

**TOWN OF EAST WINDSOR - ZONING BOARD OF APPEALS
MINUTES OF REGULAR MEETING
JUNE 4, 2012**

The East Windsor Zoning Board of Appeals held a meeting on Monday, June 4, 2012 at the East Windsor Town Hall, 11 Rye Street, Broad Brook, CT. The following members were present: Regular Members José Giner, Scott Morgan, James Stremper and Thomas Talamini; and Alternate Members Nolan Davis and David Menard.

The meeting was called to order at 7:30 p.m. by Chairman José Giner. Mr. Stremper read the legal notice as it appeared in publication.

ESTABLISHMENT OF QUORUM:

A quorum was established as 4 regular members and all 2 alternates were present. Mr. Giner indicated that Mr. Menard would sit in as a voting member.

NEW HEARING:

ZBA #2012-03 - Application of Janet Knight for property located at 39 Rice Road, owned by Charles G. Knight, for a variance of Section 401 *Bulk & Area Requirements – Residential Districts (front yard setback)* to allow a proposed porch and ramp to be located less than the minimum of 50 feet from the front property line. [A-1 zone]

Jay Ussery of J. R. Russo & Associates represented the applicant, Janet Knight, who was also present. Mr. Ussery referred to plans and explained that the application is for a variance of the front setback required to allow the construction of a ramp and porch on the front of their existing home. He noted that the applicant's father has become disabled in his later years. He uses a wheelchair and a walker and has trouble negotiating the steps in and out of the house. In terms of hardship, the applicant had looked at ways to create access to the house in order to create a functional ramp to the porch to get from the driveway into the house. Mr. Ussery said that in coming around the side of the garage it falls off going to the left. As you come around the rear there is an access through the breezeway but there is a number of stairs. There is a patio area off of that but it is actually a lower elevation. It would require more work in terms of negotiating the topography. He said it would be much more practical to come out of the front door. The front setback in the A-1 zone is 50 feet. Mr. Ussery noted that the house currently is almost at 50 feet. He pointed out that the proposed porch would be 39.9 feet from the front property line and the ramp would be 36 feet away. He noted that many of the houses in this area are at or near 50 feet. He said the house was built in 1961 and felt that the regulations at that time were a little more relaxed.

Mr. Ussery said that they had sent out notices to the abutters. He said some of the neighbors asked about it and none had any issues with it. He indicated that there is a house down the street that has a front porch that is very similar. He said he didn't think it will be detrimental to the neighbors. He said if there is some concern, they could reduce the size of the porch from 10 feet to 8 feet. That would give them 41.9 feet from the front property line. Mr. Ussery noted that with this porch, her father can come out right at elevation and sit out front.

Mr. Morgan asked if there was any other way out in an emergency. Mr. Ussery said the front is the only area that would be handicap accessible.

Mr. Giner opened up the hearing to the public. No one came forward to speak.

MOTION: To close the hearing in **ZBA #2012-03**. Morgan / Menard / Unanimous

Mr. Talamini recused himself from voting as he is a neighbor. Mr. Davis was appointed as a voting member to sit in for Mr. Talamini for this application .

Mr. Giner suggested that if they approve this, they should add a stipulation that the porch not be enclosed.

MOTION: To approve **ZBA #2012-03** for a variance of Section 401 *Bulk & Area Requirements – Residential Districts (front yard setback)* to allow a proposed porch and ramp to be located less than the minimum of 50 feet from the front property line [A-1 zone] in accordance with the plans submitted and with the stipulation that no portion of the porch is to be enclosed.

Stremper / Davis

Discussion and Vote:

Mr. Giner said with the Americans with Disabilities Act, we have to provide some kind of accommodations for people to be able to get in and out. He said many towns exempt handicap ramps. He said it is a tenuous hardship but a porch is desirable for someone who can't get around too easily. The only way that he can get outside is through the front porch. Because of the testimony we had, putting it anywhere else on the property would not be a workable solution.

In Favor: Unanimous (Stremper; Davis; Morgan; Menard; Giner)

OTHER BUSINESS:

There was no other business.

PUBLIC PARTICIPATION:

There was no public participation.

APPROVAL OF MINUTES:

MOTION: To approve the minutes of May 7, 2012.. Morgan / Davis / Unanimous

ADJOURNMENT:

MOTION: To adjourn. Stremper / Morgan / Unanimous

The meeting was adjourned at 7:56 p.m.

Respectfully submitted,

Marlene Bauer, Recording Secretary