

Town of Windham
ZONING BOARD OF APPEALS
Regular Meeting

DATE: Thursday May 3, 2012

TIME: 7:00 P.M.

PLACE: Windham Town Hall, 979 Main St., Willimantic

A G E N D A

I. **Call to Order**

II. **New Business - DISCUSSION/POSSIBLE ACTION**

1. **Lisa Kowalsky 156 Plains Rd., Windham** seeking a Special Exception for an in-law apartment above a three car garage.

III. **Other - DISCUSSION/POSSIBLE ACTION**

IV. **Routine Business - DISCUSSION/POSSIBLE ACTION**

1. Review of Minutes
2. Miscellaneous

V. **Adjourn**

Robert A. Coutu, Chairman

Town of Windham

MEMORANDUM

TO: Windham Zoning Board of Appeals
FROM: James Finger, Town Planner
DATE: May 15, 2012
SUBJ: Planner's Report for next meeting

Lisa Kowalsky - 156 Plains Rd., Windham The applicant is seeking a Special Exception to establish an in-law apartment above a new three car garage to be built. In accordance with Section 21.2.2, the Zoning Board of Appeals is authorized to permit separate quarters for an in-law/accessory apartment within an owner occupied single-family dwelling or accessory structure by Special Exception in accordance with Section 92 provided that separate utilities are not connected for a second dwelling unit. The regulations require such a dwelling to be integrated into the existing structure. The use of such separate quarters as a rental unit shall be prohibited unless approved by the Zoning Board of Appeals as a Special Exception in accordance with Section 92 as an accessory apartment. If a separate entrance is planned, it shall be placed on the side or rear of the dwelling

92.4 **SPECIAL EXCEPTIONS:** The Zoning Board of Appeals is empowered to grant certain applications for Special Exception where specifically authorized, and to the extent permitted for certain uses of land, buildings or structures or other applications of property as provided in these Regulations. In granting or denying an application for any Special Exception, the Board shall specifically set forth the reasons for its decision in writing. In addition, the Board may modify the plan or proposal, and may impose such conditions as are deemed necessary to maintain harmony with the neighborhood so that neighboring properties shall not be substantially or permanently harmed. The Board shall act in an administrative capacity, and must determine whether the applicant's proposal satisfies the conditions set forth in these Regulations. The Board shall be guided by the following criteria:

- a. Adequate ingress and egress to the lot and to existing or proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire, emergency or catastrophe
- b. Adequate off-street parking and loading areas where required, with particular attention to the items in (a) above, and the effects on property values, noise, glare or odor on adjoining lots.
- c. Provision for trash, storage and delivery areas with particular reference to the items in (a) and (b) above.
- d. Adequate utilities, potable water, sanitary facilities, and storm drainage with reference to locations, availability and compatibility.
- e. Need and suitability of screening and buffering with reference to type dimensions and character.

- f. Appropriate materials to be used with respect to fire resistance and proximity to other buildings, and density of buildings in the neighborhood.
- g. Suitability of signs, if any, and exterior lighting with reference to brightness, glare, traffic safety, effect on property values, compatibility and harmony with other lots in the neighborhood.
- h. Required yards and other open space.
- i. General compatibility with lots in the same or abutting zoning districts.

Pending the outcome of the hearing, the staff does not object to this request.