

**BRISTOL ZONING BOARD OF APPEALS
MINUTES
REGULAR MEETING OF TUESDAY, JUNE 4, 2019**

CALL TO ORDER:

By: Acting Chairman Twombly

Time: 7:00 P.M.

Place: City Hall

ROLL CALL:

Acting Chairman Twombly called the meeting to order at 7:04 P.M.

MEMBERS	NAME:	PRESENT	ABSENT
REGULAR MEMBERS:	Jerald Rafaniello (Chairman)		X
	Jeffrey Twombly (Acting Chairman and 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	

Acting Chairman Twombly designated alternate Commissioner Adamaitis to sit on Application #3708 in place of Commissioner Rafaniello with his absence this evening. He also designated alternate Commissioner Ghio to sit on Application #3709 in place of Commissioner Rafaniello with his absence this evening.

Public Hearings

- Application #3708 – Variance of minimum side yard to construct a deck at 38 Harper Court; Assessor’s Map 46, Lot 139; R-10 (Single-Family Residential) zone; Andrew Wilding, applicant.

Acting Chairman Twombly designated alternate Commissioner Tim Adamaitis to sit on Application #3708 in place of Commissioner Rafaniello with his absence this evening.

Andrew Wilding, 38 Harper Court, explained the request was to construct a deck, but with the odd shape of the lot and house location a minimum side yard variance was required. The deck would not encroach more into the setback than the existing house already does.

After inquiries by the Board, Mr. Wilding explained the house was about four feet from the property line and 5.5 feet from the fence. There were alternative plans for a smaller deck that was straight/perpendicular on the sides, but with the existing covered porch it made the deck an odd shape. The deck would be three feet high. The fence was existing when his wife purchased the property. The existing concrete steps from the porch would be removed and new steps would be constructed to the rear of the proposed deck.

After inquiries by the Board, Mr. Schaut explained the house pre-dates the Regulations because the house was not compliant with the current regulations.

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

The hearing is closed.

By: Raymond

Seconded: Pecevich.

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

The Board commented on both sides of the house was encroaching, but the proposed deck would not encroach any farther. There were no neighbors in opposition of the plans. The lot was an odd shape and the existing house location was the hardship. The applicant was trying to parallel the line of the house that would make the deck an odd angle. There were alternative plans, but there were no neighbors in opposition of the plans. The applicant did due diligence with alternative plans.

MOTION: Move to approve Application #3708 – Variance of minimum side yard to construct a deck at 38 Harper Court; Andrew Wilding, applicant, in accordance with the plot plan and information submitted.

By: Raymond

Seconded: Pecevich.

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

The application is approved.

2. Application #3709 – Variance of off-street parking requirements at 454 Middle Street; Assessor's Map 3, Lot 20; I (General Industrial) zone; Max Realty 454 LLC, applicant.

Acting Chairman Twombly designated alternate Commissioner Ghio to sit on Application #3709 in place of Commissioner Rafaniello with his absence this evening.

The Board acknowledged receipt of the following item in their electronic packets: a letter dated May 20, 2019, from Attorney Alfred Morrocco, regarding a summary of the request.

Attorney Alfred Morrocco, 200 Summer Street, on behalf of the applicant, explained the principal owners of the business were in attendance this evening and reviewed the existing restaurant and its previous approval process. The owners were looking to expand into the second floor space of the building. Attorney Morrocco explained the hardship was the property required two additional parking spaces for the second floor (social room) for reasons of health and safety for vehicles to drive around the building and exit the site properly. Also, the Site Plan had required angled parking because there was insufficient distance for the drive aisle between the building and parking to the rear, which caused the loss of two parking spaces. There was no additional property to purchase. In addition, the hardship was the topography, existing building location and the amended Zoning Regulation parking requirements. He requested the Board to agree there was a hardship because the configuration had to be revised.

After inquiries by the Board, Attorney Morrocco explained there was a total of 67 parking spaces and four handicapped parking spaces. The applicant reviewed trying to reduce the seating on the second floor to comply with the Zoning Regulations, but there was an elevator and atrium area that cannot be relocated.

After inquiries by the Board, Mr. Schaut reviewed the Zoning Regulation for required parking for restaurants, which is one parking space for every 200 sq. ft. or one parking space for every three seats in the restaurant, whichever is larger. Therefore, 56 for the first floor and 23 for the second floor for a total of 79 parking spaces. The Variance request is for two space since there are only 77 parking spaces on the property. Mr. Schaut agreed with the Board's comment there were 168 seats that required 56 parking spaces for the first floor, but if they reduced it by six seats, that would allow for two parking spaces to be reduced. The second floor would require 54 parking spaces.

In response, Attorney Morrocco explained they were working with Mr. Flanagan and the second floor use was not for everyday use. Also, when the business first opened there was an overcrowding, but the customers are reduced now and there is sufficient area for customers since then.

After inquiries by the Board, Stelios Koutouvides, 454 Middle Street, property owner, explained they suggested the employee's park on the grassed area on the weekends and he parks in this area. They are willing to put gravel in this area, but it was designed for a green area, which may be redesigned for two parking spaces. After inquiries by the Board Mr. Koutouvides explained he spoke to his engineer, Robert Hiltbrand, P.E., about the 19.2 sq. ft. landscaped area in the northwest corner of the property, but it would be difficult to maneuver vehicles in that area.

The Board commented the customers were there at different times and there may possibly be some type of car-pooling.

Mr. Koutouvides explained most of the social events were during the day when it is not as busy, but there may be concerns on a Friday night. He explained they may control the concerns by scheduling events on a different day or adjust the amount of people on a Friday evening if it gets busy. They do not want anyone parking on the street.

After inquiries by the Board, Mr. Schaut explained that the removal of landscaped islands in the parking area could cause the need for another Variance as the Regulations require a certain square footage of landscaping per space in parking lots.

Commissioner Adamaitis commented that he has been a customer on a Friday evening and it was busy, but the parking was sufficient. But, the angled parking is an improvement versus perpendicular parking, which would be difficult for larger vehicles in that area. A reduction in the number of seats on the first floor would reduce the need for additional parking and the Variance.

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

The hearing is closed.

By: Raymond

Seconded: Ghio.

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

The Board commented the plan was well designed and the property was improved significantly. There were many businesses in the wintertime that lose more than two parking spaces from snow; therefore, this request was not a large request versus a request for ten parking spaces. They were in favor of the plan, with the exception of Acting Chairman Twombly. The Board agreed that two parking spaces was a minimal amount. Most of the Board agreed with the hardship of the existing building location and the angled parking. They were in favor of the Variance, with the exception of Acting Chairman Twombly. With the second floor usage and parking pattern, the Variance seemed reasonable. Acting Chairman Twombly was having difficulty with the true hardship of the property, which he reviewed with the Board. The applicant has alternative options to avoid the Variance.

MOTION: Move to approve Application #3709 – Variance of off-street parking requirements at 454 Middle Street; Assessor’s Map 3, Lot 20; I (General Industrial) zone; Max Realty 454 LLC, applicant, in accordance with the plot plan and information submitted.

By: Raymond

Seconded: Pecevich.

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

The application is approved.

MISCELLANEOUS

3. Approval of Minutes – May 7, 2019

Acting Chairman Twombly designated alternate Commissioner Ghio to sit in place of Commissioner Rafaniello with his absence this evening.

MOTION: Move to approve the minutes of the May 7, 2019, regular meeting.

By: Ghio

Seconded: Radke.

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

4. Acting Chairman Twombly reminded the Board of their next regular meeting on July 2, 2019 and if they would not be attending to inform the Land Use Office. Commissioner Raymond noted he would be absent at the July 2, 2019 regular meeting.
5. After inquiries by the Board, Mr. Schaut explained the Zoning Enforcement Officer position has not been filled yet, but Guy Morin, Chief Building Official, was the Acting Zoning Enforcement Officer.

ADJOURNMENT

Acting Chairman Twombly designated Commissioner Ghio to sit on the adjournment in place of Commissioner Rafaniello with his absence this evening.

MOTION: Move to adjourn at 8:00 P.M.

By: Raymond

Seconded: Ghio.

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

Against: None.

Abstain: None.

Respectfully submitted,

Nancy King
Recording Secretary

Jerald A. Rafaniello, Chairman

Richard Raymond, Secretary