

**BRISTOL ZONING BOARD OF APPEALS
MINUTES
REGULAR MEETING OF TUESDAY, MARCH 1, 2022**

CALL TO ORDER:

By: Chairman Rafaniello

Time: 7:00 P.M.

Place: City Hall

ROLL CALL:

Chairman Rafaniello called the meeting to order at 7:00 P.M.

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

1. Application #3779 – Variance of minimum front yard to allow for the construction of a single-family home at 115 South Street Extension; Map 16, Lot 91/33; R-15 (Single-Family Residential) zone; CT Home Investors, LLC, applicant.

Chairman Rafaniello designated regular Commissioners Radke, Raymond, Pecevich, Twombly and Rafaniello to vote on Application #3779.

Attorney Andre Dorval, 17 Riverside Avenue, representing the applicant, explained the area and lot existed before the Zoning Regulations. The house that existed on the property was demolished because of blight. The lot is non-conforming and is 5,075 sq. ft., 52 ft. in length (South St. Ext.), 100 ft. in length on Allen St. and the lot tapers down to 44.89 ft. width (south boundary.) The request was to construct a colonial house 30 ft. x 20 ft. (1,250 sq. ft.) The Regulations Section IV.A.8. for corner lots and each street line is considered a front lot line.

As a result, the Variance request is for Section V.A.12.c. that requires a 25 ft. front yard from Allen St., which has a 20 ft. front yard line (South St. Ext.), but they are requesting this be reduced to 17 ft. The hardship was it would not be possible to construct a decent sized house within the 15 ft. under the existing Zoning Regulations.

The proposed dwelling would be 25.5 ft. from South St. Ext. and 17 ft. from Allen St. with a 41.8 ft. rear yard and a 10.5 ft. side yard. There was a previous ZBA Application #3771 on the property to construct a house, garage and a driveway (24.5 ft. from South St. Ext.) This would have required a Variance from Section A.D.3. for the driveway to be minimum of 50 ft. from an intersection, which was denied.

Based on the Staff's recommendations, the applicant reduced the size of the dwelling, eliminated the garage and has the driveway on Allen St. The driveway is in excess of 50 ft. from the intersection versus the previous driveway. The applicants thinks this design would fit with the neighborhood.

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

The Board appreciated the driveway relocation that was a factor on the previous application. This design was improved.
Board inquiries: The house was about 1,225 sq. ft. with a 6 ft. front porch.

The hearing is closed.

By: Twombly

Seconded: Pecevich.

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

Against: None.

Abstain: None.

The Board commented that the proposed house was about the same footprint as the original house. The hardship was the size of the lot and that it was a corner lot. The applicant made the corrections with Staff recommendations. There were no concerns with the application. The Board agreed and approved of the revised plan and appreciates the driveway being relocated.

MOTION: Move to approve Application #3779 – Variance of minimum front yard to allow for the construction of a single-family home at 115 South Street Extension; Map 16, Lot 91/33; R-15 (Single-Family Residential) zone; CT Home Investors, LLC, applicant, be approved in accordance with the plot plan and information submitted.

By: Pecevich

Seconded: Twombly.

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

Against: None.

Abstain: None.

The application is approved.

2. Application #3780 – Variance of the build-to-line to allow for the construction of a 46,600 sq. ft. medical office building at east of North Main Street and south and west of Hope Street; Map 30, Lot 3 & 4; BD-1 (Downtown Business) zone; Wheeler Clinic, Inc., applicant.

Chairman Rafaniello designated regular Commissioners Radke, Raymond, Pecevich, Twombly and Rafaniello to vote on Application #3780. The Board acknowledged receipt of the following item in their electronic packets: a letter dated December 14, 2021, Max Welti, P.E., President, WELTI Geotechnical, P.C., regarding the assessment of impact on the existing 10 ft. x 12 ft. drainage culvert.

Thomas Daley, P.E., of SLR, 99 Realty Dr., Cheshire, explained the applicant's request was for a Variance in the BD zone of the build-to-line within 10 ft. and 25 ft. On Main St. there is the North Creek Culvert which is a 10 ft. x 12 ft. large concrete drainage structure underground. The applicant has worked with a geotechnical engineer and he determined if they work a building foundation any closer than 20 ft. to the culvert, the structure would have a negative effect on the structure of the culvert.

The culvert has been there a long time. They determined the proposed structure would be approximately 21 ft. away from the culvert. They are requesting relief from the build to line on Hope St. as well. The Regulations allow a 25 ft. build to line but only if they constructs public space or plaza.

He reviewed the placement of the proposed building on both frontages. This was a corner lot and there would be a drop off area on the left side of the front of the building. The maximum build to line on North Main St. was 10 ft. and they are requesting 23.5 ft. The maximum build to line on Hope St. was 10 ft. and the maximum was 36.8 ft.

The property was on two parcels, but the property line will be revised shortly. The Mylar map was in City Hall ready to be filed.

Board inquiries: Mr. Daley explained the triangular area on the front of the building was the proposed drop off area and the front entrance. The driveway was on Hope St. The two entrances were on North Main St. The renderings were on the City Council website. He worked with the City Planner. He was unable to design the plans until a Variance was approved for the front setback. If the Variance is denied, it may be a different design. If approved, he would schedule an appointment with the City Planner and architects. They would review making the building parallel with the street line and not have the building skewed.

The Board commented the plans submitted were sparse and normally more complete plans were submitted with the application. If approved, the revised property line may be stipulated as a condition of approval. The Board understood the concern with the culvert, but the plan submitted does not have a lot of detail.

Mr. Flanagan reviewed a potential application near this property that may need this same type of Variance, so this was not an unexpected application. Mr. Flanagan reviewed a build-to-line versus a setback line. He would work with the applicants on the plans. Staff supports the application.

Thomas Raymond, Vice President of Facilities, Wheeler Clinic, Inc., representing the applicant, explained the applicant has worked with the City Council and Economic Developer Director for a year.

Chairman Rafaniello commended their efforts. But, they should work more closely with the City Planner and Staff and try to clean up this presentation because this was a very important project.

No one else spoke in favor of the application.

No one spoke against the application.

The hearing is closed.

By: Twombly

Seconded: Raymond.

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

Against: None.

Abstain: None.

The Board appreciated the comments with respect to the built to line. This was a relatively small Variance and was not generally a concern. The hardship was the North Creek Culvert The Board agreed that the plans were sparse but this was an important project. The applicant should work with Staff to provide the proper documentation. They will add a stipulation to the motion for the relocation of the lot line.

MOTION: Move that Application #3780 – Variance of the build-to-line to allow for the construction of a 46,600 sq. ft. medical office building at east of North Main Street and south and west of Hope Street; Map 30, Lot 3 & 4; BD-1 (Downtown Business) zone; Wheeler Clinic, Inc., applicant, is approved, based on the maps and plans submitted and with the following stipulations:

1. This Variance is approved only for Map 30 & Lot 4.
2. A Lot Line Revision Map for Map 30 & Lot 4, depicting the amended parcel lines between Map 30 and Lots 3 & 4, must be recorded on the City of Bristol Land Records prior to the 8-3d Variance form being issued by the Land Use Office.

By: Pecevich

Seconded: Twombly.

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

Against: None.

Abstain: None.

The application is approved.

3. Application #3781 – Certificate of Approval for general repairer at 292 Riverside Avenue; Assessor's Map 30A, Lot 12; BHC (Route 72 Corridor Business) zone; Matthew Sowder, applicant.

Chairman Rafaniello designated regular Commissioners Radke, Raymond, Pecevich, Twombly and Rafaniello to vote on Application #3781.

The Board acknowledged receipt of the following item in their electronic packets: a copy of a previous Variance filed on the City Land Records for Application #2042, Volume 10246, Book #1823 and Page 902.

Matthew Sowder, 20 Hemlock Street, explained he wanted to start a motorcycle repair business in this location. There was a previous motorcycle shop at this location, but they recently retired. He would be doing motorcycle repair, service and modifications.

Board inquiries: Mr. Sowder explained Mr. Matyka, property owner, would remain the owner and he would lease from him. He would not be doing any long-term storage for winter, but there would be motorcycles from persons with appointments. He would bring everything inside at end of the day. There are 3 existing lifts in the shop. He would be the only employee and would work on up to 3 motorcycles a day. The same number of customer parking spaces would remain in the front and rear of the property. With the previous tenant not in the building, the property owner is starting to improve the building with painting the rear of the building. The lighting would be upgraded to LED, the heating and cooling system were upgraded last year. This year he would be painting the exterior of the building. There would be no parts stored outside the building. This was a low traffic facility similar to the previous tenant.

The Board commented the use would be consistent with the previous tenant.

No one else spoke in favor of the application.

No one spoke against the application.

The hearing is closed.

By: Twombly

Seconded: Raymond.

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

Against: None.

Abstain: None.

The Board explained based on the comments this would be the same type of use, intensity, type of work being done and the parking spaces will remain the same. The Board liked the buildings occupied versus not occupied. The new tenant will maintain the building and property. The Board felt there was sufficient parking spaces and the storage inside the building.

MOTION: Move to approve Application #3781 – Certificate of Approval for general repairer at 292 Riverside Avenue; Assessor's Map 30A, Lot 12; BHC (Route 72 Corridor Business) zone; Matthew Sowder, applicant, in accordance with the plot plan and information submitted.

By: Pecevich

Seconded: Twombly.

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

Against: None.

Abstain: None.

The application is approved.

APPROVAL OF MINUTES:

4. Approval of Minutes – February 1, 2022

Commissioner Ghio noted an error on Page 1 of Chairman Rafaniello reminded the Board of the next regular meeting, which should have stated March 1, 2022 not March 9, 2022.

Chairman Rafaniello designated alternate Commissioner Balsam to vote in place of regular Commissioner Radke on the February 1, 2022, regular minutes with his absence at the February 1, 2022 regular meeting.

MOTION: Move to approve the minutes of the February 1, 2022, regular meeting, as amended.

By: Twombly

Seconded: Raymond.

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

Against: None.

Abstain: None.

CITY PLANNER'S REPORT:

5. ZBA Meeting Schedule

Mr. Flanagan explained the day and time for the ZBA meetings would not change. The meetings will be moved to the second floor of the courthouse above the Police Department, which will have about 25-30 seats; this room is slated to have all of the electronics and audio visual equipment required for the meetings. If a larger crowd is anticipated, the Manross Library is scheduled as a back-up. The Chair will be consulted if there needs to be a venue change prior to the legal notice being published.

6. General Assembly Changes

Mr. Flanagan explained there may very well be statutory changes initiated by the CT General Assembly, with respect the granting of Variances; if there are revisions to the law, the changes would more than likely go into effect on October 1, 2022. The General Assembly session is a short session this year, so Staff should know more by the adjournment in the May/June time frame.

Regarding the 14-54 motor vehicle certificate applications, Mr. Flanagan explained that there is no longer a requirement in the statute for a Public Hearing. The 14-54 applications could be reviewed as an agenda item by the Board similar to the way a Site Plan is reviewed for an allowed use, by Zoning or Planning, without the need for a legal notice publication or the posting of public hearing signs on the property. No decision was made at this time by the Board.

Board inquiries: Mr. Flanagan indicated that the Zoning Commission is currently conducting a line-by-line review of the Zoning Regulations. That process should be complete, with new Regulations in place, by Spring 2023. The Plan of Conservation and Development is not up for renewal until 2028.

ADJOURNMENT:

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

MOTION: Move to adjourn at 8:03 P.M.

By: Twombly

Seconded: Pecevich.

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

Against: None.

Abstain: None.

Respectfully submitted,

Nancy King
Recording Secretary

Jerald A. Rafaniello, Chairman

David Pecevich, Secretary