

ZONING BOARD OF APPEALS
October 7, 2013 Meeting Minutes

Board Members Present: Curtis Ruckey, Howard Aspinwall, Robert Rosenberg and
Douglas Hamilton

Town Staff Present:

Chairman Ruckey called the meeting to order at 7:05 pm

Board roll call was taken.

MINUTES:

No meeting minutes were discussed.

BILLS & CORRESPONDENCE:

Chairman Ruckey stated that he had received a letter dated September 29, 2013 from William Hamel, Secretary of the Windsor Locks Democratic Town Committee. He then read the letter as follows:

“Please be advised that, at its September 25, 2013, meeting, the Windsor Locks Democratic Town Committee voted unanimously to recommend Mr. Ronald King, to your Board to fill the vacancy created by the resignation of Mr. Peter Lambert.

Should you have any questions, or need additional information, please feel free to contact either DTC Chairman Neal Cunningham or me.”

Chairman Ruckey stated that he had also received Mr. Lambert’s letter of resignation.

OLD BUSINESS:

None

NEW BUSINESS:

- a. Public hearing on Application #FY13-14-05, Owner/Applicant: Matt White for a variance for the property located at 414 Woodland Street to reduce the rear yard setback to 16 feet, where 25 feet is required.**

Mathew White of 414 Woodland Street addressed the Board and stated that he was trying to build a covered patio. He explained that he had previously built an addition onto his house

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and that on the back of that addition there was a doorway where they had planned to build a patio. He went on to say that the rear of his property was very small and that he had only had 32 feet from the back of his addition to the rear property line.

Mr. White stated that the plans were for a 16 foot patio, but that he had not realized that he would need to be 20 feet from the rear property line. He went on to say that he would only have 16 feet to the property line. He then noted that Spring Park abutted the rear of his property. Mr. White pointed out that there was basically a cliff back there and that that property really could not be used for anything.

Mr. Hamilton asked if the property was zoned Residential A. Mr. White replied that it was.

Mr. White stated that he had submitted some photographs of the property. Chairman Ruckey stated that the Board members had not received those photographs.

Chairman Ruckey asked Mr. White why he had not chosen to stay within the required 20 foot setback. Mr. White replied that, if he were to do so, his patio would only be 7 feet. He then pointed out that everyone on that street had a pretty small backyard.

Mr. Rosenberg asked if there was currently a cement slab where the covered patio was being proposed. Mr. White replied that there was no cement slab.

Mr. Hamilton clarified that Mr. White currently had an addition that he had put on the home that was 10 feet by 25 feet. Mr. White stated that it was actually 10 feet by 30 feet. The discussion continued briefly and Mr. White reiterated that there was a door in the back of the addition that was put there to open up onto a patio. Chairman Ruckey then commented that Mr. White had essentially created his own hardship.

Mr. Hamilton commented that the Board needed to point out to Mr. White that there were only four Board members present and that any vote in favor of his application would have to be unanimous. Chairman Ruckey stated that he had already done so.

Chairman Ruckey referred to the hardship that Mr. White had written on his application, "only location to put the porch". He then pointed out that there were other options of where to place the porch. He then referred to the other part of Mr. White's hardship, "need more space in the house" and commented that he did not see how that related to an outdoor porch. Mr. White explained that they wanted to add additional living space outside as well as add property value. He went on to say that it would not be an eye-sore.

Mr. Hamilton clarified that there was currently a garage on the right-hand side of the home. Mr. White stated that it was not actually a garage; it was a metal building on the driveway.

Mr. Hamilton stated that he had driven by the property and had seen that metal building which would prohibit Mr. White from building anything on the east side of his home. He then asked Mr. White how far his home was from the property line on the west side. Mr. White replied that he did not know.

Mr. White pointed out that there were no habitants behind his property and that there never would be

Chairman Ruckey asked for public comments in opposition to the application. There were none.

Chairman Ruckey asked for public comments in favor of the application. There were none.

A Board discussion took place and Chairman Ruckey commented that, although the backyard was small, it was pretty common to the area. He then pointed out that the Board had received no comments either in favor or opposed to the application from the neighbors, therefore it would be solely up to the Board to decide whether it was in harmony with the area. Mr. Rosenberg stated that he did not feel that the proposed covered patio would detract from the neighborhood. Mr. Ruckey commented that he felt that Mr. White had created his own hardship when he built the addition onto his home. The discussion then continued briefly and Mr. Hamilton agreed that the hardship had been self-imposed.

Chairman Ruckey asked for a motion regarding Application #FY13-14-05. Mr. Hamilton moved to deny Application #FY13-14-05, Owner/Applicant: Matt White for a variance for the property located at 414 Woodland Street to reduce the rear yard setback to 16 feet, where 25 feet is required. Mr. Ruckey stated that all motions needed to be made in the affirmative. Mr. Rosenberg then asked if they could choose to not vote on the application and let Mr. White come back at the following month's meeting when the Board might have five members present. A brief discussion then followed. Mr. Aspinwall moved to continue the public hearing on Application #FY13-14-05 to the November meeting. Mr. Rosenberg seconded the motion. The vote was 3 in favor (Mr. Aspinwall, Mr. Rosenberg and Mr. Ruckey) and 1 opposed (Mr. Hamilton). The motion was denied.

Chairman Ruckey asked for another motion regarding Application #FY13-14-05. Mr. Aspinwall moved to approve Application #FY13-14-05, Owner/Applicant: Matt White for a variance for the property located at 414 Woodland Street to reduce the rear yard setback to 16 feet, where 25 feet is required. He then noted that the hardship was the size of the lot. Mr. Rosenberg seconded the motion. The vote was 3 in favor (Mr. Aspinwall, Mr. Rosenberg and Mr. Ruckey) and 1 opposed (Mr. Hamilton). The motion was denied.

Mr. White asked how he could appeal the Board's decision. Chairman Ruckey told Mr. White to go to the Building Office the next day to speak with Ms. Rodriguez. Mr. White then pointed out that the recording had not been on when the Chairman had asked him if he wanted to move forward with the public hearing that evening with only four members.

b. Public hearing on Application #FY13-14-06, Owner: Stuart White, Applicant: Brian Dupuis for a modification of a prior location approval for a Department of Motor Vehicles' License for the property located at 361 South Center Street.

Stuart White was present and stated that he was not sure if he wanted to move ahead with the public hearing that evening.

Chairman Ruckey reiterated that Mr. White could choose to not move ahead with the hearing that evening due to the fact that there were only four Board members present which would require a unanimous vote and move the public hearing to the November meeting instead. A brief discussion took place and Mr. White stated that he wanted to hold off and move the public hearing to the November meeting.

A brief Board discussion took place regarding meeting procedures and proper due process.

Mr. Hamilton moved to adjourn the meeting. Mr. Rosenberg seconded the motion. All were in favor. The vote was 4 – 0, the meeting was adjourned at 7:42 pm

Respectfully submitted,

Diane Ferrari
Recording Secretary

THIS IS A DRAFT

Please check the following month's meeting minutes for official approval of these minutes and any amendments or corrections that were made.