

**MINUTES OF PUBLIC HEARING
HELD BY THE ZONING BOARD OF APPEALS
MAY 19, 2021**

MEETING HELD VIA ZOOM

ROLL CALL:

Members Present: James Stevenson, Chairman
Robert Haley, Vice-Chairman
Keshet Spadaccini, Secretary
Edward Slegeski

Alternates: Jonathan Mitchell, Sitting

Absent: Albert Gionet
Sandra DeCampos
Linda Harris

Also Present: Megan Pilla, Senior Planner
Nancy Martel, Recording Secretary

The Chairman opened the Public Hearing at 7:00 P.M. The secretary read the legal notice when the call was made.

PAUL & AMBER MORIARTY – Application #2021-029 – Request a variance of Art. II, Sec. 1.03.01(f) to allow a 288 sq. ft. “pool house” (shed with a covered deck) (240 sq. ft. permitted) at 199 Bella Vista Lane, Residence AA zone.

Paul Moriarty, 199 Bella Vista Lane, Manchester, introduced himself. Mr. Moriarty stated that they put in a pool and purchased a pool house. He noted that they purchased a floor model as they could not order one because of the pandemic. The building will be used as protection from the sun and storage of pool supplies. Mr. Moriarty did not receive the pool house until April, at which time they learned of the required variance. The Barn Yard was consulted and they were unable to trade it for a smaller unit.

Mr. Haley noted that they purchased the pool house in October 2020 in the middle of the Covid-19 pandemic. He questioned whether, because of the shortage, this was the only building they could obtain at this time.

Mr. Slegeski noted that they purchased the building in October 2020. He questioned when they learned about the variance.

Mr. and Mrs. Moriarty responded that they learned of the required variance when they applied for a permit in April 2021. The pool is still not completed. They thought the Barn Yard would obtain the permit, but when they learned they had to apply for it, the permit was denied.

Ms. Spadaccini asked whether the neighbors were concerned about the pool house, but Mr. and Mrs. Moriarty assured the members that they are completely in favor of the building.

Ms. Pilla reported that there were no Staff comments on the application.

Mr. Mitchell questioned whether the structure was purchased, or just the plans.

Mr. Moriarty replied that in October 2020 they purchased the actual unit, which was the last one on the lot. Ms. Moriarty reported that the building stayed on the Barn Yard lot until April 1st.

ROBERT & MARY FISH – Application #2021-031 – Request a variance of Art. II, Sec. 1.03.04(c) to allow a garage 1.5+/- ft. from the side property line (5 ft. required) and 2.5+/- ft. from the rear property line (5 ft. required) at 17 Strickland Street, Residence A zone.

Mr. Robert Fish, 19 Strickland Street, Manchester, introduced himself. Mr. Fish stated that they are requesting a variance for the setbacks to modernize the garage that has been in place since 1924. He said they would like to increase the size to 26 ft. x 26 ft. and place solar panels on the roof. Mr. Fish added that there is land behind their property that is unbuildable.

Mr. Haley assumed that they will not impede any further on the side than the existing footprint, which Mr. Fish confirmed.

Mr. Slegeski inquired whether the current garage has power.

Mr. Fish stated that they will bring electricity to the garage and add solar panels. He said he has discussed adding the solar panels with the builder and the solar company, noting that they will be hiring an electrician.

Mr. Slegeski questioned whether the Board should discuss permitting the electricity at this time and Mr. Stevenson responded that it would be part of the building permit process, which Ms. Pilla confirmed.

Mr. Mitchell noticed that there is a proposed new porch and an existing porch. He questioned whether that has been completed, and Mr. Fish confirmed that it was done in the past. Mr. Mitchell asked what the difficulty in installing the solar panels would be if the garage was shifted.

Mr. Fish responded that moving the garage forward could potentially cause shadows and other issues on the garage roof.

Ms. Pilla reported that there are no comments that arose after a review of the application. She referred to a small piece of land in the back of the property which is not buildable.

MR. & MRS. SUPRIN – Application #2021-032 – Request a variance of Art. II, Sec. 7.02.02 to construct a sundeck 21.5 ft. from the rear property line (30 ft. required) at 166 Castle Hill, Planned Residential Development zone.

Mr. Michael Bugnacki, 9 Abbe Road, Manchester, introduced himself. He explained that he is the builder of the home, and is requesting the addition of a sundeck. After the commencement of building, the client decided that they wanted to add the sundeck. The hardship is that the house was already constructed when they purchased it. In addition, they wish to exit the rear of the home without many steps as they age.

Mr. Haley surmised that a large part of this is the safety of the older adults to exit the home in an emergency, which Mr. Bugnacki confirmed.

Mr. Slegeski noted that the proposed deck is 12 ft. x 25 ft. He asked what size the sundeck would be in order to build it in accordance with the regulations.

Mr. Bugnacki responded that the sundeck would be 1.5 ft. x 25 ft.

Mr. Mitchell inquired whether there are two units.

Mr. Bugnacki explained that the property is a “zero lot line.” The property is labeled as 31B. The adjacent property is 31A. There is a slight connection at the property line running between the buildings. In addition, Mr. Bugnacki reported that the abutters are in favor of the proposed sundeck.

Mr. Stevenson commented that this is Unit B and questioned whether Mr. Bugnacki is building Unit A.

Mr. Bugnacki assured Mr. Stevenson that Unit A is complete.

Ms. Pilla read a comment from the neighbors, received on May 11, 2021:

To the members of the ZBA: We, the undersigned, the trustees of the Carol Maturo Ward Living Trust which owns the property known as 140 Castle Hill in Manchester, Connecticut, otherwise known as Lot 32A, of the Castle Hill subdivision, abutting the property known as 166 Castle Hill, otherwise known as Lot 32B of the Castle Hill subdivision, have no objection to the application 2021-033 by the owners of 166 Castle Hill, for a variance for a sundeck out to 21.5 ft. from their rear property line. Signed, Carol Maturo Ward, TTEE.

Ms. Pilla reported that there were no comments from Staff on the application.

Mr. Mark Suprin, 218 Lydall Street, Manchester, stated that he and his wife are purchasing the property, looking ahead to living there as they age. He and his wife sought to purchase their final home with a first floor master bedroom suite.

PAUL CONSTANT – Application #2021-033 – Request a variance of Art. II, Sec. 4.01.01 to install an air conditioning condenser 8+/- ft. from the side property line (10 ft. required) at 25 Green Manor Road, Residence A zone.

Mr. Paul Constant, 25 Green Manor Road, Manchester, introduced himself. Mr. Constant plans to install a central air conditioning system in his home, for his family's comfort. One of the companies that estimated the project stated that Mr. Constant would need a variance on the side of the house that is most suitable. There are impediments to placing the condenser on the other side of the house, as well the sloping land. Currently, he has approximately 11 ft. from the property line (minimum 10 ft. required). The condenser would be installed only 8 ft. from the property line.

Mr. Stevenson assumed that the hardship is that there is only one side where the condenser can be placed due to the topography of the property.

Mr. Haley inquired whether the house is built on a slab, which was confirmed. He noted that it is also a very small lot.

Mr. Constant added that his neighbors are in support of the variance.

Ms. Pilla reported no Staff comments on the application. There is a letter from Daniel Bessette at 31 Green Manor Road, who stated that he is not concerned about the application.

AUTUMN LAPOINTE – Application #2021-036 – Request a use variance of Art. II, Sec. 16.13 to allow an eyelash studio at 8 Sanrico Drive, Industrial zone.

Ms. Autumn LaPointe, 93 Tolland Road, Bolton, introduced herself. Ms. LaPointe stated that she plans to sublease a room in a friend's gym at 8 Sanrico Drive for her studio.

Mr. Haley questioned the approximate number of clients expected per day.

Ms. LaPointe explained that there would not be more than 7 or 8 clients per day. She said she is unsure of her hours, but they would most likely be 9:00 A.M. to 7:00 P.M. four or five days per week.

Mr. Haley stated that his concern is parking. It appears that there are only three striped parking spots. He noticed a landscaping truck at the location.

Ms. LaPointe spoke with her friend, the owner of the gym, and it is her understanding that they have extended the parking lot recently. She is quite sure that there will not be a landscaping truck parked permanently at the location. The owners of the gym assured her that she will have an assigned spot for her customers and she will be able to park in the back.

Ms. Spadaccini noted that it appears to be a good sized space. She sought to ensure that Ms. LaPointe would not have employees working for her, which was confirmed.

Mr. Mitchell questioned whether Ms. LaPointe is receiving any perks from the gym owner to help her launch her business.

Ms. LaPointe explained that the plan all along was to open the business in the gym. She stated that she had checked into renting a chair elsewhere, which would not be significantly more expensive. The gym has personal one-on-one training as well as training for competitions. Ms. LaPointe noted that those attending competitions will seek her services so they are stage ready.

Mr. Slegeski read the hardship on the variance application, which states, “the current use has lent itself to non-industrial applications.” He asked what that would be, and Ms. LaPointe responded that it would be the gym that occupies the space now.

Mr. Slegeski questioned if the gym is considered industrial in this case.

Mr. Stevenson asked whether the gym has a variance. Ms. Pilla stated that the gym does not. It falls under the use category of a health and fitness club, which is permitted in the Industrial zone. Ms. LaPointe needed to request the variance as her business falls in the personal services category. Ms. Pilla added that adjacent uses besides the gym are pet-based uses, which have use variances in place.

Mr. Stevenson assumed it is a complementary business to the gym.

Mr. Slegeski surmised that the fitness center does not lend itself to traditional industrial use.

Mr. Stevenson questioned whether the applicant would be able to get a plan depicting the new parking area for the record and she assured him she will do that.

Ms. Pilla stated that there are no Staff comments. Regarding the parking for business establishments, parking requirements are based on the square footage of the facility. The quantity of parking spaces required should not change as long as the square footage of the facility does not change.

Mr. Stevenson noted that they have carved out a space from the existing space.

Ms. Darlene Creed, 12 Arnold Drive, Tolland, introduced herself. Ms. Creed stated that she is in support of Autumn LaPointe’s proposal.

Ms. Spadaccini asked, if the request is granted and Ms. LaPointe closes the business, whether the variance will be only for an eyelash studio.

Ms. Pilla reported that the variance will stay with the location; i.e., an eyelash studio would only be permitted at that location.

The Public Hearing was closed at 8:00 P.M.

I certify these minutes were adopted on the following date:

June 23, 2021
Date

James Stevenson, Chairman

**NOTICE: A DIGITAL RECORDING OF THIS PUBLIC HEARING CAN BE HEARD
IN THE PLANNING DEPARTMENT.**