

ZONING BOARD OF APPEALS
WINDHAM, CT

MINUTES

August 2, 2007

The Zoning Board of Appeals held its regular meeting on August 2, 2007 in Town Hall. Chairman Ernest Eldridge called the meeting to order at 7:13 P.M. Members present were Donald Potter, Ernest Eldridge, Robert Coutu, Al Beaulieu and Jose Cruz. Also present was Town Planner James Finger.

- 1) Julie Michaud, 101 North Street, Willimantic** – seeking a variance from side and rear yard setback requirements to build a garage.

Planner Finger's staff report dated July 27, 2007 explained that the applicant is seeking a variance from the side and rear yard setback requirements to build a garage on a site where a garage once stood. The problem is that this is a small corner lot, and there is nowhere else to put the garage so that it will conform to the regulations. The neighboring property has a building very close to her line also, and this will have to be addressed when she applies for a building permit to ensure adequate fire protection.

Julie Michaud spoke to the application. She said she would like to build a garage, but is unable to build it 10 feet from the property line as required. She said she would like to place the building 3 feet from the property line and there is an existing fence that separates her from her neighbor's property. She said she owns 2 feet behind the fence and would like to put the building 1 foot from the fence on her side of the property. She said a garage stood on the very same spot from 1901 to 1997, and this is why there is an existing paved driveway. One half is slab and one half is dirt. She said her lot is a corner lot and serves more like a side lot than a rear lot. My abutting neighbor has the same setup and all my surrounding neighbors have garages, she said.

Chairman Eldridge referred to the drawing and asked how tall the building would be. Franklin Amatos said the map shows it to be 16 feet, but the drawing is not to scale. Planner Finger pointed out that the regulations require a maximum height of 15 feet. Mr. Amatos said they could adjust the height to 15 feet. Board member Al Beaulieu said it wouldn't be any different from what was originally there. He added there is approximately 2 ½ - 3 feet between the Perception House property and the house. Donald Potter referred to the slab being one-half dirt and one-half cement. He asked if they plan to make it all cement. Ms. Michaud said a whole new slab would be added. Al Beaulieu asked if they would need a footing all the way around? Ed Hall (contractor) said he has spoken to the Building Inspector, Donald Shultz, and he said a slab would be approved if the building is less than 400 square feet and if the east portion of the building is less than 10 feet from the ground. Bob Coutu asked if the

building will be 1 foot away from the existing fence. Ms. Michaud answered yes, and we own 2 feet from the fence, she added.

Audience comments: 1) Dave Fowler, who works with Perception House, said they own the abutting property and they have no objections to the construction of the garage. They just want assurance that the garage will be on the applicant's property and not on theirs. He said they measured the part on the Spring Street property. It is supposed to be 100.2 feet from the pin where Spring Street and Church Street meet and goes up to that stockade fence. We recently put up a mesh fence around our property so that when the residents are playing ball it won't go into the neighbor's properties. The stockade fence is about 7 or 8 feet back. There is a 10 inch difference from where Ms. Michaud put her mark, and our only concern is that the proposed building be constructed on her property. Our main request is that a survey of the property be provided. We are very limited where we are. We have place for 2 cars and space to keep our trash cans. If we lose that space we won't have any space to put them. Planner Finger said it looks like the fence is on the line. They are not moving the fence, he said. It appears the fence is on the line and if the abutters don't have a problem with the garage being built where it is being proposed, I guess it is a moot point. Chairman Eldridge said the property line is not in question and it appears they are building the garage on their property. He said his concern is with water runoff from the roof. Planner Finger said what they are building should drain straight down. Chairman Eldridge added that the gutters should drain away from the neighbor's property. Planner Finger cautioned the applicant that they cannot move the fence because it is right on the property line.

As there were no other comments from the board or the audience, the public hearing was closed. Al Beaulieu made a motion to grant a variance from the side and rear setback requirements from 10 feet to no closer than 1 foot from the existing fence and that the building not exceed 15 feet in height. Don Potter seconded the motion. Discussion on the motion: 1) Don Potter suggested moving the garage over if possible to allow more room on the other side.

Al Beaulieu amended his motion to grant a variance from the side and rear yard setback requirements of 10 feet to build a garage no closer than 1 foot from the existing fence (on the Perception House side) and that the garage not exceed the maximum height of 15 feet. Bob Coutu seconded the motion. The motion carried unanimously.

2) The minutes of June 7, 2007 and July 5, 2007 were approved. Motion by Al Beaulieu and seconded by Bob Coutu. The motion carried unanimously.

The meeting was adjourned at 7:40 P.M.

Respectfully submitted,

Lillian Murray, Clerk