

**ZONING BOARD OF APPEALS
NOVEMBER 29, 2007
TOWN COUNCIL CHAMBERS**

**TOWN OF EAST HARTFORD
740 MAIN STREET
EAST HARTFORD, CT 06108**



REGULAR MEETING

A Regular Session of the East Hartford Zoning Board of Appeals was called to order by Chairman Richard Torpey at 7:31 p.m. on Thursday, November 29, 2007 in the Town Council Chambers, 740 Main Street, East Hartford, Connecticut.

PRESENT: Chairman Richard Torpey, James McElroy, Tom Rup, Alternate Randall Newbury, Alternate Lucien Plante.
Also present: Gary Zalucki, Zoning Enforcement Inspector.

ABSENT: Richard Begley and Terry Kitchen.

I. Chairman – Call to Order

Chairman Torpey began the meeting with the Pledge of Allegiance and a reminder to the audience of the Fire Exits.

Chairman Torpey appointed Randall Newbury and Lucien Plante as voting members in the absence of Richard Begley and Terry Kitchen.
Tom Rup served as Secretary for the meeting in Terry Kitchen's absence.

II. HEARING OF ITEMS TO COME BEFORE THE BOARD; CALL OF ITEMS.

Variances requested and Appeals:

1. Jeanne Lombardo, **721 Burnham Street**, Is appealing the order of the Zoning Enforcement Official to remove a "fabric" building structure in accordance with Section 214.2(h), Accessory Structures. **(Zone R-2) [Postponed from the October 25, 2007 meeting]**
2. Mohamed Kahn, **58 Ellington Road**, Requests a variance from Section 205.1(b) Continuance of Nonconforming Uses and Section 210 Signs, for a proposed ground sign for a nonconforming business located in a residential zone. **(Zone R-2)**
3. Kevin Kolstad, **411 Connecticut Boulevard**, Requests a variance from Section 209 Parking, subsection 209.6 Illumination to allow for lighting levels at the property line higher than permitted. **(Zone B-3)**
4. Community Residences Inc., Paul Rosin, agent, **122 Syracuse Drive**, Requests a variance from Section 209 Parking, subsection 209.1 (a), to permit parking in the required front yard. **(Zone R-2)**

5. Cardinal Health Inc., **131 Hartland Street**, Requests a variance from Section 405.4 Yards, to permit a generator in the required front yard area. **(Zone B-4)**

RECESS – 10 minutes

**III: HEARINGS DISCUSSION AND BOARD DECISIONS:
Previously tabled items:**

1. Donna and Steve Henry, **77 Timothy Road**, Are appealing the order of the Zoning Enforcement Official to remove a “fabric” building structure in accordance with Section 214.2(h), Accessory Structures. **(Zone R-4) [Tabled from the October 25, 2007 meeting]**

James McElroy made a motion to uphold the Zoning Enforcement Officials order to remove a “fabric” building structure in accordance with Section 214.2 (h), Accessory Structures. Seconded by Tom Rup.

James McElroy noted that the letter received from Corporation Counsel stated that the zoning regulations are clear on “fabric” building structures.

Lucien Plante also stated that the letter received from Corporation Counsel dated October 31 had clear direction to uphold the Zoning Enforcement Officials order and to abide by the legal statements.

Uphold Zoning Enforcement Officials ruling 5:0

2. James W. Shelmerdine Jr., **793 Burnham Street**, Is appealing the order of the Zoning Enforcement Official to remove a “fabric” building structure in accordance with Section 214.2(h), Accessory Structures. **(Zone R-2) [Tabled from the October 25, 2007 meeting]**

James McElroy made a motion to uphold the Zoning Enforcement Officials order to remove a “fabric” building structure in accordance with Section 214.2 (h), Accessory Structures. Seconded by Lucien Plante.

No discussion.

Uphold Zoning Enforcement Officials ruling 5:0

3. Joseph and Nancy Dionne, **59 Sunnydale Road**, Are appealing the order of the Zoning Enforcement Official to remove a “fabric” building structure in accordance with Section 214.2(h), Accessory Structures. **(Zone R-3) [Tabled from the October 25, 2007 meeting]**

Lucien Plante made a motion to uphold the Zoning Enforcement Officials order to remove a “fabric” building structure in accordance with Section 214.2 (h), Accessory Structures. Seconded by James McElroy.

No discussion.

Uphold Zoning Enforcement Officials ruling 5:0

4. Marc Clancy, **8 Matthew Road**, Is appealing the order of the Zoning Enforcement Official to remove a “fabric” building structure in accordance with Section 214.2(h), Accessory Structures. **(Zone R-2) [Tabled from the October 25, 2007 meeting]**

James McElroy made a motion to uphold the Zoning Enforcement Officials order to remove a “fabric” building structure in accordance with Section 214.2 (h), Accessory Structures. Seconded by Lucien Plante.

No discussion.

Uphold Zoning Enforcement Officials ruling 5:0

Items heard tonight:

5. Jeanne Lombardo, **721 Burnham Street**, Is appealing the order of the Zoning Enforcement Official to remove a “fabric” building structure in accordance with Section 214.2(h), Accessory Structures. **(Zone R-2) [Postponed from the October 25, 2007 meeting]**

Lucien Plante made a motion to uphold the Zoning Enforcement Officials order to remove a “fabric” building structure in accordance with Section 214.2 (h), Accessory Structures. Seconded by Tom Rup.

No discussion

Uphold Zoning Enforcement Officials ruling 5:0

6. Mohamed Kahn, **58 Ellington Road**, Requests a variance from Section 205.1(b) Continuance of Nonconforming Uses and Section 210 Signs, for a proposed ground sign for a nonconforming business located in a residential zone. **(Zone R-2)**

James McElroy made a motion to approve the application as submitted. Seconded by Tom Rup.

Discussion was held.

James McElroy made a motion to withdraw the previous motion. Seconded by Tom Rup.

James McElroy made a motion to approve the request with the following stipulations:

The ground sign would be 25 square feet with a total of 4 signs. The total square foot signage will be 60.75 square feet. Seconded by Tom Rup.

James McElroy stated that the property and building has been an eyesore in the area and Mr. Kahn's movement to improve the property is appreciated.

Approved 5:0

Reason #3Relief can be granted because the variance requested is not in conflict with the spirit and intent of the zoning regulations.

7. Kevin Kolstad, **411 Connecticut Boulevard**, Requests a variance from Section 209 Parking, subsection 209.6 Illumination to allow for lighting levels at the property line higher than permitted. **(Zone B-3)**

Tom Rup made a motion to approve the application as submitted. Seconded by Lucien Plante.

Tom Rup stated that this is a good solution to the over-crowding of cars being parked.

Approved 5:0

Reason #2 Relief can be granted without impairment to the integrity of the zoning regulations.

8. Community Residences Inc., Paul Rosin, agent, **122 Syracuse Drive**, Requests a variance from Section 209 Parking, subsection 209.1 (a), to permit parking in the required front yard. **(Zone R-2)**

Tom Rup made a motion to deny the variance as submitted. Seconded by Lucien Plante.

Tom Rup stated that the home should not disturb the tenure of the neighborhood

Lucien Planted added that additional parking with not resolve the issues at hand. There is sufficient parking for the property and there was no hardship.

Denied 5:0

Reason #3 Disturbs the tenor of the neighborhood.

9. Cardinal Health Inc., **131 Hartland Street**, Requests a variance from Section 405.4 Yards, to permit a generator in the required front yard area. **(Zone B-4)**

Tom Rup made a motion to approve the application as submitted. Seconded by Lucien Plante.

Tom Rup stated that the applicant did a good job explaining the needs of the company along with a viable solution.

Approved 5:0

Reason #2 Relief can be granted without impairment to the integrity of the zoning regulations.

IV. OLD BUSINESS

For the record, a letter was received from Corporation Counsel addressing the issue of the fabric structures.

IV: NEW BUSINESS

Lucien Plante requested that businesses be informed of the town zoning regulation regarding fabric structures prior to the purchasing of the item. A recommendation was it be noted on Channel 5 and also be included in the tax bill.

Gary Zalucki, Zoning Enforcement Inspector reported that approximately 50 letters were mailed out throughout town in reference to the fabric structures on the resident's property. Most residents complied except for the few that requested an appeal. Gary recommended a letter or phone call be done to the businesses in the surrounding area.

V: MISCELLANEOUS

A. None

VI: APPROVAL OF ZBA MINUTES FOR:

A. October 25, 2007

Tom Rup made a motion to approve the minutes of October 25, 2007 as distributed. Seconded by Lucien Plante. Unanimous.

VII: PAYMENT OF BILLS

ZBA Clerk

Motion made by Randall Newbury to approve payment to the ZBA clerk. Seconded by Lucien Plante. Unanimous.

VIII: ADJOURNMENT

There being no further business a motion was made by Lucien Plante adjourn the meeting at 9:26 p.m. Seconded by Chairman Torpey. Voted unanimously.

The next regular meeting of the Zoning Board of Appeals is scheduled on Thursday, January 31, 2008 at 7:30 p.m. in the Town Hall Council Chambers.

Respectfully submitted,

Theresa Godreau