

BRISTOL ZONING BOARD OF APPEALS
MINUTES
REGULAR MEETING OF TUESDAY, MARCH 5, 2019

CALL TO ORDER:

By: Chairman Rafaniello

Time: 7:00 P.M.

Place: City Hall

ROLL CALL:

Chairman Rafaniello called the meeting to order at 7:01 P.M.

MEMBERS	NAME:	PRESENT	ABSENT
REGULAR MEMBERS:	Jerald Rafaniello (Chairman)	X	
	Jeffrey Twombly (Vice Chairman)	X	
	Richard Raymond (Secretary)	X	
	Alfred Radke, III	X	
	David Pecevich	X	
ALTERNATE MEMBERS	Morris Rippy Patton, IV	X	
	Rory Ghio	X	
	Tim Adamaitis	X	
STAFF			
	Christopher Schaut, Assistant City Planner	X	

Chairman Rafaniello designated regular Commissioners Pecevich, Radke, Raymond, Twombly and Rafaniello to sit as voting Commissioners this evening.

PUBLIC HEARINGS

1. Application #3700 – Variances of 1) parking within ten feet of any front lot line and 2) no parking space shall be designed or constructed in a manner that would require a vehicle to use any part of a public street to enter, back into and/or exit from such space to construct six additional parking spaces at 900 Farmington Avenue; Assessor’s Map 46, Lot 94-2; BG (General Business) zone; Legacy Adventures, LLC, applicant. (public hearing continued from February 5, 2019)

The Board acknowledged receipt of the following items in their electronic packets: a chart with three previous Variance applications for the property (two approved and one denied); a letter dated February 26, 2019, from Luetenant Michael Duval, regarding the plan was not ideal, but should be sufficient for backing out onto Carol Drive and a letter dated February 26, 2019, from Raymond Rogozinski, P.E., Director of Public Works to the Zoning Board of Appeals, regarding no specific safety concerns.

After inquiry by Chairman Rafaniello, Commissioner Pecevich explained he listened to the recording for Application #3700 from the February 5, 2019 meeting and he understood the concerns of the application.

Attorney Timothy Furey, 43 Bellevue Avenue, on behalf of the applicant, explained application was continued from the February 5, 2019 regular meeting. After the Zoning Board of Appeals’ February meeting, he spoke with Engineering and the Traffic Division of the Police Department to follow up on the request of the Board for formal opinions from both departments.

Commissioner Raymond read into the record the letter dated February 26, 2019, from Raymond Rogozinski, P.E. Director of Public Works and the letter dated February 26, 2019, from Lieutenant Michael Duval, the Bristol Police Department’s Traffic Division.

No one else spoke in favor of the application.
No one spoke against the application.

The hearing is closed.

By: Twombly

Seconded: Raymond.

For: Pecevich, Raymond, Radke, Twombly and Rafaniello.
Against: None.
Abstain: None.

The Board commented that based on the letters submitted, their concerns of safety were resolved and they had no further concerns. They were in favor of the application. The hardship is the shape of the property and the location of the existing building. Therefore, they have no concerns with the application.

MOTION: Move to approve Application #3700 – Variances of 1) parking within ten feet of any front lot line and 2) no parking space shall be designed or constructed in a manner that would require a vehicle to use any part of a public street to enter, back into and/or exit from such space to construct six additional parking spaces at 900 Farmington Avenue; Assessor’s Map 46, Lot 94-2; BG (General Business) zone; Legacy Adventures, LLC, applicant, in accordance with the plot plan and information submitted.

By: Raymond

Seconded: Twombly.

For: Pecevich, Raymond, Radke, Twombly and Rafaniello.
Against: None.
Abstain: None.

The application is approved.

2. Application #3701 – Variance of maximum building height to construct a detached garage at 76 Cedar Street; Assessor’s Map 24, Lot 30; R-10 (Single-Family Residential) zone; Matthew Daley and Ludlow Associates, LLC, applicants.

Thomas Catucci, 49 Leominster Road, of Ludlow Associates, LLC, Pequabuck, on behalf of the applicant and the applicant’s builder, explained the elevations sloped down in the location of the proposed garage. Mr. Catucci explained going up the driveway, the building height for the garage was at 11.6 ft. for a standard for a one story garage. The slope of the property causes the garage to be 11.6 ft. in height on the front and one side but 23.6 ft. in the back and other side, for an average height of 17.6 ft. The 17.6 ft. elevation does not comply with the Regulations for height of accessory structures. There was no alternative location to construct the garage. The garage would be on grade with the driveway to fit in with property.

After inquiries by the Board, Mr. Catucci explained the building height requirements were 14 ft., but the request was for 17.6 ft. The Variance was required because of the slope of the property. Mr. Catucci reviewed details of the garage plans.

After inquiry by the Board, Matthew Daley, 76 Cedar Street, explained the second floor would be for shelving and additional storage; there would be no dwelling unit in this structure.

No one else spoke in favor of the application.
No one spoke against the application.

The hearing is closed.

By: Twombly

Seconded: Raymond.

For: Pecevich, Raymond, Radke, Twombly and Rafaniello.
Against: None.
Abstain: None.

The Board commented the topography of the property was the hardship to find a location to construct the garage. There were leach fields on the property that limited the location, but the request was a minimal Variance. There were no neighbors in attendance in favor or against the application. The garage would be an average garage in the front of the house, but the elevation to the rear of the property and the rear height of the garage was the cause of the Variance. There was concern for the second floor for dwelling units, but this would be for storage only.

MOTION: Move to approve Application #3701 – Variance of maximum building height to construct a detached garage at 76 Cedar Street; Assessor’s Map 24, Lot 30; R-10 (Single-Family Residential) zone; Matthew Daley and Ludlow Associates, LLC, applicants, in accordance with the plot plan and information submitted.

By: Raymond

Seconded: Twombly.

For: Pecevich, Radke, Raymond, Twombly and Rafaniello.
Against: None.
Abstain: None.

The application is approved.

- 3. Application #3702 – Variance of minimum side yard to construct a two-car garage at 95 Debra Lane; Assessor’s Map 52, Lot 24; R-15 (Single-Family Residential) zone; Kevin Drost, applicant.

Kevin Drost, 134 Pondview Lane, explained the request was to construct a two car garage on the side of the property with a Variance to reduce the 10 ft. side yard by 2.5 ft. to 3.0 ft. Mr. Drost explained the property was 75 ft. wide and there were inland wetlands to the rear of the property. They do not plan to increase the width of the driveway. The porch would remain as a mud room. There would be no dwelling units, but just a two car garage with storage to the rear of the garage. The shed would remain on the property.

After inquiries by the Board, Mr. Schaut explained the property to the left had a Variance granted in 1979 for the front yard and side yard setback for the garage addition. The garage addition was about 5.5 ft. from the property line, which was closer to the property line than the request this evening.

Mr. Drost explained the garage addition on property to the left of his property was about 5.5 ft. Also, the property to the right of his property had a Variance for 5.5 ft. from their property line.

Mr. Schaut mentioned this property required an Inland Wetlands Commission application, which will be in front of the Wetlands Commission at its March 6, 2019 meeting.

The Board commented relocating the garage to the rear of the house would not be an option with the inland wetlands area.

No one else spoke in favor of the application.

The following person spoke against the application: Ann Morin, 80 Debra Lane, on behalf of her mother. Ms. Morin explained her mother owns the house next door. The garage would be near her house and she was against the application because it would be too close to the property line.

After discussion, the record reflected that Ms. Morin has withdrawn her mother’s complaints.

The hearing is closed.

By: Twombly

Seconded: Raymond.

For: Radke, Twombly, Raymond, Pecevich and Rafaniello.
Against: None.
Abstain: None.

The Board commented that driving down Debra Lane there were many houses close to the property lines. This plan would not be out of character for the neighborhood. They agreed with the applicant that a two car garage was a necessity today. If denied, it would be unfair because the two neighbors were approved for Variances. The lot was narrow at 75 ft. wide and if the existing house location was relocated a Variance would likely not be required. This was an attached garage versus a detached garage, which was a hardship because the setback needs to be more for an attached garage. The garage may not be relocated because of the inland wetlands to the rear of the property. There was a concern of not constructing a one car garage for monetary reasons that was not a concern for the Board. The lot was undersized and there were inland wetlands that limited the options.

MOTION: Move to approve Application #3702 – Variance of minimum side yard to construct a two-car garage at 95 Debra Lane; Assessor’s Map 52, Lot 24; R-15 (Single-Family Residential) zone; Kevin Drost, applicant, in accordance with the plot plan and information submitted.

By: Raymond

Seconded: Twombly.

For: Radke, Pecevich Raymond, Twombly and Rafaniello.
Against: None.
Abstain: None.

The application is approved.

- 4. Application #3703 – Certificate of Approval for used car dealer and general repairer’s license at 258 Riverside Avenue; Assessor’s Map 30A, Lot 8; BHC (Route 72 Corridor Business) zone; Niasia Hallums, applicant.

The Board acknowledged receipt of the following item in their electronic packets: Docket Number HHB-CV-18-6041537-S with HRS, LLC Versus City of Bristol with stipulations, from the Superior Court, Judicial District of New Britain, CT, dated November 26, 2018.

Niasia Hallums, 145 Homestead Avenue, Hartford and Andre Hallums, 13 Newport Drive, Bloomfield, reviewed the request for an Internet based sales, used car dealer and general repairer’s license. Mr. Hallums explained there would be two parking spaces for the vehicles for retail sales on the property. He explained there would be mainly Internet sales, small repairs and small retail sales, which would be according to the Regulations. Mr. Hallums explained they are requesting this business to do their business effectively, which would also include customer parking. He explained they understood this was a small building, but they require these parking spaces for this business.

After inquiries by the Board, Mr. Hallums explained the repairs would be conducted in the garage and the additional seven parking spaces would be for customer and employee parking. Some of the vehicles for sale would be inside the building and some would not be on the property. There would not be any wrecker vehicle service at this time that would be parked overnight, but possibly later on. If they have wrecker vehicle service, that would be parked within the nine parking spaces. The trailer would be removed from the property by the property owner.

After inquiries by the Board, Mr. Schaut explained the plan would be in accordance with the agreement made with the stipulated judgement for two vehicles for sale. The additional parking spaces were there for the nature of the business, which was allowed as long as for sale vehicles on the property do not exceed two vehicles.

The following person spoke in favor of the application: James Harris, HRS, LLC, 25 Debra Lane, property owner, explained he had a previous approved zone change for the property for this type of use on the property. Mr. Harris explained there were problems with people changing the offices and they worked with the City and the City Planner and Assistant City Planner for the best plan for the property. If there were any questions or concerns, they would be pleased to assist them.

No one spoke against the application.

Mr. Hallums explained he has been working with Mr. Schaut on the plans to comply with the Regulations.

The hearing is closed.

By: Twombly

Seconded: Raymond.

For: Radke, Pecevich Raymond, Twombly and Rafaniello.
Against: None.
Abstain: None.

The Board commented this was a long process for the applicant and the property owner. The plans were an appropriate use for the property with two parking spaces for sale. If the applicant does their due diligence, and followed the Regulations, the plan would be sufficient. This was a difficult property and corner. The applicant stated they would have the plan in accordance with the Regulations. If the applicant followed the stipulated judgement, Regulations and guidelines and the trailer is removed, there would be no concerns with the property or the application. The applicant and the property owner worked with Staff and they thanked them for their patience.

MOTION: Move to approve Application #3703 – Certificate of Approval for used car dealer and general repairer’s license at 258 Riverside Avenue; Assessor’s Map 30A, Lot 8; BHC (Route 72 Corridor Business) zone; Niasia Hallums, applicant, in accordance with the plot plan and information submitted.

By: Raymond

Seconded: Twombly.

For: Pecevich, Radke, Raymond, Twombly and Rafaniello.
Against: None.
Abstain: None.

The application is approved.

MISCELLANEOUS

5. Approval of Minutes - Regular Meeting of February 5, 2019

Chairman Rafaniello designated Commissioner Adamaitis to sit in place of Commissioner Pecevich that was absent at the February 5, 2019 regular meeting.

MOTION: Move to approve the minutes of the February 5, 2019, regular meeting.

By: Twombly Seconded: Raymond.

For: Adamaitis, Raymond, Radke, Twombly and Rafaniello.
Against: None.
Abstain: None.

6. Discussion of public hearing sign posting requirement for appeal applications

Mr. Schaut explained at the February meeting the Board discussed the potential of sign postings for appeal applications. He reviewed one of the existing public hearing signs for location approvals, which would be similar for appeal applications. The Board felt the signs were a good idea, but do not want the lack of sign posting to hold up hearing an appeal application. Mr. Schaut will do some research and report back to the Board regarding this concern.

7. Mr. Schaut discussed an upcoming training for Land Use Boards and Commissions that will be held on Monday, April 29, 2019 at City Hall in the Council Chambers at 6:30 P.M.

8. Commissioner Twombly mentioned that a former regular Commissioner, Gil Angers, from the Zoning Board of Appeals had passed away, which had helped train Chairman Rafaniello and himself and they appreciated him. They offered their condolences to his family on the record.

ADJOURNMENT

MOTION: Move to adjourn at 8:15 P.M.

By: Twombly Seconded: Raymond.

For: Raymond, Twombly, Radke, Pecevich and Rafaniello.
Against: None.
Abstain: None.

Respectfully submitted,

Nancy King
Recording Secretary

Jerald A. Rafaniello, Chairman

Richard Raymond, Secretary