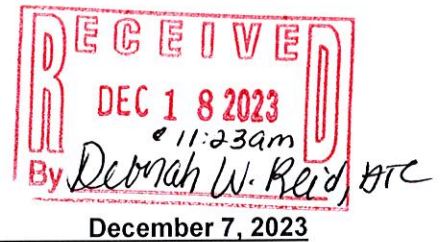


**TOWN OF SOUTH WINDSOR
ZONING BOARD OF APPEALS**



Minutes

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December 7, 2023

MEMBERS PRESENT: Steven Carty – Chairperson, Daniel Kane –Secretary, Wayne Kilburn – Vice Chairperson, James Kupchunos, Timothy Appleton

MEMBERS ABSENT: Teri Parrott

ALTERNATES PRESENT: Jon Stengel

STAFF PRESENT: Pam Oliva, Zoning Enforcement Officer
Nicole Kowalik, Recording Secretary

The following are motions made during the December 7th, 2023, Public Hearing/Regular Meeting.

Chairman Carty called the public hearing to order at 7:30PM. Chairman Carty reviewed the process for each application and meeting.

Recording Secretary Nicole Kowalik read the legal notice as posted in the Journal Inquirer.

Public Hearing

App. 2867-23 – Jeen Chwich Tammo – request for a 15 ft variance to Table 3.1.2A to allow pool equipment 5 ft from the property line (20 ft required) on property located at 15 Windy Hill Drive, AA-30 zone.

Sam Hasso presented the application behalf of applicant Abdul Tammo. Mr. Hasso commented how they are seeking a setback variance for pool equipment. He explained that everything falls within the setback line except for the pool equipment. Mr. Hasso explained that Mr. Tammo hired a pool company to install the pool. He mentioned that the installation of the pool and equipment and inspections went smoothly. It later came to their attention that the pool equipment was not within the setback line.

Mr. Frisbic mentioned that one of Mr. Hasso's neighbors had sent an email to the Town regarding the variance. Commissioner Carty commented that the email is part of the application.

Commissioner Stengel asked if there was any other documentation from the other neighbor. Mr. Tammo commented that he spoke to his other neighbor and said it was okay but there is no documentation. Commissioner Stengel asked when the pool was installed. Mr. Hasso commented that the pool was used in the summer. The equipment first ran in July and the neighbors have not heard the equipment run. Commissioner Stengel then asked if they contacted the pool company. Mr. Tammo mentioned that they did, and the company said they understood the pool should fall within the setback line and did not know the regulations for the pool equipment. Commissioner Stengel mentioned that one avenue of recourse would be to pursue the pool company to move the pool equipment. Commissioner Stengel asked the applicant if the problem is the expense of moving the equipment or the lack of area to move the equipment to. Mr. Hasso answered it would be the lack of space to the move the pool equipment.

Commissioner Appleton asked who installed the pool. Mr. Tammo answered a company called Pools & More. Commissioner Appleton mentioned that there is a large pad on property. It might cut into space where children might play but there is enough space. It seems that the pool installer should have known the regulations and it is mainly the pool company's issue. Commissioner Appleton asked what the hardship would be moving it where it should have gone in the first place. Michael Frisbic (friend of applicant) mentioned that different options were explored. He commented that the hardship is to go after the pool company, making it a legal matter, with something the company would not fix, as previously stated the company said it was not their problem. He mentioned that most of the pool equipment is movable and at

least one neighbor has come forward, commenting that they do not have a problem with the pool equipment. The pool equipment is also screened, and a physical structure could be built in the set back area.

Commissioner Kane commented that there is only one question that is bothering him and that is if pool equipment could be moved.

Commissioner Kupchunos commented that there is space that is limited. He mentioned a suggestion to put a sound proofing fence all the way around the equipment.

Commissioner Kilburn commented how variance changes are permanent. He also commented how the contractor was not looking out for the applicant's best interest. Commissioner Kilburn mentioned how there could be places for the pool equipment to be placed in compliance with the setback.

Commissioner Carty commented how if the property is granted with the variance, it stays with the property forever. There might be issues later in the future. Usually, variances would be granted before construction would begin. Variances discusses how work should not be started until the appeal process has lapsed. If the application was submitted before the construction began, the same questions that are being asked today would also be asked.

Mr. Frisbic clarified if a plan is submitted, the applicant would ask for variance before construction was done but that opportunity was not there. Mr. Frisbic then asked if there is there an opportunity to grant a variance with the condition to enclose the equipment. Commissioner Carty commented that it is possible, but it is not in the current application. Mr. Frisbic asked if it is possible to keep the public hearing open to explore different options.

Commissioner Kilburn asked the applicants how many times the inspector from the town came and did the work. The applicants answered that an inspector had come in four times. Commissioner Kilburn then asked what the inspector inspected. Mr. Hasso answered that the inspector measured the distance between the pool and the property line as well as the electrical and plumbing. Commissioner Kilburn commented how someone from the town checked the pool's setback line but did not say anything about the pool equipment. Pam Oliva commented that the Building Department are the ones who deal with these kinds of inspections. The Building Department does not know the zoning regulations. Commissioner Carty commented how the pool equipment was not even on the drawing.

Carty asked if there were any other questions from the commissioners.

Motion to: Leave public hearing open until the next meeting

Made by: Commissioner Kupchunos

Second: Commissioner Appleton

The motion: Unanimous

Vote: Carried

Deliberative Session: None

Approval of Minutes: None

New Business: Approval of 2024 meeting dates

Motion to: Approve 2024 meeting dates

Was made by: Commissioner Kupchunos

Seconded by: Commissioner Kane
The motion: Unanimous
Vote: Carried

Old Business: None

Correspondence: None

Adjournment:

Motion to: Adjourn the meeting at 8:23PM

Was made by Commissioner Kupchunos

Seconded by Commissioner Kilburn

The motion: Unanimous

Vote: Carried

Respectfully submitted;

Nicole Kowalik, Recording Secretary

