131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111
March 5, 2015

I. ROLL CALL

Comm. Ekstrom: Chairman Califano

Chairman Califano: Present

Comm. Eckstrom: Comm. Plavcan

Comm. Califano: Absent

Comm. Eckstrom: Comm. Igielski

Comm. Igielski: Present.

Comm. Ekstrom: Comm. Quattromani

Comm. Quattromani: Present

Comm. Ekstrom: Comm. Tangier:

Comm. Tanger: Present

Comm. Ekstrom: Comm. Richter

Comm. Richter: Present

Also Present:

Michael D'Amato
Zoning Enforcement Officer
Assistant Town Planner

Chairman Califano: Before we start the meeting, we will go over how the meetings are run. The petitioners will be asked to come up to the podium and state their name, address, and whatever they are looking for in their petition and also they must tell us what their hardship is in the petition. After they have told the commissioners what they are looking for, we will ask anyone from the public if they would like to comment for or against the petition. After that we will bring that part of the meeting to a close and open with our work shop part of the meeting and when we close the meeting anybody that is here can stay if they wish, but they cannot participate in it and if they can't stay for the meeting they can call the Building Department tomorrow and find out what the decision was on that petition. We have three regular commissioners here and two alternates who will be able to vote so for the the petition to pass you will need 4 out of the 5 votes.

Comm. Ekstrom: PETITION 00-15-02 Jilian and Nicholas Crawford of 56 Cheney Lane are seeking a Variance of 4'-6" from the required 10' of the Newington Code Section 4.5 concerning side yard setbacks for primary buildings in the R12 Zone. 56 Cheney Lane is located on the northerly side of the road, approximately 700 ft. east of Main Street

Chairman Califano: Will you step up to the podium.
Please state your name and address.

Mr. Crawford: My name is Nicholas Crawford, 56 Cheney Lane and we recently decided that we need more space to our home so we started investigating our options and we played around with several different layouts and the one that is in front of you guys made the most sense to us. We found out that we had to get it surveyed so we got it surveyed and what the surveyor told is that the setbacks go through our home so I got one that goes through my living room on the east side of my home, I got one that goes through my garage on the west side of my home so pretty much I can't go up either side of my house. The east side of my home I have a lot of room and that would require the largest variance. In talking with the surveyor one of the things he told me was that our garage which we are proposing to build above, just put on a second story - he stated as legally noncompliant were his words. I don't know when setback requirements came about or when they were changed but our biggest hardship is where the hole is placed on the lot and with the setback changes I don't come up with any option with that. So if you went up it makes more sense to our home, it has a natural fit, it fits in with the neighborhood. My wife took pictures of all the homes in the neighborhood, besides ourselves that have similar layouts and it looks nice. So it fits in the neighborhood. If we were to just go back to put that kind of footage on the back of our home I would have to double the size of my house, the footprint. If we go just above the garage, the footprint isn't really moving at all. I am not going any closer to my neighbors. I am not going any closer left. I am not going any closer right. I am just going up. Also I have a corner lot which is a little more of a disadvantage compared to other homes because I had a 35 on the front and 30 on the side and then 30 in the back and now I got a 10 ft set back allowance on the west side of my home, whereas most people you know have 10 on each side so that is a bit of a disadvantage as well. You will also see that we attached a letter from our neighbors so ultimately the most that are affected are them if I was to build new what I want to build above my garage. They are okay with it. It doesn't bother them because of the fact that we are not going any closer to them as we are now. We have a little dip in our back yard and there are also pipes. Off my gutters I have a pipe system that runs towards the back of the house and I prefer to stay away from that if I can. We have to open up the back a little bit so when the footprint of the house is changing we are changing it towards the area that we can't move legally, just back. There is a living room going back about 16 feet and the kitchen getting built out as well and we chose that because we can move that way. That is just about what it is.

Comm. Richter: You are putting in a front porch off of it.

Mr. Crawford: Yes, coming forward but we are still within the setback requirement.

Comm. Richter: And you are going over the existing garage, you are going to tear that out and in the same footprint, though.

Mr. Crawford: Yes.

Mr. Crawford: The one thing with my garage now you will notice in the survey, one side is 546 and the other side is 6 because in order to put on that addition, the garage had an addition to it and it is crooked and it is kind of falling apart so I can't build there unless I repair the foundation I would be tearing down the garage, straightening out that foundation so that it would line up with the front of the house because the floor in the original portion of that garage addition is still good, so we straighten it out and then we go up, so the porch - if you saw the survey one corner does just hit the setback requirements on that radius because the square lot it curves on me, it just nips the corner of our proposed porch. We have got to move that in, if you would allow me to do that.

Comm. Richter: Now you are going with Plan A, or Plan A and B.

Mr. Crawford: Plan A.

Chairman Califano: Anyone else?

Comm. Igielski: On the larger portion where there are the diagonal lines, is that what you are removing?

Mr. Crawford: I do not have that in front of me. I would be happy to explain it to you. What I wanted to show was how the overall footprint would be changing and just having them cross hash the part that is rolling, that is what that represents, that is new foundation. The garage we are going to build above that because it is not moving, I did not want that cross hashed in the plan.

Comm. Igielski: All right and the reason you are not building on the other side of the house is because your setback is...

Mr. Crawford: ...it goes through our living room, yes

Comm. Igielski: ...and it will change your living room and your floor plans.

Mr. Crawford: Yeah.

Comm. Igielski: I did drive by your house today and I saw the side of the house and there is a lot of land there, but that is not the best...

Mr. Crawford: ...the setback goes through our room, so to me that said you can't go that way and if we did, I would need a variance of you know, 10 to 14 vs. 4-1/2.

Comm. Richter: Are you putting in an added basement in?

Mr. Crawford: Yes, in the back of the house, where the garage is, there is currently a basement in there now but I don't want it - I just want slab on grade.

Chairman Califano: So the house that you are going to build, when it is built, is it going to look similar to this one?

Mr. Crawford: That is actually our neighbor's home, yep, it will be very similar to that.

Chairman Califano: Is it going to be set back or going to come out even with that -with the original house?

Mr. Crawford: It is going to be very even to that, I think it will happen. Unfortunately where my steps are, if I can show you. There is a little runner right there to get into my garage instead of having to go straight across.

Chairman Califano: How about the height of it?

Mr. Crawford: From floor to ceiling inside we will have the same height. From the top of the garage, if you are looking at my home, it's - we are going to connect it to the house. It is going to be part of the house, the door would get wider.

Comm. Igielski: And your porch would be within the setback that you are supposed to have.

Mr. Crawford: That is correct. If it is a 35 foot setback, I think it would be 34 point something.

Comm. Tangier-I would just like to clarify, your existing garage is 10 feet from the property line now, or is it 5'6" from the property line now.

Mr. Crawford: It is 5'6" from my property line.

Comm. Tangier-So you are already in noncompliance, so you are asking to rebuild in the same place.

Mr. Crawford: That is correct.

Comm. Tangier-Where the current garage exists.

Comm. Quattromani: In the back where there is piping-is that for drainage from the gutters?

Mr. Crawford: From the gutters.

Chairman Califano: How long is the porch going to be, all across the front of the whole house?

Mr. Crawford: Yes, almost.

Comm. Richter? Isn't the setback 35 feet?

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Michael D'Amato

Zoning Enforcement Officer: We talked about this with them. They had two options. They can reduce it by 6 inches and be compliant or, theoretically apply for a variance in the front yard. Right now they are only worrying about the garage. There are two separate issues here. It just wasn't worth them paying to have the garage redrawn for 6 inches which we could easily address during the permit process.

Mr. Crawford: It is 5'6" from the wall.

Chairman Califano: The porch?

Mr. Crawford: Yeah.

Chairman Califano: And almost the length of it?

Mr. Crawford: Almost. Our survey here shows that it just nicks but we will give it to the architect and reduce the size and the amount that we have to reduce it and if it gets to the point where it does not make sense then we are not going to have it. We would love to have it, but if we cannot make that work, we are not going to do it.

Chairman Califano: And both jobs are going to be done at the same time?

Mr. Crawford: Yes, everything on that plan at the same time.

Comm. Richter: What amount of footage are you adding to the house?

Mr. Crawford: The footprint?

Comm. Richter: No, the existing right now is 13.

Mr. Crawford: The house is still 13 now without the buildable footprint.

Chairman Califano: Any comments from the Building Department?

Michael D'Amato

Zoning Enforcement Officer: The property is located in R12 Zone and the sideyard setbacks in 1947 when the house was built and we talked about it, the language in the 1947 regs says that if you were building on a lot or if you had a lot and were improving a lot, that two sideyards are required and the minimum width which would be 5 feet for either and then 12 feet for the sum of the two which means you could take 5 from one side and the other side has to be 7 or you could have 6 and 6, so the original garage was built in 1947 or 1941 with the house and in 1947 they did the addition off the back and it is in the file here and it was compliant when it was built, so the original owner was completely compliant at that point but the regs have since changed and yes, to be clear, the reason they are coming before you guys is because they are adding square footage in the setback, they are not getting any closer but the square footage that they are adding is 10 feet above the ground so they are building in place there, changing the location and an aerial photo of the property will look no different. The only thing you are going to see is the hatch that is off the back and that is a little more grey than what you typically see, but they are still adding area in the setback; they still need a variance even though the garage location was permitted in 1941.

Chairman Califano: Any questions from the commissioners? I guess that is all. Thank you very much.

Comm. Richter: I make a motion to close the public session.

Comm. Igielski: I second the motion.

Chairman Califano: All in favor? Aye unanimously.

May we have a motion to open the work session?

Comm. Quattromani: I make a motion to open the work session

Comm. Ekstrom: Second.

Chairman Califano: All in favor? Aye unanimously.

Petition 00-15-02 Jillian and Nicholas Crawford of 56 Cheney Lane are seeking a Variance of 4'-6" from the required 10' of the Newington Code Section 4.5 concerning side yard setbacks for primary buildings in the R12 Zone.

The petitioner is looking for a 4'-6" to add on to their house and they are going to move the garage and the foundation and build everything straight up adding 1200SF to the house which will double the size of their original house.

Comm. Richter: I see no reason that we should not grant it because it was built in 1941 and 1947 and not only that it is going to beautify the house, it is going to improve the house, it is going to improve the neighborhood! And they are going to pay more taxes. But they are not taking away from anybody and even looking at it, I think it really needs to be done.

Chairman Califano: It is an odd shaped lot and it does not help the situation, obviously if it was being built today, it would not be allowed - but in 1941 the rules and definitions of building lots were a lot different and at that time Newington was a small community and they were looking for people to move into it and they just didn't have these rules and regulations that we have now. Anybody else would like to comment on anything?

Comm. Quattromani: Does the size fit in with the porch?

Chairman Califano: Yeah, it is going to be 5-1/2 feet from the house, out and pretty much the width of the house. Do we have a motion for or against the petition?

Comm. Igielski: I move to accept the petition.

Comm. Richter: I second the motion.

Chairman Califano: All in favor.? Aye unanimously. The motion passes.

Comm. Igielski: I would like to thank you also for applying through the proper procedures and sometimes that is not always done.

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Chairman Califano: The motion is on the floor to end the Work Session.
There is a second by Commissioner Igielski. All in favor? Aye unanimously.

V. MINUTES OF THE PREVIOUS MEETING

Chairman Califano:

January 8, 2015 - Did everybody get a chance to look them over? Sophie did another excellent job. I make a motion that we accept the minutes of the January 8, 2015 meeting.

Comm. Richter: I second the motion.

Chairman Califano: All in favor? Aye unanimously.

VI. COMMUNICATIONS AND REPORTS

Michael D'Amato

Zoning Enforcement Officer: There is just one thing I would like to mention and that is when I get a minute I am going to start rewriting the ZBA application packet and it is a little confusing; I just want it to be a little more user friendly. I am going to start that. I rewrote it in the last town I was in so I will be sort of drawing from that and I think I will make it so that they will understand what they need to do. We expect them to represent themselves a lot of the time and they should be able to do that. So, I will be doing that and a couple of other things but I want to look into the fees of the application process, the packet and the whole procedure here. It is \$75.00 and it costs a couple of hundred just to put it in the paper, so I may be looking into that. There is a proposed house bill #6966 which is in the current legislative session that will allow towns to publish their legal notices on their web site or have it in the paper. So depending on how that bill goes, we may not have to approach the paper at all, so we will watch that and see where it goes and then we will look at the fees. I think we should look at how much it costs and do a real analysis of \$75.00 and what does a typical legal notice cost us and again, we are probably losing about three hundred bucks, on every application and you know, we do not have a real big budget. If the house bill passes then it is a moot point and it will be on the web site. The only other thing I wanted to mention is starting with the January 5, 2015 meeting all of the minutes are going to be on the ZBA web site along with the agendas, now everything is going to be on the web site, and I am working to get as much up there for everybody as possible. It should be a resource. So if you want to read the minutes or you don't have them and you say, 'what did I say there?', it will be on the web site. We will still be sending them to you, but you know, people can pull down the minutes if we have someone who is interested in a petition and they want to see what happened at the last meeting and they want to get a feel about how these are run, they should be able to get the minutes so they can see what the process looks like.

Comm. Igielski: Are there very many people in favor of not having - of only having the petitions come on the newspaper, because not everyone has access to the internet.

Michael D'Amato, Zoning Enforcement Officer: The statutes read now that you have to publish in a newspaper that has substantial circulation and there are different definitions of what that is but when I looked the last time when it went in - it was in a different newspaper so it would not be the same here. It costs us about \$350.00 to do all of these different publications and one of my commissioners came up to me and said 'why should my tax dollars be subsidizing their variance application?' and you know we do not have a ton of money. The average town would probably save ten grand a year publishing in newspapers because we have to run it twice and once after, so we are running it three times, at probably \$120.00 each time. The town foots this bill now. We don't necessarily need to look at bringing it to the cost, but we should look at maybe adjusting it.

Michael D'Amato

Zoning Enforcement Officer: That is when this house bill goes either/or and Newington is a bigger town whereas smaller towns cannot afford \$10,000 in legal fees and that is any conservation, any planning and zoning and ZBA and anything that requires a legal notice.

Comm. Richter: How long has it been \$75.00?

Michael D'Amato

Zoning Enforcement Officer: I couldn't tell you that.

Comm. Richter: I think if you research back, it would be a very good point and that it should be much higher, at least \$150.00.

Michael D'Amato

Zoning Enforcement Officer: I had someone call me and they were looking for a variance and I was explaining to them what a hardship was and this was just at the counter and I said if you cannot prove your hardship then the ZBA cannot approve your variance request. So what he said, 'well, it's worth a shot' and that is not the intention of it. For businesses on the Berlin Turnpike who have a million dollar building, seventy five dollars is kind of a drop in the bucket and you know, for something like they have done, you know, they spent \$75.00 on their application and you think of the cost of the job and how it is going to improve the structure, it is not necessarily comparable, so I think we should look to cover more of our fees. I am not saying to cover them all.

Comm. Richter: Everything has gone up.

Michael D'Amato

Zoning Enforcement Officer: TPZ has a very specific structure and we don't need to get into a complicated matter. The Conservation Commission also has the same type of thing. We have one type of application and I think we should just look at it, so I will try to get some information on that and we will follow this house bill and then we will go from there. That is all I have.

VII. NEW BUSINESS

Chairman Califano: New business.

Michael D'Amato

Zoning Enforcement Officer: Zero.

VIII. OLD BUSINESS

Chairman Califano: Old Business. Zero.

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IX. ADJOURNMENT

Comm. Richter: I make a motion that we adjourn the meeting.

Comm. Igielski: I second the motion.

The motion passes unanimously.

Respectfully submitted



Sophie Glenn

Recording Secretary