

**TOWN OF GRANBY
ZONING BOARD OF APPEALS
MINUTES
JUNE 21, 2016**

Present: Wayne Chapple, Ann Crimmins, Judy Goff, William Percival, and Robert Lindeyer

Chairman Wayne Chapple convened the meeting at 7:30 p.m. and introduced the Board members. William Percival read the Legal Notice, which was published on June 10, 2016 and June 17, 2016 in the Connecticut Section of the *Hartford Courant*.

REGULAR MINUTES

ON A MOTION by J. Goff, seconded by R. Lindeyer, the Board voted 4-0-1 to approve the minutes of the regular meeting of May 17, 2016 as presented. J. Goff abstained.

Chairman Chapple explained the procedure of the meeting and noted to those in attendance that decisions would generally be mailed to the applicant within ten days. Approval, when granted, shall be null and void if not filed within 90 days of the approval date.

PUBLIC HEARING

The continued public hearing on the appeal by Pam and Rick Stevens seeking a variance to allow residential dwellings that is separated from the primary residential building, as outlined and prohibited in Section 2.4 of the Zoning Regulations, for property located at 31 Wells Road. The application which seeks approval of two existing apartments currently located within an accessory building, opened at 7:38 p.m.

Pam and Rick Stevens, 31 Wells Road, had not arrived. Therefore, Chairman Chapple moved to the next public hearing.

The hearing on the appeal by Elizabeth Kendall seeking a front yard variance to Section 8.14.3 of the Zoning Regulations, to allow construction of a greenhouse for property located at 80R Donahue Road, opened at 7:39 p.m.

Elizabeth Kendall, 80R Donahue Road, appeared before the Board. She explained that she would like to build a 200 square foot aquaponics greenhouse on the southeast side of 80R Donahue Road property, which is within 100 feet of the property line with 64 Donahue Road. The greenhouse would be located next to a historical and current garden. The hardship is a topographical nature because the back and sides of the property are shaded with steep slopes (unacceptable for construction). The west side of the property is heavily wooded with mature trees. The back of the house has a septic field. The Board members were provided with a picture of a similar greenhouse (which was larger than the one she proposes at 12' x 16' building), a plot plan, and pictures of property looking north and south, and proposed location of greenhouse area. Ms. Kendall stated that the greenhouse was not intended for commercial purposes. Chairman Chapple commented that the Board had received emails from two neighbors, Jackie Johnson and Barbara Wetzel, who support this application. The Board discussed several zoning regulations in relation to the variance request. Summarizing, the request is for an 80 foot variance to Section 8.14.3 (rear lot) which requires a front yard of 100 feet. Ms. Kendall would like to place the greenhouse no closer than 20 feet to the front property line.

Public comment: None.
Public hearing closed at 7:50 p.m.

The hearing on the appeal by Chris DoCarmo seeking a front yard variance to Section 5.0 of the Zoning Regulations, to allow for a building addition for property located at 8 East Granby Road, opened at 7:51 p.m.

Chris DoCarmo, 8 East Granby Road, appeared before the Board. Mr. DoCarmo stated he recently purchased this property and hopes to operate a European style café. He wishes to build a new addition in line with the primary building structure, placing it 4.5 feet from street line. The new addition would be 36'x40' and would replace an older addition. The property is located within the Center Commons Zone. This zone allows a variety of commercial uses by Special Permit. The property has access to public water and sewer and natural gas is anticipated in the near future. Mr. DoCarmo clarified that the specific request seeks to locate the addition 4.5 feet from the street line. He noted that the new addition plans would include handicap bathrooms. He wants to maintain the trees on the property because of the aesthetics, shade, and maturity of the trees. Parking would be in the front area of the property. The addition would be constructed to keep the look of the house, which was built in 1884. When speaking about the hardship, the Board members noted that the house is on a pre-existing lot, built prior to zoning and further noted the heritage trees on the property. The Board indicated that the property is already zoned for the applicant's proposed use.

Public Comment: Eric Mainardi, 2 Park Place spoke in support of applicant's appeal in seeking a front yard variance.
Public hearing closed at 8:10 p.m.

The continued public hearing on the appeal by Pam and Rick Stevens seeking a variance to allow residential dwellings that is separated from the primary residential building, as outlined and prohibited in Section 2.4 of the Zoning Regulations, for property located at 31 Wells Road. The application which seeks approval of two existing apartments currently located within an accessory building, opened at 7:38 p.m.

The applicants were not in attendance.

Robert Bystrowski, 30 Wells Road, asked the Board if he would be able to further comment on the variance request for 31 Wells Road even though the applicants did not appear. At the previous public hearing, the legal standard (identifying the hardship) to grant a variance was discussed. Mr. Bystrowski handed out a copy of the real estate ad listing the property and noted that the lack of a variance for 31 Wells Road appears not to have impacted the value of the property. He further commented on farmhand apartments.

Public hearing closed at 8:16 p.m.

The Board discussed the appeal by Pam and Rick Stevens seeking a variance to allow residential dwellings that are separated from the primary residential building, as outlined and prohibited in Section 2.4 of the Zoning Regulations, for property located at 31 Wells Road.

ON A MOTION by W. Chapple, seconded by R. Lindeyer, the Board voted (4-1-0) to deny the appeal seeking a variance to allow residential dwellings, which are separated from the primary residential building, as outlined and prohibited in Section 2.4 of the Zoning Regulations, for property located at 31 Wells Road because there was a lack of prosecution in their non-attendance at this hearing and it was not proven that the apartments in question were pre-existing under the zoning regulations. Mr. Lindeyer opposed the motion.

The Board discussed the appeal by Elizabeth Kendall seeking a front yard variance to Section 8.14.3 of the Zoning Regulations, to allow construction of a greenhouse for property located at 80R Donahue Road.

ON A MOTION by R. Lindeyer, seconded by A. Crimmins, the Board voted unanimously (5-0-0) to grant an appeal seeking a variance to Section 5.0 of the Zoning Regulations, as proposed and outlined in the subject file, for property located at 80R Donahue Road as follows:

a front yard variance of 80 feet to allow for a building addition (aquaponics greenhouse) that can be located no more than 20 feet to the property line.

The hardship stated is the limited location to build because of the slope of the land, septic system, mature forest, and keeping it in the same vicinity of a historical garden.

The Board discussed the appeal by Chris DoCarmo seeking a front yard variance to Section 5.0 of the Zoning Regulations, to allow for a building addition for property located at 8 East Granby Road.

ON A MOTION by R. Lindeyer, seconded by A. Crimmins, the Board voted unanimously (5-0-0) to deny without prejudice the appeal seeking a variance to Section 5.0 of the Zoning Regulations, to allow for a building addition for property located at 8 East Granby Road due to the lack of specificity regarding the building location and where the addition would be built. Another application can be submitted once specific drawings are available.

The Board noted that it appreciates Mr. DoCarmo's consideration in keeping the character of the building and flora of the land.

ON A MOTION by A. Crimmins, seconded by J. Goff the Board voted unanimously (5-0-0) to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

Patricia I. Chieski
Acting Recording Secretary