

SPECIAL MEETING AGENDA

1. CALL TO ORDER AND ROLL CALL

2. PUBLIC HEARINGS

A. 6:30 P.M.

2 - 19

Z-0002: Application for variances to the minimum front and side yard setbacks to authorize a two-car garage 5 feet from the side property line and 34 feet from the front property line at 50 Farmstead Road (Parcel ID 15.30.58, R-90 Zone). David Knecht and Lori Smolin Owners/Applicants.

[Z-0002-Applicant Extension to January 24, 2020](#)

[Z-0002 Letter from Sunrise Construction](#)

[Z-0002 2-Foot Elevation Contours](#)

[Z-0002 1962 Zoning Regulations-Dimensional Requirements R-1 District](#)

[Z-0002 1962 Zoning Permit-50 Farmstead](#)

[Z-0002 Request to Continue Public Hearing/Extension](#)

[Z-0002 Staff Memo-50 Farmstead](#)

[Z-0002 Letter of Support-50 Farmstead](#)

[Z-0002 50 Farmstead Road Application](#)

[Z-0002 Abutters List-50 Farmstead](#)

[Z-0002 Abutters Map-50 Farmstead](#)

[Z-0002 ZBA Abutters Notice-50 Farmstead](#)

3. OLD BUSINESS

A. Z-0002: Application for variances to the minimum front and side yard setbacks to authorize a two-car garage 5 feet from the side property line and 34 feet from the front property line at 50 Farmstead Road (Parcel ID 15.30.58, R-90 Zone). David Knecht and Lori Smolin Owners/Applicants.

4. ADJOURNMENT

From: [Lori Smolin](#)
To: [Linda M. Painter](#)
Cc: [Emmy A. Galbraith](#)
Subject: ZBA extension
Date: Wednesday, December 18, 2019 3:48:31 PM

Linda,
David Knecht and I would like to provide an extension to allow the ZBA public hearing to remain open until Friday, January 24th.

Lori Smolin

Lori Smolin
Department of Nutritional Sciences
U-4017
University of Connecticut, Storrs, CT 06269
860-486-5294



127 Mansfield Hollow Rd
Mansfield Center, CT 06250
Ph: (860) 933- 7626
www.sunriseconstruction.co
girshick@hotmail.com
Lic #611078

Date: 12/11/2019

To: Mansfield ZBA

From: Alex Girshick, Sunrise Construction

In respect to: Garage at 50 Farmstead Rd.

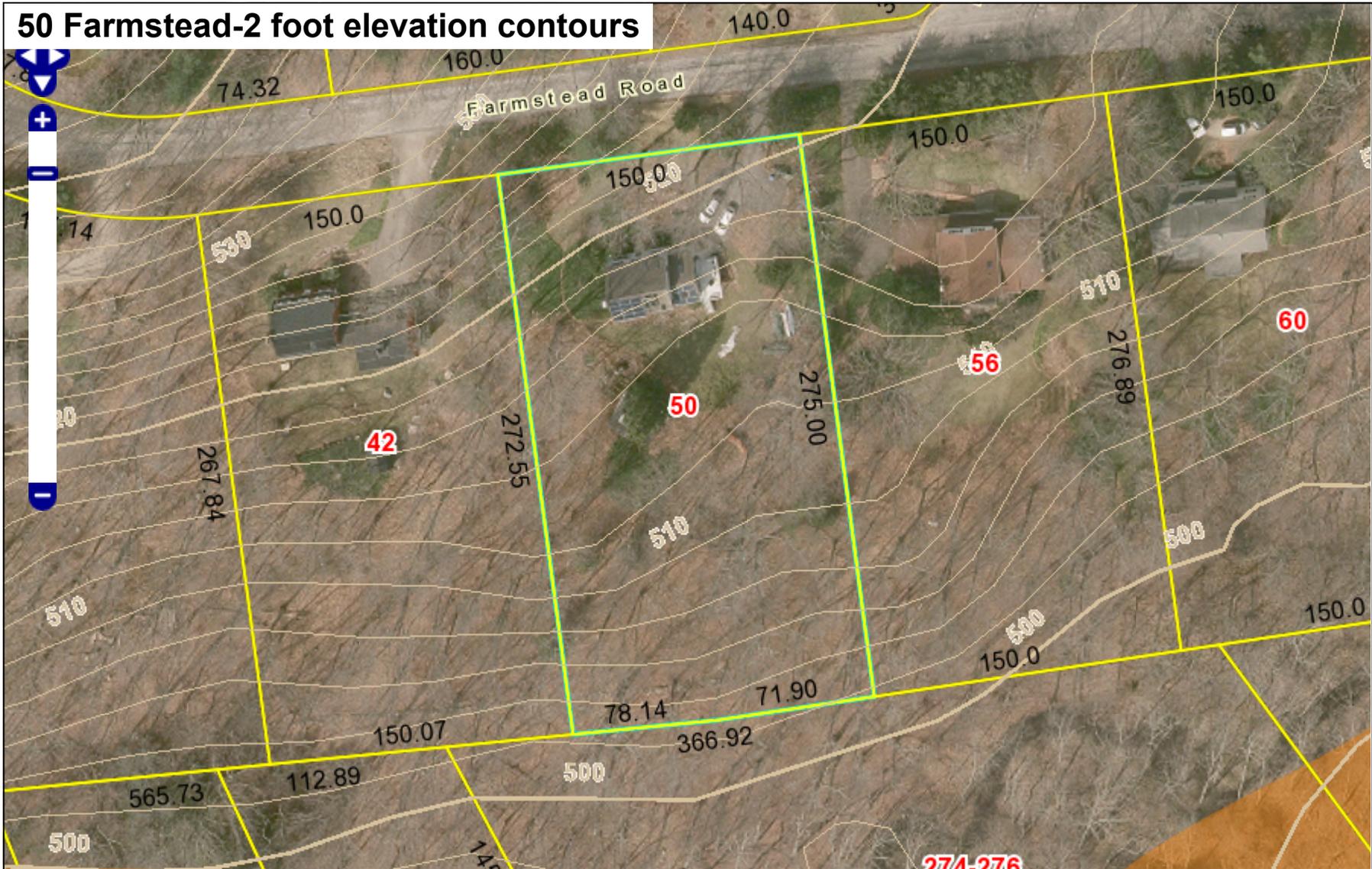
Lori Smolin and David Knecht have consulted with me in the planning stages of building a two-car garage on their property. Our original plan was to build it on the east side of the property using the existing driveway. At the ZBA meeting, they were asked to consider the possibility of building the garage on the west side of the house so it could be within the building lot boundaries. I would not recommend this location for several reasons. First, the building of a driveway across the front yard will create new drainage problems. I had installed a sump and pump in the basement several years ago to try to deal with many years of repeated flooding due to poor drainage and the topography of the lot. This has been successful, but the change to the front yard drainage pattern and the increase in impermeable surface will have unknown consequences to water flow and could lead to greater water influx overwhelming the sump system. Given the slope of the yard, a retaining wall on the street side of the driveway would also have to be installed and this wall would need drains to deal with the ground water moving downhill. These drains would then be within 25 feet of the well. The garage itself would be on a concrete slab, but I would recommend installing a curtain drain to keep water from running down the driveway and into the garage. This would be done whether the garage was on the east or west side of the house. However, on the west side, the drain would be within 25 feet of the well. Therefore, it is my opinion that building on the east side of the house is more practical and would not lead to changes in ground water flow that would negatively impact the basement and septic field of the house. Lastly, I would like to say that in my experience of over 20 yrs. building, I have never had a client install a driveway running in front of their house. I understand that this is not of concern due to the code requirements, but I certainly think it would destroy the aesthetic appeal of the property. This could have an undesirable effect for my clients when the day comes to sell the property. Selling the house could/would take a longer amount of time. They may have to take lower offers vs what the house/property is really worth since they would have to settle for what a potential client would be willing to live with. This is the case with selling most houses, but a driveway running across your yard, in front of the entry door, I would say is not common at all. Again I understand it's about code requirements, which I'm in favor of especially if a project will impact the environment, the municipality, the locality or the client. But for this particular project, due to the layout of an older existing lot, I do not see how any of those things are being affected if the variance is awarded.

Sincerely,

Alex Girshick

Owner/Operator of Sunrise Construction

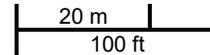
50 Farmstead-2 foot elevation contours



Town of Mansfield, Connecticut

Selected Parcel: 50 FARMSTEAD RD ID: 15.30.58

Printed 11/20/2019 from <http://www.mainstreetmaps.com/ct/mansfield/internal.asp>



This map is for informational purposes only. It is not for appraisal of, description of, or conveyance of land. The Town of Mansfield, Connecticut and MainStreetGIS, LLC assume no legal responsibility for the information contained herein.

Section 3.35

R-1 and R-2 Zone
BULK REGULATIONS

District	Group	For Uses Listed Below	The Following Bulk Regulations Apply							
			Max. Floor Area Ratio	Min. Lot Area in Square Feet	Min. Lot Frontage and Lot Width in Feet	Min. Required Front Yard, Depth in Feet	Min. Required Side Yard, Width in Feet	Total Width Required Side Yards in Feet	Required Rear Yard, Depth in Feet	Max. Building Height in Feet for Buildings
R-1	C	Single-family Detached Residences	0.15	40,000	150	50	25	50	50	30
R-2	D	Single-family Detached Residences	0.15	20,000	125	40	15	30	50	30
R-1 & R-2	D-1	Multi-family Residences	0.20	6,000 per dwelling unit	300	100	100*	200	100	30
Special Requirements in all Districts for Non-Conforming Lots				Existing Lot Size as per Mansfield Land Records, 4/28/59	Existing Lot Size as per Mansfield Land Records, 4/28/59	1/3 of Frontage	1/6 of Frontage	1/3 of Frontage	1/3 of Frontage	30 Feet

(See Also Sec. 3.1, 5.5 and 5.6)

* If there is more than one residential structure on the same parcel, at least fifty feet must be provided between such structures.

Estimated
Total Cost:

ZONING PERMIT

No. 62-63 (50)

Town of Mansfield
Planning and Zoning Commission

\$ 12,500.00

Date July 12, 1963

I, Laurier F. DeMars of RFD #3, North Coventry
(Name) (Mailing Address)

hereby make application for a Zoning Permit for
which (~~is~~/is to be) located on Farmstead Road (Land Use)

in the Town of Mansfield, the owner of record of which on this date is
Laurier F. DeMars

[Signature]
(Applicant's Signature)

Zone R-1 Lot Size 41,000 sq. ft. Sq. Ft. Livable Floor Area 1740

Property Line Clearances: Lot frontage 150 ft. Rt. Side yard 60 ft.
Front yard depth 60 ft. Left Side yard 60 ft. Rear yard depth 191 ft.

DO NOT WRITE BELOW THIS LINE

Requirements (Check): Fee pd.

Duplicate Plot Plan, 1"=50'
Lot Dimensions
Structures: Size
Location

Water Supply
Drainage Facilities
Parking
Signs none

Special Permit: Yes No No

Viewed site Date

Meets minimum: Lot size Floor area Property line clearances ...

Laurier F. DeMars is authorized to proceed with the
construction of a single-family dwelling

which (~~is~~/is to be) located on Farmstead Road in the Town of
Mansfield, the owner of record of which on this date is Laurier F. DeMars

Robert G. Anderson
Zoning Officer
Date July 12, 1963

Permit Denied

Reasons:

Linda M. Painter

From: Lori Smolin <lori.smolin@gmail.com>
Sent: Thursday, November 14, 2019 8:32 AM
To: Linda M. Painter
Cc: David Knecht
Subject: Re: ZBA extension

Yes that is correct.

I didn't understand the language. I thought I was asking for an extension, not providing one. But bottom line is that we would like the public hearing to remain open until Dec 18th.

Lori

> On Nov 14, 2019, at 8:21 AM, Linda M. Painter <PainterLM@mansfieldct.org> wrote:

>

> Hi Lori-Just to be clear, you are providing an extension to allow the public hearing to remain open until Wednesday, December 18th. Please confirm.

>

> Linda M. Painter, AICP

> Director of Planning and Development

>

> 860.429.3330

> linda.painter@mansfieldct.org

> mansfieldct.gov

>

>

>

>

> -----Original Message-----

> From: Lori Smolin <lori.smolin@gmail.com>

> Sent: Thursday, November 14, 2019 8:05 AM

> To: Linda M. Painter <PainterLM@mansfieldct.org>

> Cc: David Knecht <davidaknecht@gmail.com>

> Subject: ZBA extension

>

> Hi Linda,

> We have still not been able to schedule a meeting with Dave Smith, so meeting with the ZBA on November 20th will not allow us enough time to access his expertise. We would therefore like to request an extension. Let me know if you need anything other than this email to get this done.

>

> Thanks for your help,

> Lori Smolin

>

>

> Lori Smolin

> Department of Nutritional Sciences

> U-4017

> University of Connecticut, Storrs, CT 06269

> 860-486-5294

>

- The variance is in harmony with the general purpose and intent of the regulations;
- The application provides due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to the specific parcel of land that is the subject of the application; and
- Literal enforcement of the Regulations would result in exceptional difficulty or unusual hardship* based on conditions that affect the subject property but do not generally affect the district in which the property is located.

*Unusual shape or topography or other characteristics of the property which would interfere with its reasonable use are examples of hardships that may constitute valid grounds for a variance. Personal or financial hardship for the owner, or hardship which is the result of the owner's actions (both past and present), cannot be considered sufficient grounds for a variance.

NOTES

- The analysis contained in this report is based on the application submitted August 5, 2019 and received by the ZBA on August 21, 2019.
- Legal notice of the public hearing was published in The Chronicle on October 1 and October 9, 2019.
- Neighborhood Notification Forms were sent to abutting property owners on September 25, 2019. A copy of the neighborhood notice form, mailing list, abutters map and certified mail receipts have been provided to the Planning Office.
- The applicant provided the following image on October 8, 2019 to document installation of the yard sign:
- The following correspondence has been received regarding the application:
 - October 3, 2019 letter from Xiuling Lu and Jun Han, 56 Farmstead Road
- The Public Hearing on this application will be opened on Wednesday, October 16, 2019 and must be closed by Wednesday, November 20, 2019 unless a written extension is granted by the applicant.
- Before rendering a decision, the Zoning Board of Appeals must consider other referral reports and public hearing testimony. A decision must be made within 65 days of the close of the Public Hearing unless a written extension is granted by the applicant.



Mansfield Zoning Board
Audrey P. Beck Building
4 South Eagleville Road
Mansfield, CT 06268

October 3, 2019

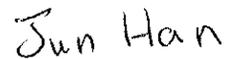
Dear Zoning Board:

David Knecht and Lori Smolin are our next-door neighbors and have asked if we have any concerns regarding their building a garage on their property (50 Farmstead Rd.) that would extend over the building line toward our side of the property (56 Farmstead Rd). It does not appear that the new garage will bother to us in any way. It will be located on the side of our property where our garage and driveway are located so our windows do not face in that direction. Also, there is ample vegetation between the properties to nearly completely block the view of the garage.

Sincerely,



Xiuling Lu
Jun Han



pd \$460.00
8/5/19

APPLICATION MANSFIELD ZONING BOARD OF APPEALS

<u>Applicant</u>	<u>Owner (if not the applicant)</u>
Name <u>David Knecht & Lori Smolin</u>	Name _____
Address <u>50 Farmstead Rd, Storrs</u>	Address _____
Phone <u>860 477-0942</u>	_____
Email <u>lori.smolin@gmail.com</u> <u>davida.knecht@gmail.com</u>	_____

<u>To whom should all official notices be sent</u>	<u>Type of Application</u>
Name <u>David Knecht</u>	<input checked="" type="checkbox"/> Variance
Address <u>50 Farmstead Rd</u>	<input type="checkbox"/> Special Exception
<u>Storrs, CT 06268</u>	<input type="checkbox"/> Zoning Agent Error

Location of Property Reference Vol _____ Pg _____

Assessor's Map Number 15 Block Number 30 Lot Number 58

Street Address 50 Farmstead Rd

on the South (north/south/east/west) side of the above street and

approximately 75 feet from Lynwood Street.

Previous Applications concerning this property

To ZBA date(s) _____ Nature of Application _____

To PZC date (s) _____ Nature of Application _____

Fee Paid \$460.00 I hereby swear that all statements contained in this application are true to the best of my knowledge and belief.

Date 8/5/19 (chk #678)

Rec'd by [Signature] Signature [Signature] Property Owner (Required)

Notice Issued _____ Signature _____ Agent

VARIANCE APPLICATION

A variance is a waiver of a provision of the zoning regulations which can be granted at the discretion of the Zoning Board of Appeals only on the grounds of hardship for the particular property involved. This means that if the zoning regulations are strictly enforced, exceptional difficulty or unusual hardship will result. Unusual shape or topography or other characteristics which would interfere with its reasonable use are examples of hardships which can be valid grounds for a variance. Personal or financial hardship for the owner, or hardship which is the result of the applicant's own actions, cannot be considered sufficient grounds to grant a variance.

With this in mind, please complete the following carefully.

Describe the proposed project:

See attached

Attach an additional sheet if needed.

Describe the specific hardship claimed:

See attached

Attach a copy of the site plan. A site plan should be an accurate scale drawing of your property showing pertinent details with accurate distance specified. (It is not necessary to have a professional site plan prepared, but it is important that the plan be accurate.) If any sign is proposed, a scaled elevation drawing must be attached.

Include a list of the names and addresses of all abutting property owners. (A property owner across a road or stream is considered abutting.) These names may be secured from the Assessor.

A neighborhood opinion sheet will be sent to you with the notice of your hearing. It is important that you have this signed by as many neighbors as possible. In so doing, you should explain your proposal so they may express their approval or disapproval. Neighborhood opinion is also sought at the hearing. The submission of the neighborhood opinion sheet is required as part of the application process. This does not mean that all abutting property owners must sign the sheet as long as a good faith effort has been made by the applicant to obtain neighborhood opinion.

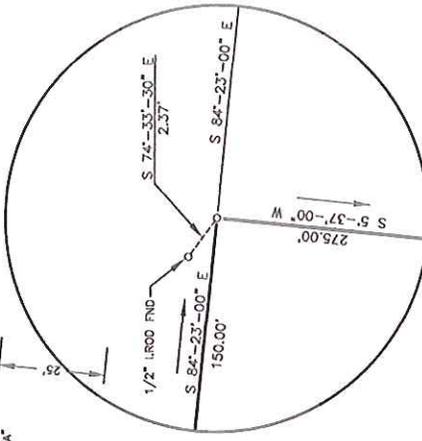
Proposed project: Build a 2-car garage on a portion of the existing driveway next to and slightly in front of the existing house. We are requesting a 20-foot variance on the side of the property and a 16-foot variance in the front.

Hardship: The lot at 50 Farmstead Road is narrow and the house is located very close to the building line in the front. There is not enough room to place a garage on the side of the house where the driveway and home entrance are located without going over the front and side building lines. Placing the garage up against the existing deck would reduce the variance needed, but would still go over the building line and would block vehicle access to the backyard. The proposed garage placement allows sufficient space between the garage and the stone steps leading to the house for construction vehicles to reach the back yard in the event that the septic system or solar system needs servicing or tree work needs to be done. Placing the garage behind the house is not an option because the slope would cause drainage problems and the building would impinge on the septic field. Placing the garage on the opposite side of the house from the house entrance and existing driveway would mean building close to the well and would require a new driveway to be installed along with a new curb cut.

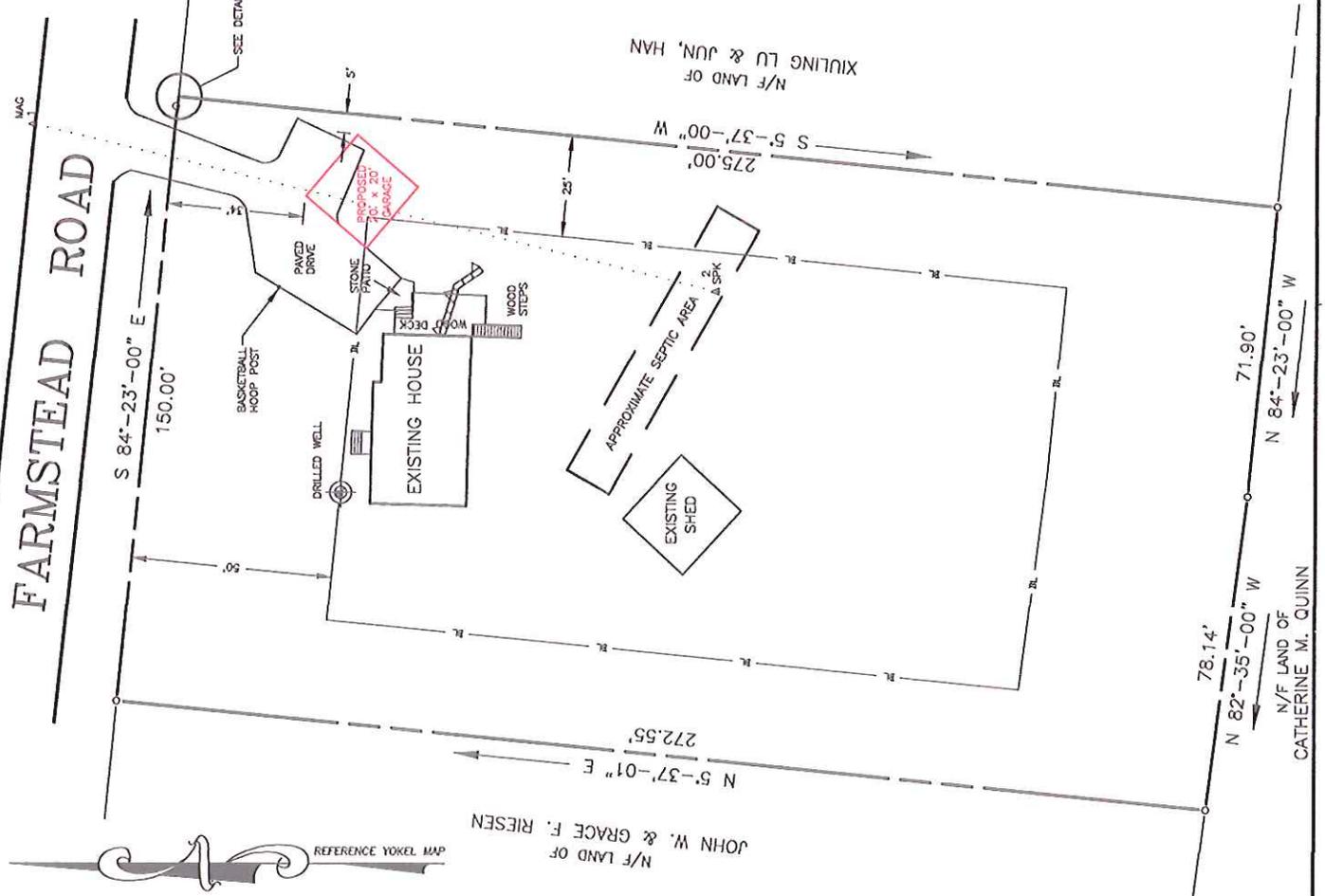
REFERENCE MADE TO THE FOLLOWING MAP:
 FINAL PLAN LYNNWOOD SECTION 3 LYNNWOOD ROAD - MANSFIELD, CONN.
 OWNED & DEVELOPED BY ARTHUR C. BOSS & WILLIAM C. WHEELER. SCALE
 - 1" = 40FT. MAY 1, 1963. FELIX V. YOKEL, PROFESSIONAL ENGINEER.
 SHEET 1 OF 3 SHEETS RECORDED IN THE MASTILED TOWN CLERK'S OFFICE
 MAP VOLUME 4 PAGE 21.



- LEGEND**
- PROPERTY LINE
 - EDGE OF PAVEMENT
 - EDGE OF CURBING
 - DRILLED WELL
 - IRON ROD FOUND
 - BUILDING LINE
 - ▲ SPK 1 SURVEY CONTROL POINT



DETAIL "A"
 NOT TO SCALE



IMPROVEMENT LOCATION SURVEY
 PREPARED FOR
DAVID KNECHT & LORI SMOLIN

50 FARMSTEAD ROAD
 STORRS, CONNECTICUT

DATE: JULY 10, 2019
 SCALE: 1" = 20'

THIS SURVEY AND MAP HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 17-18 AND 19 OF THE CONSTITUTION OF THE STATE OF CONNECTICUT AND THE REGULATIONS OF THE BOARD OF SURVEYORS AND MAPS IN THE STATE OF CONNECTICUT AS ENFORCED BY THE CONNECTICUT ASSOCIATION OF PROFESSIONAL SURVEYORS. THIS SURVEY AND MAP IS BASED ON A DEPENDENT SURVEY CONFORMING TO THE REQUIREMENTS OF SECTION 17-2. THIS SURVEY AND MAP IS INTENDED TO ENABLE DETERMINATION OF COMPLIANCE OR NON-COMPLIANCE WITH APPLICABLE MUNICIPAL OR STATUTORY REQUIREMENTS.

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

EDWARD PELLETIER, L.S. #14283
 ANY ORIGINAL OR DUPLICATE OF THIS MAP IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND SEAL OF THE SURVEYOR WHOSE REGISTRATION NUMBER AND EXPIRATION DATE ARE SHOWN ABOVE. NO OTHER CERTIFICATION OR WARRANTY IS DEPRESSED OR IMPLIED.

D A T U M

ENGINEERING & SURVEYING, LLC

132 CONANTVILLE ROAD
 MANSFIELD CENTER, CT 06250
 TEL (860)459-1840 FAX (860)459-1840

CREATED BY: _____ CHECKED BY: _____

JOB NO. 219004

Parcel ID: 15.30.57
RIESEN JOHN W & GRACE F
42 FARMSTEAD RD
STORRS CT 06268

Parcel ID: 15.30.58
KNECHT DAVID A &
SMOLIN LORI A
50 FARMSTEAD RD
STORRS CT 06268

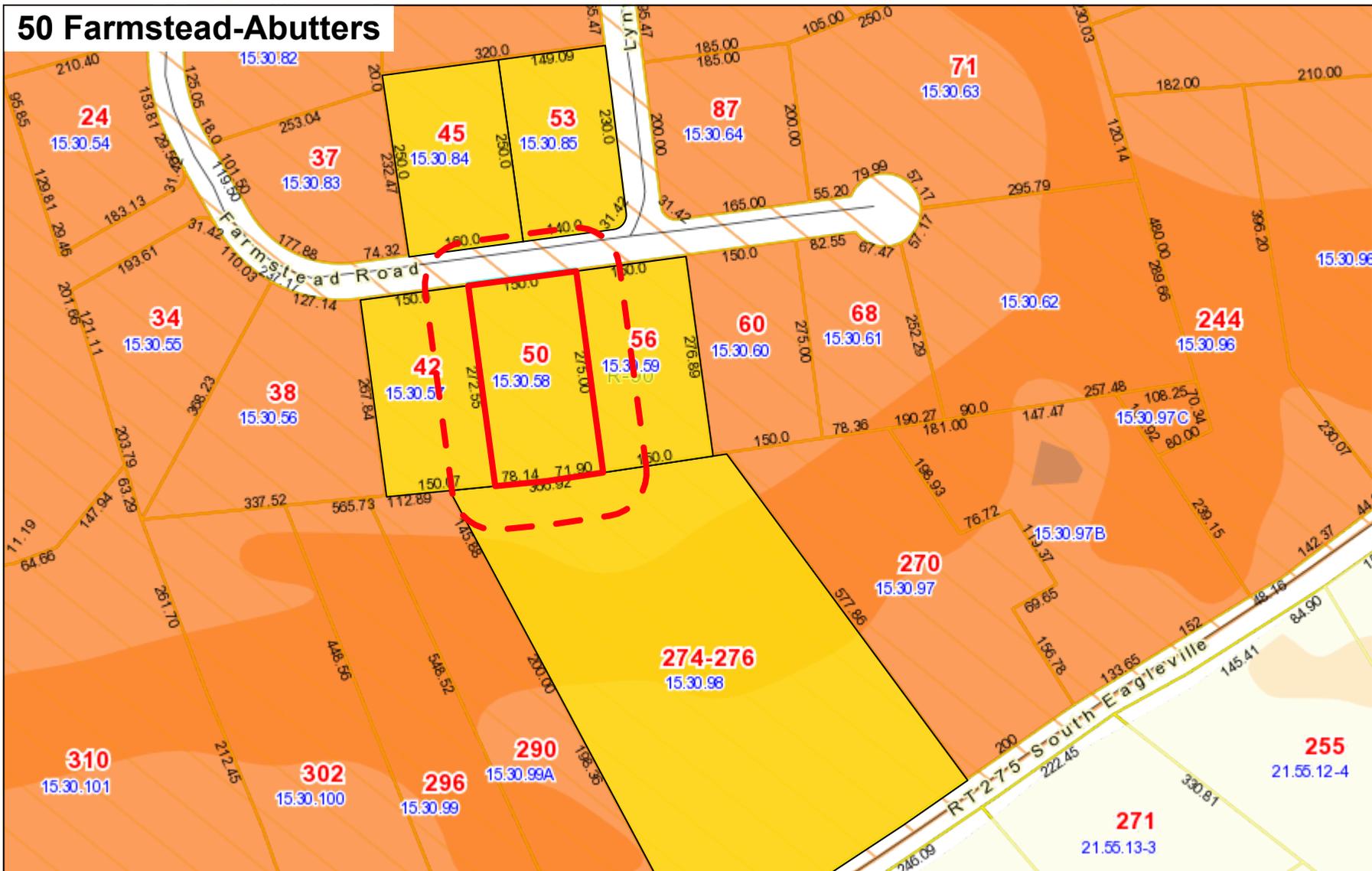
Parcel ID: 15.30.59
LU XIULING & HAN JUN
56 FARMSTEAD RD
STORRS CT 06268

Parcel ID: 15.30.84
ROWE DONALD E & VIRGINIA B
45 FARMSTEAD RD
STORRS CT 06268

Parcel ID: 15.30.85
BLODGETT DAVID & DARLENE
53 FARMSTEAD RD
STORRS CT 06268

Parcel ID: 15.30.98
QUINN CATHERINE M
274 SO EAGLEVILLE RD
MANSFIELD CT 06268

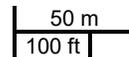
50 Farmstead-Abutters



Town of Mansfield, Connecticut

Selected Parcel: 50 FARMSTEAD RD ID: 15.30.58

Printed 9/10/2019 from <http://www.mainstreetmaps.com/ct/mansfield/internal.asp>





PUBLIC HEARING NOTICE

Zoning Board of Appeals (ZBA)

Abutting property owners are hereby notified of a public hearing scheduled for:

Date: _____ **Time:** _____

Location: Council Chambers, Audrey P. Beck Municipal Building, 4 South Eagleville Road, Mansfield, CT

Type of Application

Please see the reverse side of this notice for descriptions of each application type

Variance	Special Exception	Appeal of Zoning Agent Decision
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Applicant: _____

Owner: _____

Subject Property: _____

Description of Application: _____

Attachments

- ZBA Application Form
- A description of the request
- A scale drawing of the project on the applicant's property showing pertinent details with dimensions specified relative to the existing structure.

Public Hearing Process

- The ZBA welcomes the comments and opinions of neighboring property owners through written comment and/or during the public hearing, at which time questions can be answered and relevant issues clarified.
- Neighbors are encouraged to carefully examine the proposed project and to evaluate the possible impact of the proposal on their own property.
- The applicant's full application is available for review at the Department of Planning and Development.
- Any questions pertaining to the proposed project may be directed to the Department of Planning and Development at 860.429.3330.
- All comments, written or verbal, must be received by the ZBA before the closing of the public hearing. Written comments may be submitted via email to planzonedept@mansfieldct.org or in hard copy to the Department of Planning and Development (address below). No comments will be accepted after the close of the public hearing.

Applicant Instructions

- This notice must be sent at least **ten (10) days prior to the Public Hearing via certified mail**. To verify that notice requirements have been met, applicants are required to submit receipts of Certified Mailing (green and white) and one copy of information mailed to property owners. Failure to meet notice requirements may necessitate delays in application processing and/or the scheduled public hearing.
- Where the University of Connecticut is listed as an abutting property owner, please send the required notice to: University of Connecticut, Associate Director of Real Estate, University Planning, Design and Construction, 31 LeDoyt Road-Unit 3038, Storrs, CT 06269-3038

Application Types

Variance. A variance is a variation of a provision of the zoning regulations granting authority to a property owner to use his or her property in a manner not permitted by the regulations. It can be granted at the discretion of the Zoning Board of Appeals only on the grounds of hardship for the particular property involved. This means that if the zoning regulations are strictly enforced, exceptional difficulty or unusual hardship will result. Unusual shape or topography or other characteristics of the property, which would interfere with its reasonable use, are examples of hardships, which can be valid grounds for a variance. Personal or financial hardship for the owner, or hardship which is the result of the owner's actions (both past and present), cannot be considered sufficient grounds for a variance. A variance becomes a part of the Land Records and does not cease when the applicant no longer owns the property.

Special Exception. Structures and uses that complied with the Zoning Regulations in effect at the time they were permitted but do not comply with current regulations are considered to be non-conforming. These structures and uses may lawfully continue to exist as long as they are not "abandoned" in the future. When one wishes to alter such a non-conforming structure, a special exception from the ZBA may be required by Article 9 of the Zoning Regulations. In order for the ZBA to grant approval, it must be demonstrated that the proposed alteration will not significantly or adversely affect the character of the neighborhood or the property values of the neighbors. Changes from one non-conforming use to another non-conforming use and expansions of existing nonconforming uses require special permit approval from the Planning and Zoning Commission (PZC).

Appeal of Zoning Agent Decision. The Zoning Agent is the legal enforcement officer of the Zoning Regulations. If the Zoning Agent refuses to issue a permit to initiate a project because, in his/her opinion, some feature of the project conflicts with the regulations, the affected party may appeal the decision to the ZBA. The Zoning Agent may also issue a Cease & Desist order to a property holder and if the property owner feels the Agent erred. they have a right to appeal to the ZBA. After hearing the facts in the case, the ZBA may find that an error was made. In this case, the Zoning Agent would be directed to issue the necessary permit or remove the Cease & Desist order. If the ZBA find that no error was made, the Zoning Agent's action stands. However, the applicant may continue their appeal to the Court.

For additional information on the Zoning Board of Appeals process, please contact the Department of Planning and Development.