

Town of Windham
ZONING BOARD OF APPEALS
Regular Meeting

DATE: Thursday September 1, 2011

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**
Continuation of Public Hearing from August 4, 2011:

- 1. **N&N Development, LLC** for property located at **89 Windham Rd. Willimantic** seeking variances from Section 27.6 on the side yard setback requirement of ten feet, in order to permit a new staircase to be constructed closer to the property line.

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

- 1. **699 Main St. LLC** – Pending legal matter

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

- 1. Approval of Minutes
- 2. Miscellaneous

- V. **Adjourn**

Robert A. Coutu, Chairman

RECEIVED FOR RECORD Aug 25, 2011
AT 4:35 PM Asst
BY Barbara McKunney TOWN CLERK

Town of Windham
MEMORANDUM

TO: Windham Zoning Board of Appeals
FROM: James Finger, Town Planner
DATE: August 25, 2011
SUBJ: Planner's Report for next meeting

N&N Development, LLC for property located at 89 Windham Rd. Willimantic

This applicant is seeking variances from Section 27.6 on the side yard setback requirement of ten feet, in order to permit a new staircase to be constructed closer to the property line in order to satisfy the State Building and Life Safety Codes.

The actual language of the zoning regulations state:

27.5 **LOT AREA, SHAPE AND FRONTAGE ...**

27.6 **SETBACKS:** The front yard setback shall be ten (10) feet ...The side yard setback shall be ten (10) feet except that in the rear yard, the setback shall be three feet from any property line for an accessory structure provided such structure is not located within ten (10) feet of any street line or another structure on a neighboring lot, and is limited in total floor area to no larger than 300 square feet and fifteen (15) feet in height. Otherwise, the standard setbacks shall apply.

Other

699 Main St. LLC – Pending legal matter - An appeal was filed against the Zoning Board of Appeals from its decision to grant variances on this property. As it happens, the Planning & Zoning Commission had been working at the same time on changes to the regulations for the Downtown area during the previous 3-4 months to allow the type of development that this applicant wanted to do anyway, but they were not ready to proceed with the changes as quickly as the applicant wanted to proceed at that time – so they came to the ZBA for a variance. Unfortunately, the appeal was taken. As a result of these events, the applicant has said it will abandon the variances and let judgment enter voiding your decision to grant them. So, to accomplish this, the Town Attorney has proposed that an agreement be entered in court that will declare the variance null and void, with no costs to any party. The Town Attorney will need your vote on this matter, in order to proceed.

The Planning & Zoning Commission has revised several sections of the zoning regulation

These are found at: <http://www.windhamct.com/commission.htm?id=ubcne5dm&m=boards>