

**BRISTOL ZONING BOARD OF APPEALS
MINUTES
REGULAR MEETING OF TUESDAY, OCTOBER 1, 2019**

CALL TO ORDER:

By: Chairman Rafaniello

Time: 7:01 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	

Public Hearings

1. Application #3717 – Variance of minimum lot frontage to divide into two lots at 266 Burlington Avenue; Assessor’s Map 21, Lot 423; R-15 (Single-Family Residential) zone; Robert and Jill Casey, applicants.

The Board acknowledged receipt of the following item in their electronic packets: a memorandum dated September 19, 2019, from Christopher Schaut, Assistant City Planner, regarding two previous Variances for the property.

The following item was submitted into the record: a copy of the Connecticut General Statutes, Section 8-6 (submitted by Attorney Salvatore Vitrano.)

Attorney Salvatore Vitrano, 135 West Street, on behalf of the applicants, explained the existing property had 120 ft. frontage and a 300 ft. depth with one two-family house (south side of property) and vacant on the north side of the property. He explained the request is to vary the 100 ft. frontage to 60 ft. The intent was to subdivide the property into two 60 ft. frontage lots. He reviewed the existing area lots that were 50 ft. to 60 ft. in width. When this area was developed (subdivided) with the Regulations during 1940 and 1950, it allowed 50 ft. to 60 ft. lot frontages. His opinion was this property was developed to be subdivided, but was not subdivided and then the zone was changed to R-15 with a 100 ft. frontage. As a result the lot available in the previous zoning was no longer available in the existing zone requirement.

Attorney Vitrano explained the hardship of the lot configuration and its size was designed when the area was developed with two 60 ft. frontage lots. The zone change occurred and as a result the 100 ft. frontage was now required and the second lot was no longer available, which may be considered a taking of property. The enforcement of the Regulation would result in an unusual hardship, loss of the lot and its use consistent with the area lots and promote substantial justice.

After inquiries by the Board, Attorney Vitrano explained it was possible the property owner had purposed the lot as it exists. He explained before the current R-15 zone Regulations (required 100 ft. frontage), the zone allowed for 50 ft. to 60 ft. frontages, which was in effect in the early 1990’s. After inquiry by Chairman Rafaniello, he explained the applicants purchased the property about ten years ago.

Attorney Vitrano explained most of the area had 60 ft. lots and this lot was designed by someone to be two 60 ft. lots because the house was to the side of the property. He explained the school conversion, nearby condominium and three-family units constructed by Carrier Construction had 60 ft. lots, which the RM overlay zone allowed. The neighborhood was consistent with the request. He asked the Board to consider these reasons and approve the request.

The Board commented there have been similar requests and this request was to subdivide the lot. The property has been considered one lot and not a building lot with the house on a separate lot. The Board was concerned of setting precedence for a similar neighbor's lot to request a Variance. Also, of making the property non-conforming or more non-conforming.

Attorney Vitrano reviewed the prior Variances, which included a rear lot that was dissimilar to this request.

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

After inquiry by the Board, Mr. Schaut explained the garage on southern portion of the property was pre-existing and a side yard Variance was not required with this evening's application. The proposed lot line was not near the existing garage.

The hearing is closed.

By: Twombly

Seconded: Raymond.

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

Against: None.

Abstain: None.

The Board members against the application commented they reviewed the area and they were unsure of the reason to subdivide notwithstanding a financial gain, which was not a hardship. They had difficulty finding a hardship with the zone change relative to the request versus the lot dimensions because it has been a single lot for quite a while. They wanted to understand when the applicants purchased the house and when the Regulations were revised, which was revised before this particular property owner. They had concern of subdividing the lot into non-conforming lots for one particular lot.

The Board members in favor of the application commented this was a difficult application. They were having difficulty finding a hardship, but understood the zone change may have resulted in a hardship. But, the area has existed for many years and the request was likely for financial reasons. Regarding set precedence, an application had to be determined by the Board. This lot has existed for quite a while and was not out of place previously, but is out of place now with the changes, and many of the reasons support this change. If approved, the non-conforming would be similar in sizes under the prior Regulations.

MOTION: Move to approve Application #3717 – Variance of minimum lot frontage to divide into two lots at 266 Burlington Avenue; Assessor's Map 21, Lot 423; R-15 (Single-Family Residential) zone; Robert and Jill Casey, applicants, in accordance with the plans and documents submitted.

By: Raymond

Seconded: Twombly.

For: Raymond and Rafaniello.

Against: Pecevich, Radke and Twombly.

Abstain: None.

The application is denied.

- Application #3718 – Variance of minimum side yard to construct a two-car garage at 36 Anthony Drive; Assessor's Map 46, Lot 25; R-15 (Single-Family Residential) zone; Paul and Donnie Coombs, applicants.

The Board acknowledged receipt of the following item in their electronic packets: a letter dated September 14, 2019, from Pam Coons Paquette in favor of the application.

Paul Coombs, 36 Anthony Drive, explained the request for minimum side yard to construct a two car garage. The hardship reason was because the existing structures were located where they would be able to construct a two car garage in the side yard. The proposed plan was to construct a two car attached garage to the house, which would vary the 10 ft. setback to a 5.2 ft. setback.

After inquiries by the Board, Mr. Coombs explained the existing garage would not be demolished. The new garage would be abutted to the existing one car garage, house and the breezeway with two different rooflines. The new garage would have the same roofline as the mudroom and the rear of the house with no living space above the garage. The existing breezeway stairs

would remain. They would have to go outside to enter the garage. They do not want to demolish the breezeway (6 ft. wide) to relocate the garage because it was five years old. The intent was to get two cars in the garage in the inclement weather.

Michael Strid, 119 Empire Way, the applicant’s builder, on behalf of the applicant, explained he constructed the 6 ft. by 13 ft. breezeway. The existing garage would be converted to a workshop and to store yard equipment.

After inquiries by the Board, he explained if the proposed garage was not attached, it may be 5 ft. from the property line.

The Board noted if the garage is connected to the house and existing garage, it would not extend more than the existing garage.

Commissioner Raymond read into the record the letter dated September 14, 2019.

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 this application was different than Application #3717. The area houses were about 5 ft. to 10 ft. from the property line. When these lots were constructed there were mostly one car garages, but there was area to the side of the house to allow for two car garage for area lots like this property. There were no concerns with the request. The plans would not extend more than the existing detached garage. The hardship was the narrow lot and there was no alternate area and they were in favor of the request. This was a reasonable request.

MOTION: Move to approve Application #3718 – Variance of minimum side yard to construct a two-car garage at 36 Anthony Drive; Assessor’s Map 46, Lot 25; R-15 (Single-Family Residential) zone; Paul and Donnie Coombs, applicants, in accordance with the plot plan and information submitted.

By: Raymond

Seconded: Twombly.

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

Against: None.

Abstain: None.

The application is approved.

- 3. Application #3719 – Variance of maximum height of 14 feet for a detached accessory structure to construct a garage at 566 Wolcott Road; Assessor’s Map 8, Lot 42-8; R-25 (Single-Family Residential) zone; Shawn Levesque, applicant.

The Board acknowledged receipt of the following items in their electronic packets: a Hardship Narrative, undated, from the applicant and four photographs, undated.

The following items were submitted into the record: a letter dated September 28, 2019, from Robert Dzedzic, a neighbor, regarding no objections and a letter dated September 28, 2019, from Alfio Saglimbeni, a neighbor, regarding no objections.

Shawn Levesque, 566 Wolcott Road, explained the request to construct a detached garage with a maximum height of 14 ft. to store a boat and recreational vehicle. The height of the garage was necessary to get these vehicles in the garage. The hardship was it may not be located near the house because there was inland wetlands, the property slope and a well near the house. The proposed location had a level grade and the property buffer would screen the view of the garage. He had two letters of support from his neighbors. Along with his application he noted there were five similar garages approved and constructed in the area. He has been storing the boat with a tarp on it, but the neighbors would appreciate it being stored in a garage.

After inquiries by the Board, Mr. Levesque explained there were stakes marking the proposed garage location.

Mr. Schaut explained the location was not the concern, but more so the garage height and Staff did not require a survey map of the exact location. But, the Board may require a survey map. The hand drawn map provided the garage location.

Chairman Rafaniello misunderstood why a certified plot plan was not required because of the location and slope, which the Board should review. Commissioner Twombly agreed and mentioned it to Staff. The Board noted the buffer was not on the plans or the Assessor's Maps.

After inquiries by the Board, Mr. Schaut explained Variances were generally for setbacks and property lines, but this was for the garage height. The setbacks complied with the Regulations and Staff felt a survey plan was not required. The Board agreed to keep the application open to receive the certified plot plan and to continue it to their November meeting.

After inquiry by the Board, Mr. Schaut explained revised letters were received from the neighbor's, which were in the revised packet this evening pertaining to the latest revised plans.

No one else spoke in favor of the application.

No one spoke against the application.

MOTION: Move to continue Application #3719 – Variance of maximum height of 14 feet for a detached accessory structure to construct a garage at 566 Wolcott Road; Assessor's Map 8, Lot 42-8; R-25 (Single-Family Residential) zone; Shawn Levesque, applicant, to their November 5, 2019 regular meeting.

By: Twombly

Seconded: Raymond.

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

Against: None.

Abstain: None.

The application is continued.

4. Application #3720 – Certificate of Approval for a used car dealer and general repairer's license at 436 Broad Street; Assessor's Map 39, Lot 93; BG (General Business) zone; B&D Master Auto Repair, Inc., applicant.

Attorney Robert Cohen, 580 Broad Street, on behalf of the applicant, explained the request was similar to the 2016 application from Skytop Motors, LLC, which required the Board's approval. The request was a less intense use with no emission testing, which generated a lot of traffic. This was a new business with few customers.

After inquiries by the Board, Attorney Cohen explained the gas pumps were not part of this lease with the property owner. The gas pumps were part of the convenience store/gas pumps on the west side of the building, which the property owner would lease to a different tenant. The applicant's use would be for a used car dealer and general repairer's license. The parking spaces would remain the same. There were parking spaces for the tow trucks, but the applicant at some point would purchase a tow truck. The gas tanks and gas pumps would remain, but those structures were within the time allotted by the CT Department of Environmental Protection, which would be leased to a tenant. A new sign would be installed on the front of the building.

Chairman Rafaniello requested the applicants try to respect the property with the tow trucks and the various trucks on the property.

No one else spoke in favor of this application.

The following person spoke in favor of this application: Brian Swanson, 49 Preston Street, explained he would like to have a tenant back in this property but had concerns of the pass through from Broad Street to Preston Street and continuation of issues from the previous tenant.

The following person was not in favor or against the application, but had concerns: Carlos Atherton, 57 Preston Street, explained he was in favor of businesses. He lived across the street from the entrance and the prior tenant plowed his driveway in the winter. His driveway was damaged and he complained to Skytop Motors, LLC, but it was not repaired. He spoke with the new applicant and they seemed reasonable, but wanted to ensure they would be good neighbors.

After a brief discussion with Mr. Schaut, the Board agreed to the stipulation that Preston Street entrance would be blocked off.

After by the Board, Mr. Schaut explained repairing vehicles on street and plowing in a neighbor’s driveway were a Police Department concern.

Chairman Rafaniello explained they would have the Zoning Enforcement Officer review this area if it became a concern, but he appreciated the applicant agreeing to resolve this concern.

The hearing is closed.

By: Twombly

Seconded: Raymond.

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

Against: None.

Abstain: None.

The Board commented this has been a vehicle use for the property and there were no concerns with the request. There were similar uses in the area and this application was similar to the Skytop Motors, LLC use of the property. They hoped this tenant would be a good neighbor. The applicant agreed to put up a fence or a chain.

MOTION: Move to approve Application #3720 – Certificate of Approval for a used car dealer and general repairer’s license at 436 Broad Street; Assessor’s Map 39, Lot 93; BG (General Business) zone; B&D Master Auto Repair, Inc., applicant, in accordance with the plot plan and information submitted, along with the following stipulation that passage along the southwest corner of the building be blocked off with a chain.

By: Raymond

Seconded: Twombly.

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

Against: None.

Abstain: None.

The application is approved.

MISCELLANEOUS

APPROVAL OF MINUTES

5. Approval of Minutes – September 3, 2019

Chairman Rafaniello designated alternate Commissioners Ghio and Adamitis to sit in place of Commissioners Rafaniello and Radke with their absences at the September 3, 2019 meeting.

MOTION: Move to approve the minutes of the September 3, 2019, regular meeting.

By: Raymond

Seconded: Ghio.

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

Against: None.

Abstain: None.

ELECTION OF OFFICERS

6. Election of Officers

MOTION: Commissioner Twombly nominated David Pecevich as Secretary of the Zoning Board of Appeals. Commissioner Raymond seconded the motion.

By: Twombly

Seconded: Raymond.

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

Against: None.

Abstain: None.

MOTION: Commissioner Raymond nominated Jeffrey Twombly as Vice Chairman of the Zoning Board of Appeals. Commissioner Pecevich seconded the motion.

By: Radke

Seconded: Raymond.

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

Against: None.

Abstain: None.

MOTION: Commissioner Pecevich nominated Gerald Rafaniello as Chairman of the Zoning Board of Appeals. Commissioner Twombly seconded the motion.

By: Twombly

Seconded: Raymond.

For: Pecevich Radke, Twombly, Raymond and Rafaniello.

Against: None.

Abstain: None.

Chairman Rafaniello thanked the Board for their time and efforts reviewing applications and properties to prepare for the meetings and visual impression of the properties. Also, being respectful to the applicants. Commissioner Twombly agreed and recommended to the Board members to review the properties before the meetings because there were things on the property that were not on the maps, which improved the meetings for the applicants.

Mr. Schaut explained there would be training for advanced land use training on Saturday, October 26, 2019, which he emailed to the Board previously. If any Commissioners were interested in attending to please email him and he would register them.

ADJOURNMENT

MOTION: Move to adjourn at 8:45 P.M.

By: Twombly

Seconded: Pecevich.

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

Against: None.

Abstain: None.

Respectfully submitted,

Nancy King
Recording Secretary

Jerald A. Rafaniello, Chairman

Richard Raymond, Secretary