

**ZONING BOARD OF APPEALS
WINDHAM, CT**

MINUTES

Sept. 2, 2010

The Windham Zoning Board of Appeals held its meeting on September 2, 2010 in the Meeting room, Town Hall. Chairman Robert Coutu called the meeting to order at 7:00 P.M. Members present were Robert Wolf, Mary Ann Daly, Robert Coutu and Jose Cruz. Also present was Town Planner James Finger. Al Beaulieu and Andrew Gibson were excused.

1) Public Hearing: Michael Hardin and Bear Nolan of 533 Windham Road Willimantic – seeking a Special Exception for an In-Law Apartment as allowed in Section 21.2.2.

Michael Hardin spoke to the application for a Special Exception in order to allow an in-law apartment at his residence on 533 Windham Road. Planner Finger asked Mr. Hardin if he had delivered the notices advertising the public hearing to surrounding property owners, and Mr. Hardin said he had.

Mr. Hardin explained that he would like to add the in-law apartment for his mother-in-law, who is 74 years old, and has moved here from Kansas. He said she has been staying in his spare bedroom since last October, but needs her own living quarters. It will basically be a 22X28' unit with a door attached to what is now her bedroom (which will revert back to the house). The unit will include a sleeping area, bathroom and a little kitchenette, and the addition will be built on a slab.

Mary Ann Daly asked for confirmation as to the location of the street. Mr. Hardin submitted a map, which identified the location of the property, which is 1.73 acres. Mr. Wolf asked if the addition will be connected to the existing utilities. Mr. Hardin said the unit would be tied into his utilities (water, sewer, electricity) and they might add a small propane heater. He said the unit will have a front door as well as a back door.

Chairman Coutu confirmed that the 192' frontage is on Route 32. He asked if the unit will be on ground level and would be tying into the existing septic system. Mr. Hardin said the unit will be on ground level, and will tie into the existing septic system, which was built in 1961.

Planner Finger referred to the map and asked if the dimension shown is for the existing house. Mr. Hardin said yes, it was drawn to scale. The addition is going to be connected by a doorway which will be connected to the front room, said Finger, so it is not a separate dwelling. He said the Building Code says if you have an internal doorway then

it is not a separate unit and the building will still be considered a single-family dwelling. He said if someone wants to convert the in-law dwelling after it is no longer used for an in-law into an accessory apartment that would require another Special Exception. He questioned Mr. Hardin's future plans with respect to the addition. Mr. Hardin said he had no future plans, but 20 years from now he might be the in-law.

Mary Ann Daly asked if this unit has a connecting doorway would it still be considered an in-law apartment. Are we still considering the Special Exception for an in-law apartment? Planner Finger said this is what they asked for (in-law apartment), and this board is authorized to approve it. It is within your scope of authority to approve it, he said.

Mr. Wolf said Section 21.2.2 does talk about separate quarters for an in-law accessory apartment within an owner-occupied single-family dwelling.

Since there was no one in the audience to speak for or against the application, the public hearing was closed on a motion by Robert Wolf and seconded by Mary Ann Daly. The motion carried unanimously.

Robert Wolf made a motion to approve the Special Exception as requested and Jose Cruz seconded the motion. The motion carried unanimously.

2) Routine Business

The minutes of August 5, 2010 were approved. Motion by Robert Wolf and seconded by Mary Ann Daly. Voting in favor of the motion were: Robert Wolf, Mary Ann Daly and Jose Cruz. Bob Coutu did not vote as he was not present at the August meeting.

There being no further business, the meeting was adjourned at 7:20 P.M.

Respectfully submitted,

Lillian Murray, Clerk