

**BRISTOL ZONING BOARD OF APPEALS  
MINUTES  
REGULAR MEETING OF TUESDAY, MAY 5, 2020**

**CALL TO ORDER:**

By: Chairman Rafaniello

Time: 7:07 P.M.

Place: Online via Web-Ex

**ROLL CALL:**

Chairman Rafaniello called the meeting to order online via Web-Ex at 7:07 P.M.

<b>MEMBERS</b>	<b>NAME:</b>	<b>PRESENT</b>	<b>ABSENT</b>
<b>REGULAR MEMBERS:</b>	Jerald Rafaniello (Chairman)	X	
	Jeffrey Twombly (Vice Chairman)	X	
	Richard Raymond	X	
	Alfred Radke, III	X	
	David Pecevich (Secretary)	X	
<b>ALTERNATE MEMBERS</b>	Rory Ghio	X	
	Tim Adamaitis	X	
<b>STAFF</b>	Edward Spyros, Zoning Enforcement Officer	X	
	Robert Flanagan, City Planner	X	

**Public Hearings**

1. Application #3723 – Variances of 1) minimum lot area of two acres for a horse; 2) 75 foot setback for any barn, shelter or other building used for housing a horse or for the storage of supplies or waste material at 312 Old Wolcott Road; Assessor’s Map 9, Lot 2; R-15 (Single-Family Residential) zone, Anareliz Lebron and Victor Santiago, applicants. (Public Hearing continued from March 3, 2020).

Chairman Rafaniello designated regular Commissioner Pecevich, Radke, Twombly, Raymond and Rafaniello to vote on the March 3, 2020 regular meeting minutes.

The Board acknowledged receipt of the following items in their electronic packets: a response e-mail to Robert Flanagan, dated March 21, 2020, from Victor Santiago to Robert Flanagan, regarding a request to extend the public hearing for 30 days to May 5, 2020; a response e-mail dated January 29, 2020, from Victor Santiago to Robert Flanagan, regarding the request to keep the public hearing open until March 3, 2020 meeting; a continuation letter dated February 5, 2020, from the Zoning Board of Appeals; an e-mail dated December 23, 2019, from Christopher Schaut, former Assistant City Planner; advising the applicant to request a postponement of the public hearing until February 4, 2020; a certificate entitled “Emotional Support Animal Registration, dated November 12, 2019”; a letter dated December 20, 2019, from Nancy O’Dell, regarding complaints and a letter dated January 3, 2020, from Jeff Davis, regarding complaints.

Mr. Flanagan explained Application #3723 was continued from the March 3, 2020 regular meeting and a 30-day extension was granted by the applicant to keep the Public Hearing open until tonight.

Victor Santiago, 312 Old Wolcott Road, explained he wanted to let the Board know that he appreciated their time on the application, but this application was no longer needed because they have removed the horse from the property. This will alleviate everyone’s stress. He was seeking legal advice. His wife went to a psychologist, which made her very uncomfortable. He expressed his personal opinion and then thanked the Board for their time.

After inquiry by the Chairman, Mr. Santiago explained he would be withdrawing the application. Chairman Rafaniello thanked Mr. Santiago for his time and efforts for bring the application forward. After inquiry by the Chairman, Mr. Flanagan explained the Board should make a motion to accept the withdrawal of the application.

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

The hearing is closed.

**MOTION:** Move that Application #3723 – Variances of 1) minimum lot area of two acres for a horse; 2) 75 foot setback for any barn, shelter or other building used for housing a horse or for the storage of supplies or waste material at 312 Old Wolcott Road; Assessor’s Map 9, Lot 2; R-15 (Single-Family Residential) zone, Anareliz Lebron and Victor Santiago, applicants, be withdrawn at the applicants request.

By: Twombly

Seconded: Raymond.

For: Raymond, Twombly, Radke, Pecevich and Rafaniello.

Against: None.

Abstain: None.

The application is withdrawn at the applicant’s request.

2. Application #3727 – Variance of minimum front yard at 44 Inwood Lane; Assessor’s Map 50, Lot 62; R-15 (Single-Family Residential) zone, Paul and Michele Maghini, applicants.

Chairman Rafaniello designated regular Commissioner Pecevich, Radke, Twombly, Raymond and Rafaniello to vote on the March 3, 2020 regular meeting minutes.

The Board acknowledged receipt of the following item in their electronic packets: an e-mail from Michele Maghini, dated March 22, 2020, regarding the request to postpone the public hearing until the May 5, 2020 meeting.

The following persons were in attendance online for Application #3727: Attorney James Ziogas, 104 Bellevue Avenue, on behalf of the applicants and Paul and Michele Maghini, 44 Inwood Lane, the applicants.

Attorney Ziogas explained the request was for a house that was on a corner lot, which has two front yards according to the Regulations. The Regulations in the R-15 zone required a 10 ft. side yard on each side and there is an existing 25 ft. front yard at the intersection of Marcia Drive and Inwood Lane. The applicant is requesting a three foot Variance to have 22 ft., which is in excess of what a side yard would be if it were not a corner lot. The request for the addition would be for an addition, but not an in law dwelling unit. But, it would be a bedroom, master bathroom and walk in closet for Michele’s parents.

After inquiries by the Board, Attorney Ziogas explained the reason the addition does not align with the existing house was because the existing deck would have to be demolished. As such, the deck was three feet to the right of the existing house.

The corner lot was the hardship for the application, but they do not want to relocate the deck if possible. If the three feet were not there, the Variance would not be required.

After inquiries by the Board, Paul Maghini, 44 Inwood Lane, explained the existing shed was relocated to a different area on the property. He explained there would be an entrance from the deck into the living room into the house. There would also be an exit door from the addition into the yard.

After inquiry by Attorney Ziogas, Mr. Maghini explained the existing sliding door on the deck was part of the plan.

Mr. Flanagan reviewed that there was a previous Variance on the property when the house was constructed because the builder had skewed the house slightly towards the property sideline, which required a Variance to finish constructing the house. The house was not centered on the lot, which started with the original construction. The current property owners were not the property owners that constructed the house.

No one else spoke in favor of the application.

No one spoke against the application.

The hearing is closed.

By: Twombly

Seconded: Raymond.

For: Raymond, Twombly, Radke, Pecevich and Rafaniello.

Against: None.

Abstain: None.

The Board commented there were two front yards, which was a challenge for a lot of property owners, but the request was not a concern. There was no one in attendance to speak in favor or against the application. This was a narrow lot in addition to being a corner lot, which significantly reduced the buildable portion of the property to the left and the right of the house with the addition.

There was a concern of the three feet of the deck not being moved and the financial aspect. Also, if it were not a corner lot, there were be 10 ft. side yard would apply as mentioned by Attorney Ziogas. The hardship would be that the lot is a corner lot and it was not the fault of the applicants. The three foot Variance request was a reasonable request.

**MOTION:** Move to approve Application #3727 – Variance of minimum front yard at 44 Inwood Lane; Assessor’s Map 50, Lot 62; R-15 (Single-Family Residential) zone, Paul and Michele Maghini, applicant, in accordance with the plot plan and information submitted.

By: Pecevich

Seconded: Twombly.

For: Raymond, Radke, Pecevich, Twombly and Rafaniello.

Against: None.

Abstain: None.

The application is approved.

Attorney Ziogas thanked the Board for meeting with them in this new format. Chairman Rafaniello thanked the Board and the applicant for dealing with this change and wished everybody to stay well and safe.

**MISCELLANEOUS**

**APPROVAL OF MINUTES**

3. Approval of Minutes – March 3, 2020

Chairman Rafaniello designated regular Commissioner Pecevich, Radke, Twombly, Raymond and Rafaniello to vote on the March 3, 2020 regular meeting minutes.

**MOTION:** Move to approve the minutes of the March 3, 2020, regular meeting.

By: Twombly

Seconded: Radke.

For: Pecevich, Radke, Twombly, Raymond and Rafaniello.

Against: None.

Abstain: None.

**ADJOURNMENT**

Chairman Rafaniello designated regular Commissioners Pecevich, Radke, Twombly, Raymond and Rafaniello to sit on the adjournment.

**MOTION:** Move to adjourn at 7:28 P.M.

By: Twombly

Seconded: Pecevich.

For: Raymond, Twombly, Radke, Pecevich and Rafaniello.

Against: None.

Abstain: None.

Respectfully submitted,

Nancy King  
Recording Secretary

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Jerald A. Rafaniello, Chairman

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David Pecevich, Secretary

DRAFT