

**ZONING BOARD OF APPEALS**  
**July 7, 2014 Meeting Minutes**

Board Members Present: Shane O'Connor, Howard Aspinwall, Douglas Glazier,  
Douglas Hamilton and Ronald King

Town Staff Present: Jennifer Rodriguez,  
Town Planner & Certified Zoning Enforcement Officer

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The meeting was called to order at 7:02 pm

Board roll call was taken.

**MINUTES:**

**Chairman O'Connor referred to the June 2, 2014 meeting minutes and asked for any corrections or changes. There were none. He then asked for a motion. Mr. Hamilton moved to accept the June 2, 2014 meeting minutes, as published. Mr. Glazier seconded the motion. The vote was 5 – 0, the motion was approved.**

**BILLS & CORRESPONDENCE:**

None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

- a. Public hearing on Application #FY14-15-01, Owner/Applicant: Howard and Shirley Nelson for a variance for the property located at 18 Ross Way to reduce the side yard setback to 15 feet, where 25 feet is required.**

Shirley and Howard Nelson of 18 Ross Way were both present that evening. Mr. Nelson addressed the Board and stated that they were requesting a 10 foot variance in order to add a deck on the back of their home. He went on to say that they would not be infringing on the property line; there would still be 15 feet to the property line. He then explained that there was a wooded buffer zone from where his property ended to where the abutting neighbor mowed his lawn. Mr. Nelson noted that they could hardly see his neighbor's home from their house.

Mr. Nelson submitted photographs to the Chairman which showed the back of his property to his neighbor's property. He then explained that they currently had an existing patio and that the proposed deck would go out only as far as the patio currently went out from the house.

Mr. Nelson stated that he had been a resident of Windsor Locks for the past six years; since they had gotten married. He went on to say that his wife was a life-long resident of the town.

Mr. Glazier referred to the sketch that had been submitted with the application and asked if the wooded area was beyond where the 15 feet was indicated on the sketch. Mr. Nelson replied that the 15 feet was to the property line. Mr. Glazier then asked if the 37 foot wide buffer was the start of the abutting property. Mr. Nelson replied that that was correct.

Mr. Glazier read a letter from Fred Windish, President of the Windgate Mews Association dated June 17, 2014 as follows:

“The Nelsons have my permission to enclose back porch and extend the deck. As per plan and discussion. As long as the Building Department and Zoning Board approve the construction.”

Mr. Glazier then clarified that the Windgate Mews Association had already approved the proposed deck. Mr. Nelson stated that that was correct.

Mr. Glazier clarified that the Nelsons’ abutting neighbor had no objection to the proposed deck. Mr. Nelson stated that his neighbor had been sent a notice of the hearing and that he was not present that evening. He then noted that he had not spoken directly to his neighbor about their proposed deck.

Mr. Hamilton asked if the existing patio was in back of the house. Mr. Nelson replied that it was. He then explained that the existing patio was pretty close to 10 feet and that it had been put in when the house had been built. He went on to say that that was pretty much where the proposed deck would be put.

Mr. Hamilton clarified that the hardship being claimed was that there was no other side to put the deck. Mr. Nelson stated that that was correct. He then noted that the houses in that neighborhood were very close together.

Mr. Hamilton commented that although the Board’s decision that evening would not set a precedence, he was concerned that if the Board were to approve the variance requested that they would probably see other similar applications come in in the future. He then noted that properties #14, 17, 18, etc. all had the same 25 feet. Mr. Nelson pointed out that those other properties did not have the wooded buffer area behind them. Mr. Hamilton commented that it looked like properties 14 and 17 had the buffer area behind them.

Mr. Glazier asked if the proposed deck would abut directly to the back of the house. Mr. Nelson replied that that was correct.

Mr. Hamilton commented that the lots in the area were extremely small.

Ms. Rodriguez read her memorandum dated July 7, 2014 as follows:

“Comments:

1. The applicants, Howard and Shirley Nelson, are requesting:  
Variance to reduce the minimum side yard requirement for a Multi Family Development per Section 404 of the Zoning Regulations to 15 feet where 25 feet are required, in order to build a 10 feet x 15 feet deck at 18 Ross Way specifically.
2. The applicant has submitted an application form and site plan proposal for your review.
3. The applicant has submitted an application fee.
4. The applicant has claimed a hardship for your review.
5. If the board grants the request the Board shall enumerate the hardship(s).
6. The Board will need to determine whether or not the result of the requested variance is in harmony with the area in respect to public health, safety, property values and neighbor impact.
7. Possible Condition if request is granted – Changes to this site plan may require a return to this Board. This is not a permit to build. See the Building, Planning and Zoning Department for further requirements.”

Ms. Rodriguez stated that she had brought along the approved plan for the Board’s reference that evening. She noted that it was actually one large lot with several units on that lot. She then noted that the wooded area that the applicant had referred to may not stay as a wooded area; it actually belonged to someone else.

Mr. Hamilton clarified that the 37 foot buffer area could be built upon. Ms. Rodriguez stated that that was correct.

A discussion took place regarding the sketch/diagram that had been submitted with the application.

Ms. Rodriguez asked the Board members if they wanted her to get the file on the development from her office. The Board members stated that they did want to see the file. Ms. Rodriguez then left the meeting to retrieve the file from her office.

Mr. Hamilton asked when the Nelsons’ home had been built. Mrs. Nelson replied that they moved in in October of 2006 and that the home was built about one year prior to that.

Ms. Rodriguez returned with the original development plans for the Board’s review.

Chairman O’Connor asked the Board members for any further questions. They had none.

Chairman O’Connor asked for any public input in favor of the application. There were none.

Chairman O'Connor asked for any public input in opposition to the application. There were none.

**Chairman O'Connor asked for a motion regarding Application #FY14-15-01. Mr. Glazier moved to approve Application #FY14-15-01, Owner/Applicant: Howard and Shirley Nelson for a variance for the property located at 18 Ross Way to reduce the side yard setback to 15 feet, where 25 is required. Mr. Aspinwall seconded the motion. Mr. O'Connor asked for any discussion. There was none. The vote was 4 in favor to 1 opposed (Mr. Hamilton opposed), the motion was approved.**

**Chairman O'Connor moved to amend the motion to include the following conditions: Changes to this site plan may require a return to this Board. This is not a permit to build. See the Building, Planning and Zoning Department for further requirements. Mr. Glazier seconded the amended motion. The vote was 4 in favor to 1 opposed (Mr. Hamilton was opposed), the amended motion was approved.**

- b. Public hearing on Application #FY14-15-02, Owner/Applicant: Matthew White for a variance for the property located at 414 Woodland Street to reduce the rear yard setback to 17 feet, where 25 feet is required.**

Matthew and Cathy White of 414 Woodland Street were both present. Mr. White addressed the Board and thanked Ms. Rodriguez and the Board for accepting his application and giving him the time that evening. He went on to say that he wanted to build a patio in back of his house, but that he needed an 8 foot variance to do so. He explained that the proposed 15 foot patio would leave 17 feet to the property line, resulting in the need for an 8 foot variance.

Mr. Glazier asked if it was going to be a covered patio. Mr. White replied that it was going to be a covered patio. He then noted that his backyard abutted Town property. He then referred to the photographs that had been submitted with his application which showed that from his property line to Spring Street was all wooded (about 1,11.95 feet of woods). Mr. White commented that the proposed patio would not bother anyone nor infringe on anything.

Mr. Hamilton asked if there had been any response from the Town. The Recording Secretary stated that she had not sent an Abutters Notice to the Town, because the Board and Ms. Rodriguez were the Town and therefore already knew about the application. Mr. Hamilton commented that he would have sent notification to the First Selectman and the Town Attorney. The Recording Secretary commented that if the Board wanted to they could continue the hearing and she would send a notification to the First Selectman and the Town Attorney. The Board chose not to do so.

Chairman O'Connor stated that he had walked the property recently and that there was no drop-off; it just went straight back to the Town property.

Mr. Glazier asked if there was an addition on the back of the house and then the proposed patio. Mr. White stated that that was correct.

Mrs. White commented that they were very proud of their house and proud to own it. She went on to say that Mr. White had lived in Windsor Locks his entire life and that she had lived in Town for the past 16 years. She explained that they were just looking to add a patio in order to put a table, some chairs and a grill on. Mrs. White pointed out that no one would build behind them. She then noted that two of their neighbors were present at the meeting that evening and that both of them had also written letters in favor of their application.

Chairman O'Connor asked the Board members for any further questions. They had none.

Chairman O'Connor read the letter from Martha Bither dated June, 2014 as follows:

"I am writing in reference to the request of my neighbors, Cathy and Matt White, who wish to add a covered back porch to their home. I think it would be a fine idea. I have no objections. I hope they will be able to do this. With the way they take care of their yard, I know it will be done in good taste."

Chairman O'Connor read the letter from Lillian DiBacco as follows:

"Please allow Matt and Cathy White, to build their back porch. I live next to them and have no problem with this new addition to their home."

Chairman O'Connor read the letter from Kenneth Barnes dated June 9, 2014 as follows:

"Matt and Kathy White's property at 414 Woodland St is neat, clean and well maintained. I do not have any issues with the proposed variance as it will not affect me, my property (across the street from Matt), nor any of his adjacent neighbors for that matter."

Chairman O'Connor asked for any public input in favor of the application. There was none.

Chairman O'Connor asked for any public input in opposition to the application. There was none.

**Chairman O'Connor asked for a motion regarding Application #FY14-15-02. Mr. Glazier moved to approve Application #FY14-15-02, Owner/Applicant: Matthew White for a variance for the property located at 414 Woodland Street to reduce the rear yard setback to 17 feet, where 25 feet is required with the following conditions: Changes to this site plan may require a return to this Board. This is not a permit to build. See the Building, Planning and Zoning Department for further requirements. Mr. Aspinwall seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.**

Ms. Rodriguez referred to the email that she had received from Scott Storms that she had forwarded to all of the Board members regarding the process for dealing with Motor Vehicle Licenses. She stated that the Town of Portland was similar in size to Windsor Locks and that their process was that they placed Motor Vehicle License applications on their agendas, but did not hold actual public hearings on them. She explained that they put the applications on the agenda for discussion and that the Chairman just signed off on the applications. A discussion then followed regarding what the best approach for Windsor Locks would be. No decision was made as to what the policy should be in Windsor Locks.

**Mr. Hamilton moved to adjourn the meeting. Mr. Glazier seconded the motion. All were in favor. The vote was 5 – 0, the meeting was adjourned at 8:12 pm**

Respectfully submitted,

Diane Ferrari  
Recording Secretary

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**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.**