



*City of Bristol
Zoning Board of Appeals*

*REGULAR MEETING - TUESDAY, JULY 2, 2024
CITY HALL COUNCIL CHAMBERS
111 NORTH MAIN STREET
7:00 P.M.*

INFORMATION FOR THE PUBLIC TO ACCESS THIS MEETING:

Zoom Meeting link:

<https://bristolct-gov.zoom.us/j/88112923844?pwd=YV6Duhf8neLTJYnpRQaaFmGGkB66x.1>

Meeting ID:

881 1292 3844

Meeting Passcode:

123456

Join by phone

1-929-205-6099

AGENDA

1. Pledge of Allegiance
2. Call to Order
3. Public Hearings
 - a. Application #3807 – Variance request for minimum side yard required for a smoking area overhang at 192 Pine Street; Assessor's Map 3, Lot 17; BN (Neighborhood Business) zone; Marc LeBoeuf, applicant.
 - b. Application #3808 – Variance request for minimum side yard required for a two-car garage and adjoining mudroom/laundry room at 615 Witches Rock Road; Assessor's Map 8, Lot 9; R-25 (Single-Family Residential) zone; Brian Burnes, applicant.
4. Approval of Minutes
 - a. Regular Meeting - January 2, 2024
5. Election of Officers

6. Adjournment

REMINDER: The next Regular Meeting of the Zoning Board of Appeals is: Tuesday, September 3, 2024

**ZONING BOARD OF APPEALS
CITY OF BRISTOL, CONNECTICUT
APPLICATION FOR VARIANCE**

For Office Use Only
APPLICATION NO. <u>3807</u>
DATE FILED: <u>05-17-2024</u>
DECISION DATE: _____
DECISION: _____

The undersigned Applicant hereby applies to the Bristol Zoning Board of Appeals for a variance of the Bristol Zoning Regulations.

Address or Location of the Property: 192 Pine Street Bristol CT 06010

Assessor's Map No.: 3 Assessor's Lot No.(s): 17 Zone of the Property: BN

Indicate the type of variance requested (e.g., lot area, side yard) and the Section of the Zoning Regulations being varied.
If more than one variance, list each separately.

Type of Variance	Section of the Zoning Regulations
<u>Side yard set back</u>	<u>8.1H</u>

Briefly state the purpose of the proposed variance (e.g., "to build a two-car garage"): to comply with CT Dept of consumer protection, Liquor Control Commission Regulations and CT Constitution the designated smoking area overhang for protection from the weather

Briefly state the specific hardship which causes the need for the proposed variance: 1. The 3772 expansion by eminent domain of the entire front of the property including 6 parking spots, independent creation/loss of revenue and business creation need to create an environment case destination instead of a drop in. 2. Lot is approximately 6320 sq ft while most in this zone are 15,000 sq ft. The lot is undersized by approximately 1/3. 3. Pandemic creation need and desire for outdoor space for cleaner and social distancing and vehicles needed to prepare for any future pandemics

If any variances for this Property have previously been requested, indicate the application number, the date of ZBA

action and the action taken: N/A

Other comments: the lot is undersized by 2/3 in existing reg. Although grandfathered in

APPLICANT (If more than one, list on Page 2)

Name: Marc LeBoeuf
Address: 192 Pine Street Bristol City: Bristol State: CT Zip: 06010
Telephone No.: 860 336 8204 E-Mail: marcleboeuf1964@yahoo.com
Signature: _____ Signature – (Printed/Typed) Marc LeBoeuf

CHECK ONE: ☒ owner [] other (specify): _____

OWNER(S) OF RECORD (If other than Applicant; if more than one, list on Page 2)

Name: _____
Address: _____ City: _____ State: _____ Zip: _____
Telephone No.: _____ E-Mail: _____
Signature: Marc LeBoeuf Signature – (Printed/Typed) _____

THIS APPLICATION MUST BE FILED IN PERSON NO LATER THAN 12 NOON ON THE DEADLINE DAY FOR APPLICATION SUBMISSION – NO EXCEPTIONS!

**CITY OF BRISTOL, CONNECTICUT
SUPPLEMENTARY INFORMATION**

For Office Use Only
APPLICATION NO. **3807**

Address or location of property: 192 Pine Street Bristol CT 06010

ADDITIONAL INFORMATION/COMMENTS (click inside the box below and begin typing)

Once Pine Street became 72, my business has suffered greatly due to the lack of parking, loss of onstreet parking in front of the building and the faster moving street traffic. The pandemic and related closures took a huge toll on my business as well. People are not going out anywhere near as much as they had been pre-pandemic. However, when people do go out they will often want to be outside. I have an outdoor covered patio in the back and want to connect the roof covering all the way down the side of the building to help create more outside space to help my struggling business. The covering down the side of the building goes no further than the existing fence running along the side of the building.

ADDITIONAL APPLICANT

Name: _____ CHECK ONE: ☐ owner ☐ other: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone No.: _____ E-Mail: _____

Signature: _____ Signature – (Printed/Typed) _____

ADDITIONAL OWNER(S) OF RECORD

Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone No.: _____ E-Mail: _____

Signature: _____ Signature – (Printed/Typed) _____

Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone No.: _____ E-Mail: _____

Signature: _____ Signature – (Printed/Typed) _____

(OPTIONAL) SEND COPIES OF ALL CORRESPONDENCE TO:

Name: Sarah Ann Cohen

Address: 580 Broad Street City: Bristol State: CT Zip: 06010

Telephone No.: 8605845625 E-Mail: saranncohen@hotmail.com

08/17 - LUO

Application #3807
Location

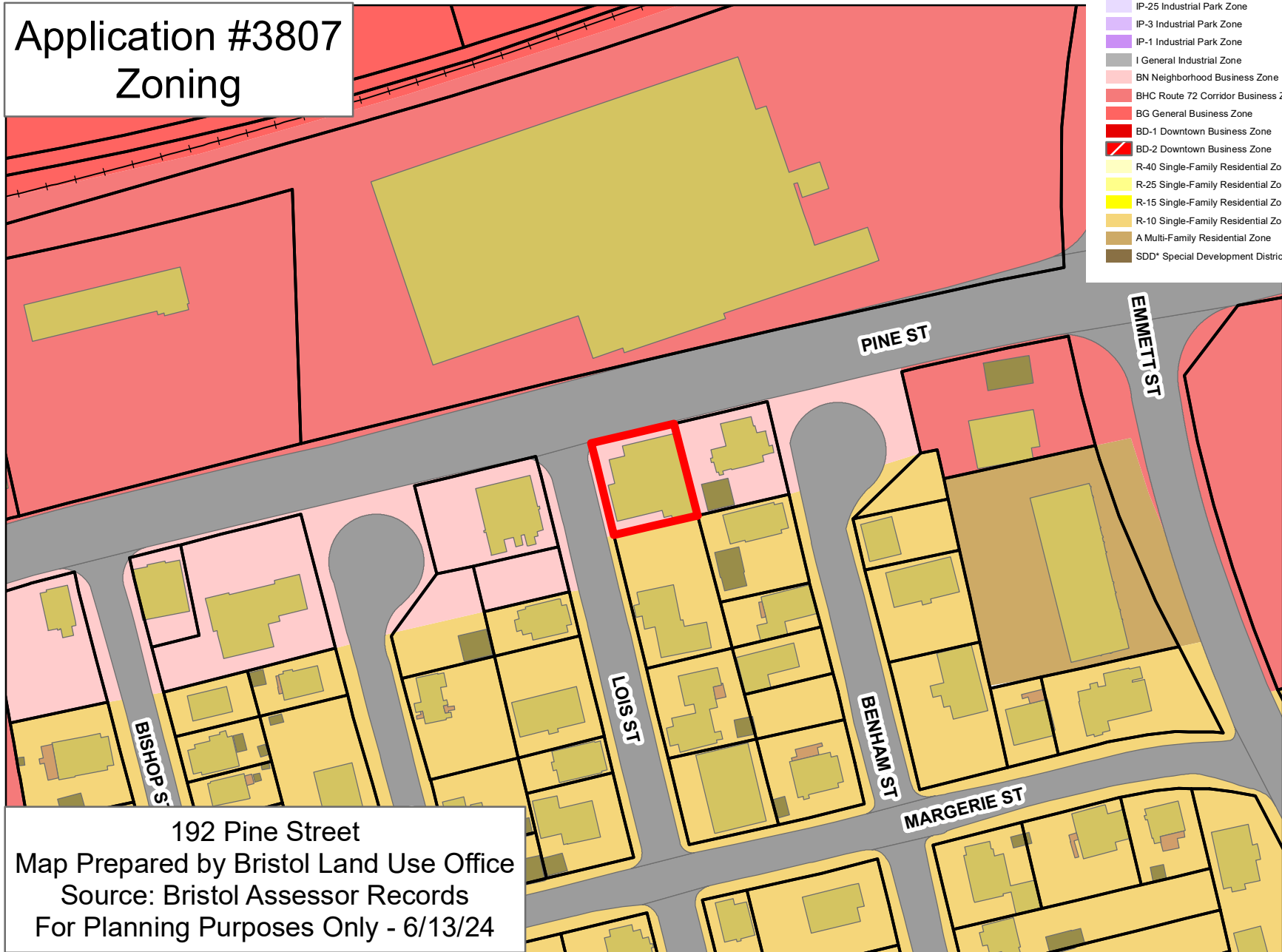


192 Pine Street
Map Prepared by Bristol Land Use Office
Source: Bristol Assessor Records
For Planning Purposes Only - 6/13/24

Legend
 SITE

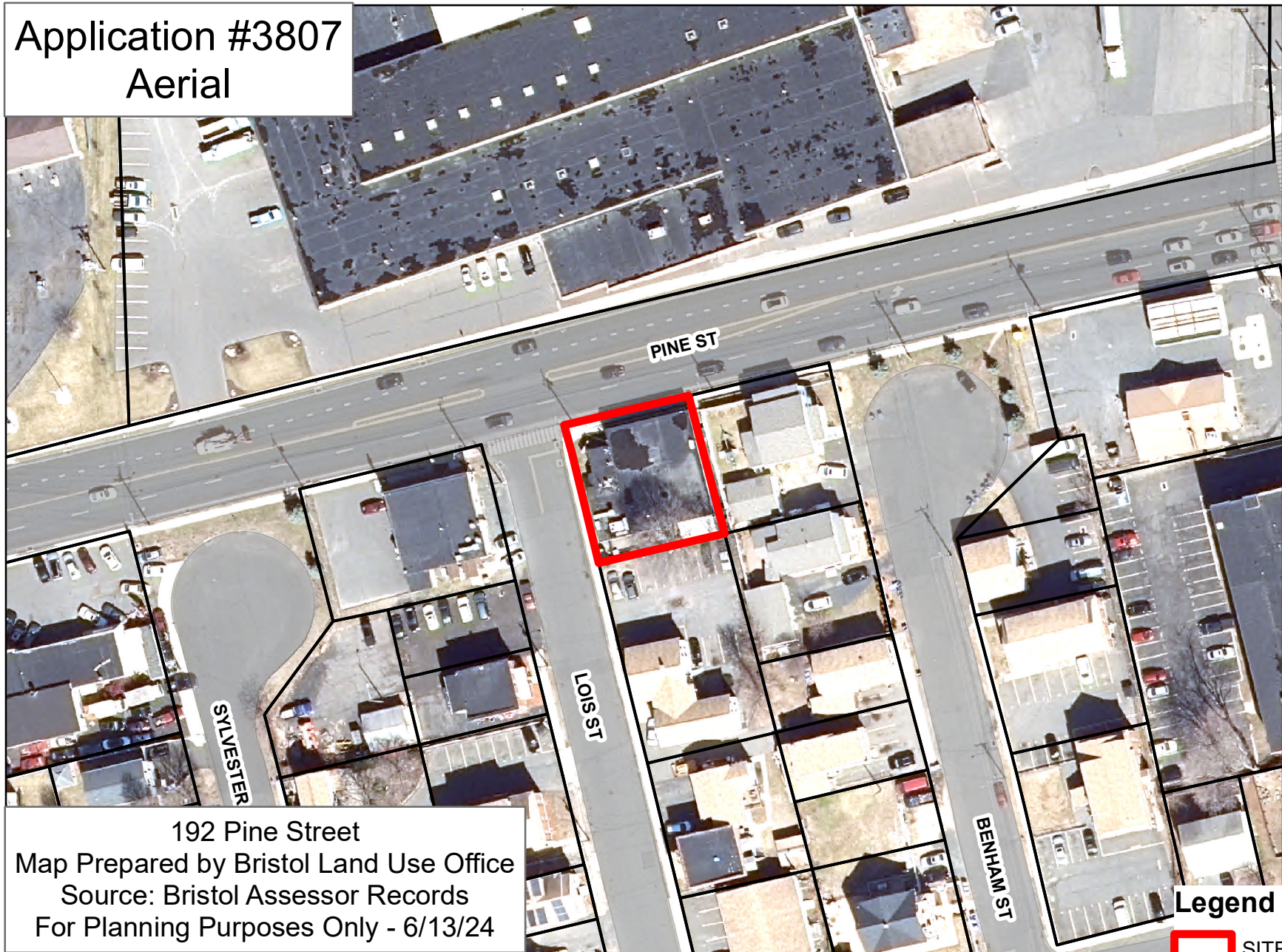
Application #3807 Zoning

- Legend**
-  SITE
 -  IP-25 Industrial Park Zone
 -  IP-3 Industrial Park Zone
 -  IP-1 Industrial Park Zone
 -  I General Industrial Zone
 -  BN Neighborhood Business Zone
 -  BHC Route 72 Corridor Business Zone
 -  BG General Business Zone
 -  BD-1 Downtown Business Zone
 -  BD-2 Downtown Business Zone
 -  R-40 Single-Family Residential Zone
 -  R-25 Single-Family Residential Zone
 -  R-15 Single-Family Residential Zone
 -  R-10 Single-Family Residential Zone
 -  A Multi-Family Residential Zone
 -  SDD* Special Development District



192 Pine Street
Map Prepared by Bristol Land Use Office
Source: Bristol Assessor Records
For Planning Purposes Only - 6/13/24

Application #3807
Aerial



192 Pine Street
Map Prepared by Bristol Land Use Office
Source: Bristol Assessor Records
For Planning Purposes Only - 6/13/24

Legend
 SITE

Application #3807
Aerial #2



192 Pine Street
Map Prepared by Bristol Land Use Office
Source: Bristol Assessor Records
For Planning Purposes Only - 6/13/24

Legend
 SITE

Briefly state the purpose of the proposed variance (e.g., "to build a two-car garage"): To comply with CT Department of consumer protection, Liquor Control Commission regulations and CT general statutes the designated smoking area's overhang for protection from the weather

Briefly state the specific hardship which causes the need for the proposed variance: 1. The Route 72 expansion by eminent domain of the entire front of the property including at least six parking spots, dead-end roads and increased traffic and speed of traffic meant the clientele are there for the environment and stay longer rather than the drop in customers used to have. 2. Per current regulations lot size is 15,000 square feet. My property is 6320 Square Feet. Although grandfathered in, the lot is an undersized lot by 2/3 based upon current regulations. 3. The Pandemic created need and desire for social distancing, fresh air and outdoor spaces. The weather in Connecticut is not conducive to this especially without protection from the elements especially overhangs and coverings.



Marc LeBoeuf



MAP REFERENCE:

1. MAP ENTITLED, "PROSPECT PARK, BRISTOL CT. BY LEAVITT WOODWORTH & SWEATT 30 COURT ST., BOSTON. SURVEYED JUNE 20, 1906 BY JOHN M. McCLINTOCK A.M.C.E. SCALE 1 IN.=40 FT."
2. MAP ENTITLED, "RIGHT OF WAY SURVEY TOWN OF BRISTOL MAP SHOWING EASEMENT ACQUIRED FROM WEN CAI YANG ET AL BY THE STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION RELOCATION OF ROUTE 72 APRIL 2010 A.M.C.E. SCALE 1 IN.=40 FT."
3. MAP ENTITLED, "PLOT PLAN SHOWING PROPOSED IMPROVEMENTS PREPARED FOR MEHAK MEHAK LOTS #14 & #15 #204 PINE STREET BRISTOL, CONNECTICUT SCALE: 1"=10' JAN. 21, 2016." KENNETH R. CYR L.S.

REGULATIONS FOR BN ZONE

ITEM	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA	15,000 S.F.	6,320.0 S.F.*	6,320.0 S.F.*
MIN. FRONTAGE	100'	80.0' *	80.0' *
MIN.BLDG.LINE- PINE	20'	3.8' *	3.8' *
MIN.BLDG.LINE-LOIS	20'	4.5' *	4.5' *
MIN. SIDE YARD	15'	N/A	N/A
MIN. REAR YARD-LOIS	15'	5.3' *	5.3' *
MIN. REAR YARD-PINE	25'	12.3' *	12.3' *
MAX. BLDG. HEIGHT	35'	13.4'	13.4'
MAX. BLDG. COVERAGE	35%	65% *	65% *
MIN. ACCESSORY SETBACK	5'	N.A.	N.A.

*PRE-EXISTING NON-CONFORMING CONDITION PRE-DATING ZONING.

CERTIFICATION:

- 1). THIS MAP AND SURVEY WERE PREPARED IN ACCORDANCE WITH THE REGULATIONS OF CONNECTICUT STATE AGENCIES, SECTIONS 20-300B-1 THRU 20-300B-20, AND THE RECOMMENDED STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT EFFECTIVE OCTOBER 26, 2018 PREPARED AND ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. PURSUANT TO AND AS SET FORTH THESE STANDARDS.
- THE TYPE OF SURVEY PERFORMED AND THE MAPPED FEATURES DEPICTED HEREON ARE IN ACCORDANCE WITH THE REQUIREMENTS OF A ZONING LOCATION SURVEY.
- PROPERTY LINES, AS THEY ARE DEPICTED HEREON, PRESENT PROFESSIONAL OPINIONS THAT PERTAIN TO A "DEPENDENT RESURVEY". THIS MAP PRESENTS THE RESULTS OF MEASUREMENTS WHICH WERE MADE UPON THE GROUND IN ACCORDANCE WITH THE ACCURACY STANDARDS OF A CLASS A-2 SURVEY.
- 2). THIS MAP AND SURVEY WERE PREPARED FOR LeBOEUF REALTY LLC TO BE USED IN MATTERS THAT RELATE TO ZBA VARIANCE REQUEST. USE OF THIS MAP FOR OTHER PURPOSES OR BY OTHER PARTIES IS NOT AUTHORIZED OR VALID.
- 3). NO DECLARATION IS EXPRESSED OR IMPLIED BY THIS MAP OR COPIES THEREOF UNLESS IT BEARS THE IMPRESSION TYPE SEAL AND ORIGINAL LIVE SEAL AND ORIGINAL LIVE SIGNATURE OF THE SURVEYOR WHOSE NAME AND REGISTRATION NUMBER APPEAR BELOW. ANY CHANGES MADE TO THIS PLAN WITHOUT THE KNOWLEDGE OF THE SIGNERS INVALIDATES THESE DECLARATIONS.

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

Kenneth R. Cyr
PETER D. FLYNN CT.L.L.S. #8792
KENNETH R. CYR CT.L.L.S. #70116

5-9-24

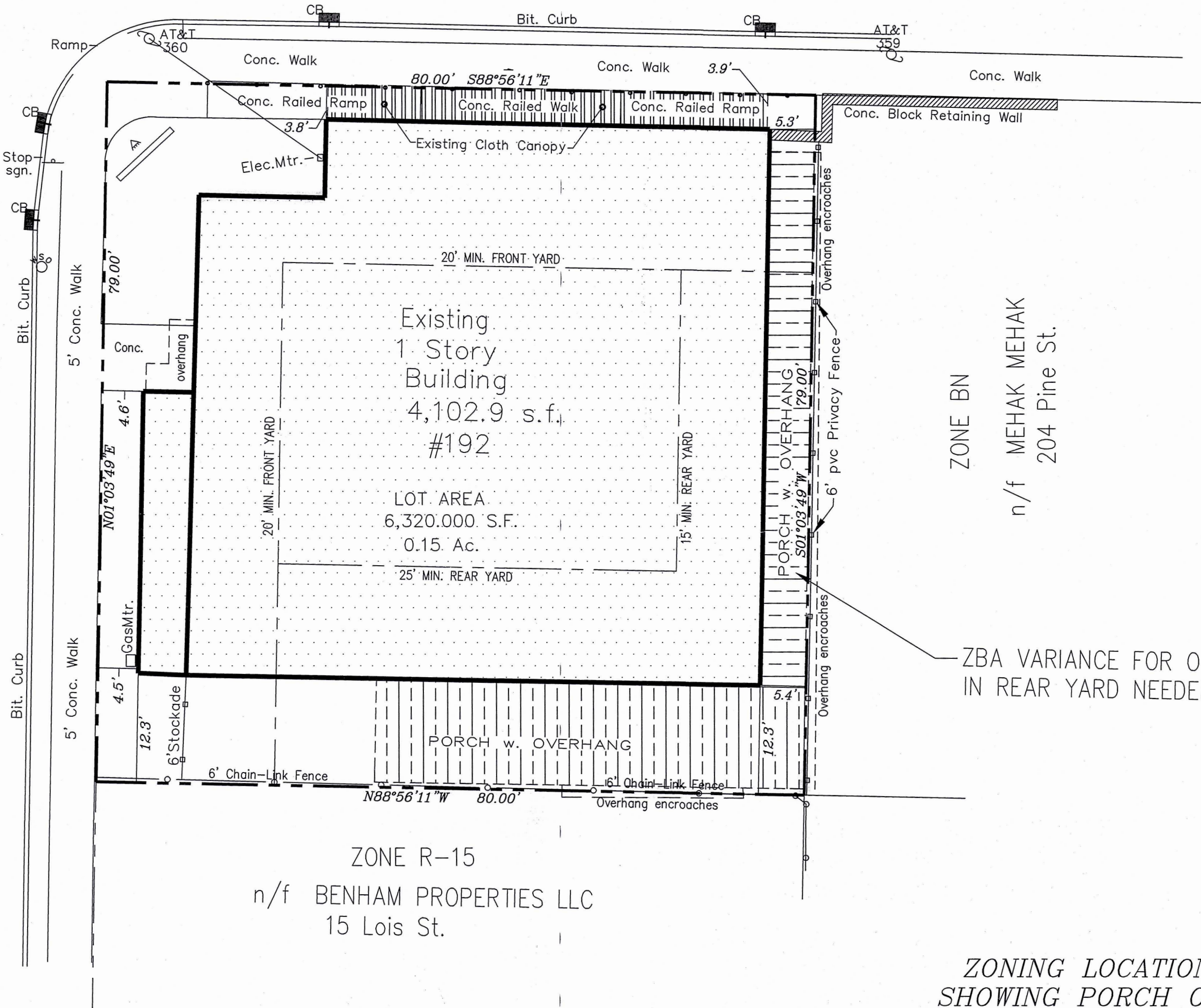
NOT VALID UNLESS ORIGINAL SIGNATURE, LIVE STAMP, & RAISED SEAL ARE AFFIXED.



FLYNN & CYR LAND SURVEYING, LLC
1204 FARMINGTON AVE. 860-828-7886
BERLIN, CONNECTICUT 06037



PINE STREET



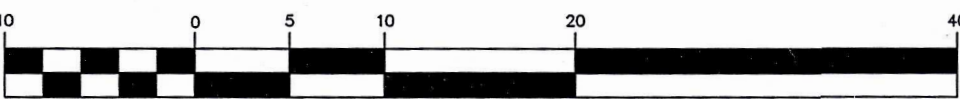
ZONE R-15
n/f BENHAM PROPERTIES LLC
15 Lois St.

ZONE BN
n/f MEHAK MEHAK
204 Pine St.

ZBA VARIANCE FOR OVERHANG
IN REAR YARD NEEDED

ZONING LOCATION SURVEY
SHOWING PORCH OVERHANGS
& ZBA VARIANCE REQUEST
PREPARED FOR
LeBOEUF REALTY LLC
#192 PINE STREET
BRISTOL, CONNECTICUT
SCALE 1"=10' APR. 16, 2024

GRAPHIC SCALE Rev.: 5-9-24



(IN FEET)
1 inch = 10 ft.

INDICATED UNDERGROUND UTILITIES ARE BASED ON AVAILABLE DATA. THE LOCATIONS ARE APPROXIMATE AND ALL UTILITIES MAY NOT BE SHOWN. PRIOR TO CONSTRUCTION, CONTRACTOR SHALL CALL 1-800-922-4455 AND HAVE ALL UTILITIES MARKED.

THIS DRAWING HAS BEEN PREPARED BASED, IN PART, ON INFORMATION PROVIDED BY OTHERS RELATING TO THE LOCATION OF UNDERGROUND SERVICES. WE CANNOT VERIFY THE ACCURACY OF THIS INFORMATION AND SHALL NOT BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS, WHICH MAY BE INCORPORATED HEREIN AS A RESULT.

For Office Use Only	
APPLICATION NO.	3808
DATE FILED:	06-13-24
DECISION DATE:	_____
DECISION:	_____

**ZONING BOARD OF APPEALS
CITY OF BRISTOL, CONNECTICUT
APPLICATION FOR VARIANCE**

The undersigned Applicant hereby applies to the Bristol Zoning Board of Appeals for a variance of the Bristol Zoning Regulations.

Address or Location of the Property: 615 WITCHES ROCK RD

Assessor's Map No.: 8 Assessor's Lot No.(s): 9 Zone of the Property: R-25

Indicate the type of variance requested (e.g., lot area, side yard) and the Section of the Zoning Regulations being varied.
If more than one variance, list each separately.

<u>Type of Variance</u>	<u>Section of the Zoning Regulations</u>
<u>SIDE YARD</u>	<u>Article II Section 7.1.D</u>
_____	_____
_____	_____
_____	_____

Briefly state the purpose of the proposed variance (e.g., "to build a two-car garage"): TO BUILD ATTACHED
TWO-CAR GARAGE WITH ADJOINING MUDROOM AND LAUNDRY ROOM

Briefly state the specific hardship which causes the need for the proposed variance: No other suitable location for
proposed structure due to well location, other side of house already inside existing side yard setback, frontage/lot width 60'

If any variances for this Property have previously been requested, indicate the application number, the date of ZBA action and the action taken: N/A

Other comments: N/A

APPLICANT (If more than one, list on Page 2)

Name: Brian Burnes

Address: 615 Witches Rock Rd. City: Bristol State: CT Zip: 06010

Telephone No.: 860-584-0026 E-Mail: burneshf@gmail.com

Signature: *Brian Burnes* Signature – (Printed/Typed) Bria Burnes

CHECK ONE: ☒ owner [] other (specify): _____

OWNER(S) OF RECORD (If other than Applicant; if more than one, list on Page 2)

Name: Brian Burnes

Address: 615 Witches Rock Rd City: Bristol State: CT Zip: 06010

Telephone No.: 860-584-0026 E-Mail: burneshf@gmail.com

Signature: *Brian Burnes* Signature – (Printed/Typed) Brian Burnes

THIS APPLICATION MUST BE FILED IN PERSON NO LATER THAN 12 NOON ON THE DEADLINE DAY FOR APPLICATION SUBMISSION – NO EXCEPTIONS!

**CITY OF BRISTOL, CONNECTICUT
SUPPLEMENTARY INFORMATION**

For Office Use Only
APPLICATION NO. **3808**

Address or location of property: 615 WITCHES ROCK RD

ADDITIONAL INFORMATION/COMMENTS (click inside the box below and begin typing)

Proposed Variance requested due to following hardship(s):
Lot
Inability to locate proposed structure in different area due to:
- existing well location and proximity to proposed structure; locating the proposed structure closer
- left side of existing house non-conforming (previously built within currently required 15 foot minimum side yard setback)
- Width of lot as developed in 1948 non-conforming (60' uniformly front to back, which is <50% of current minimum required frontage of 125') and limits where proposed structure can be built
- Lot proposed and developed prior to adoption of current R-25 standards, resulting in a pre-existing non-conforming lot

ADDITIONAL APPLICANT

Name: N/A CHECK ONE: ☐ owner ☐ other: _____
Address: _____ City: _____ State: _____ Zip: _____
Telephone No.: _____ E-Mail: _____
Signature: _____ Signature – (Printed/Typed) _____

ADDITIONAL OWNER(S) OF RECORD

Name: N/A
Address: _____ City: _____ State: _____ Zip: _____
Telephone No.: _____ E-Mail: _____
Signature: _____ Signature – (Printed/Typed) _____
Name: _____
Address: _____ City: _____ State: _____ Zip: _____
Telephone No.: _____ E-Mail: _____
Signature: _____ Signature – (Printed/Typed) _____

(OPTIONAL) SEND COPIES OF ALL CORRESPONDENCE TO:

Name: N/A
Address: _____ City: _____ State: _____ Zip: _____
Telephone No.: _____ E-Mail: _____

**CITY OF BRISTOL, CONNECTICUT
SUPPLEMENTARY INFORMATION**

For Office Use Only
APPLICATION NO. **3808**

Address or location of property: 615 WITCHES ROCK RD

ADDITIONAL INFORMATION/COMMENTS (click inside the box below and begin typing)

N/A

ADDITIONAL APPLICANT

Name: N/A CHECK ONE: ☐ owner ☐ other: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone No.: _____ E-Mail: _____

Signature: _____ Signature – (Printed/Typed) _____

ADDITIONAL OWNER(S) OF RECORD

Name: N/A

Address: _____ City: _____ State: _____ Zip: _____

Telephone No.: _____ E-Mail: _____

Signature: _____ Signature – (Printed/Typed) _____

Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone No.: _____ E-Mail: _____

Signature: _____ Signature – (Printed/Typed) _____

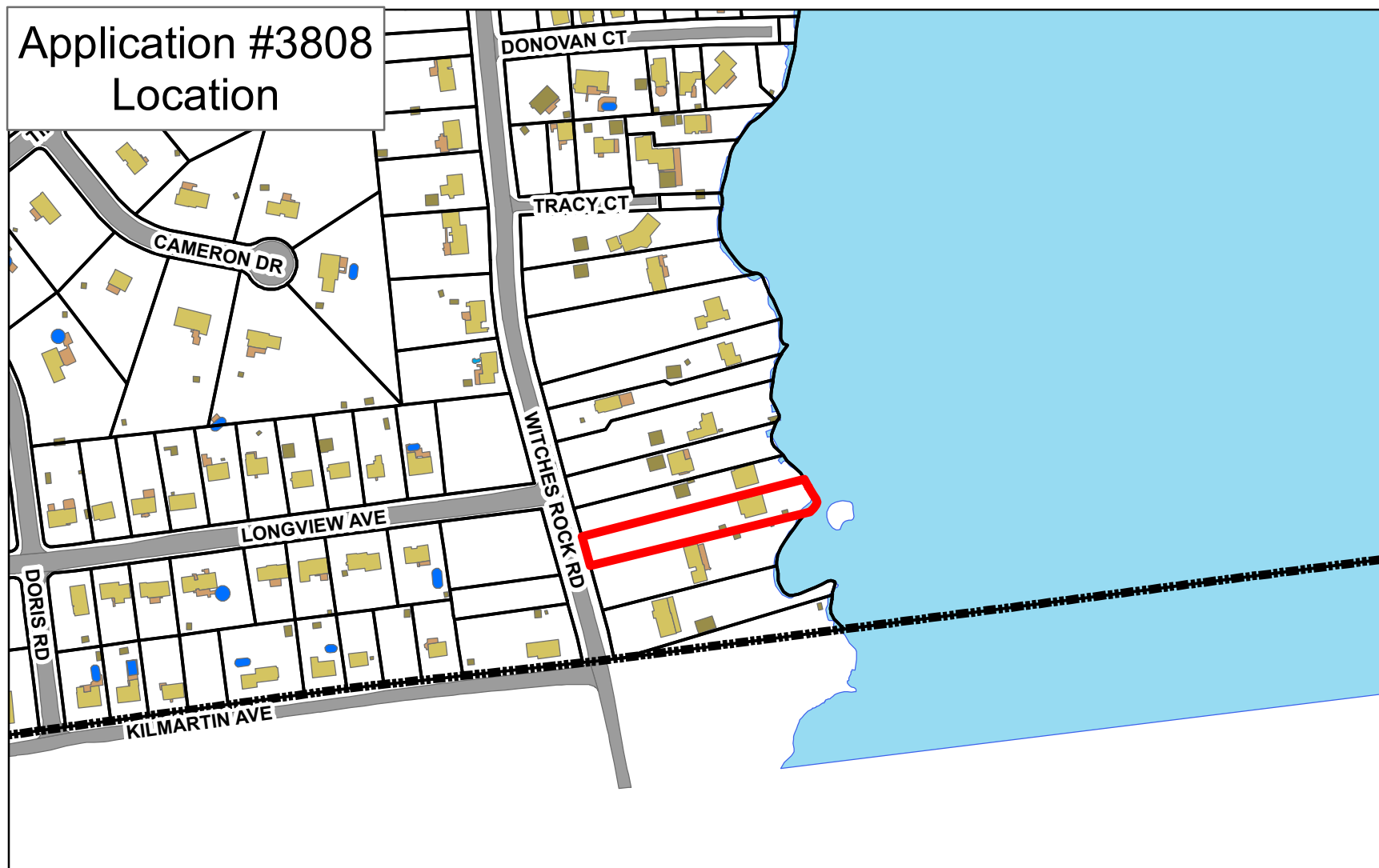
(OPTIONAL) SEND COPIES OF ALL CORRESPONDENCE TO:

Name: N/A

Address: _____ City: _____ State: _____ Zip: _____

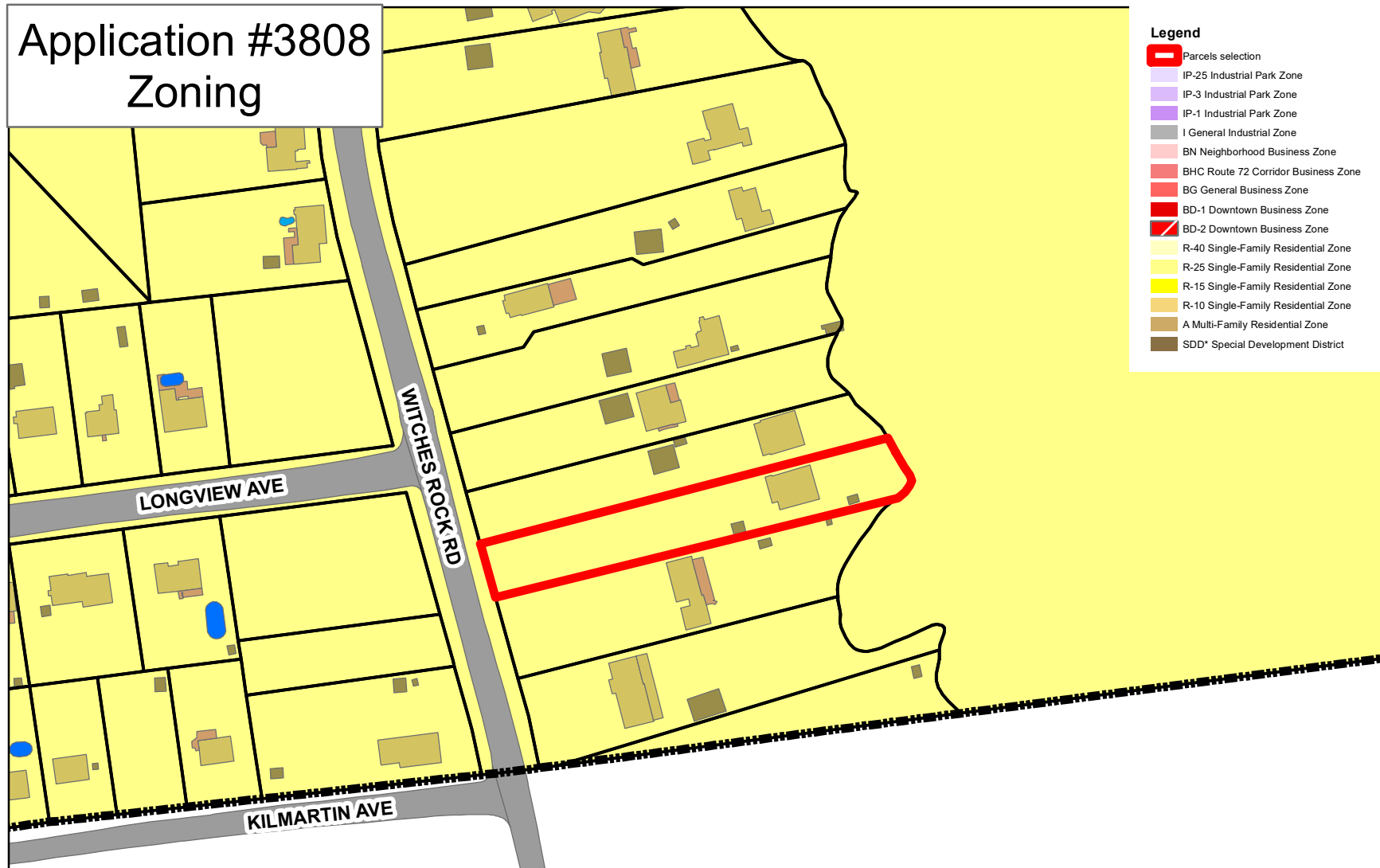
Telephone No.: _____ E-Mail: _____

Application #3808
Location



615 Witches Rock Road
Map Prepared by Bristol Land Use Office
Source: Bristol Assessor Records
For Planning Purposes Only - 6/13/24

Application #3808 Zoning

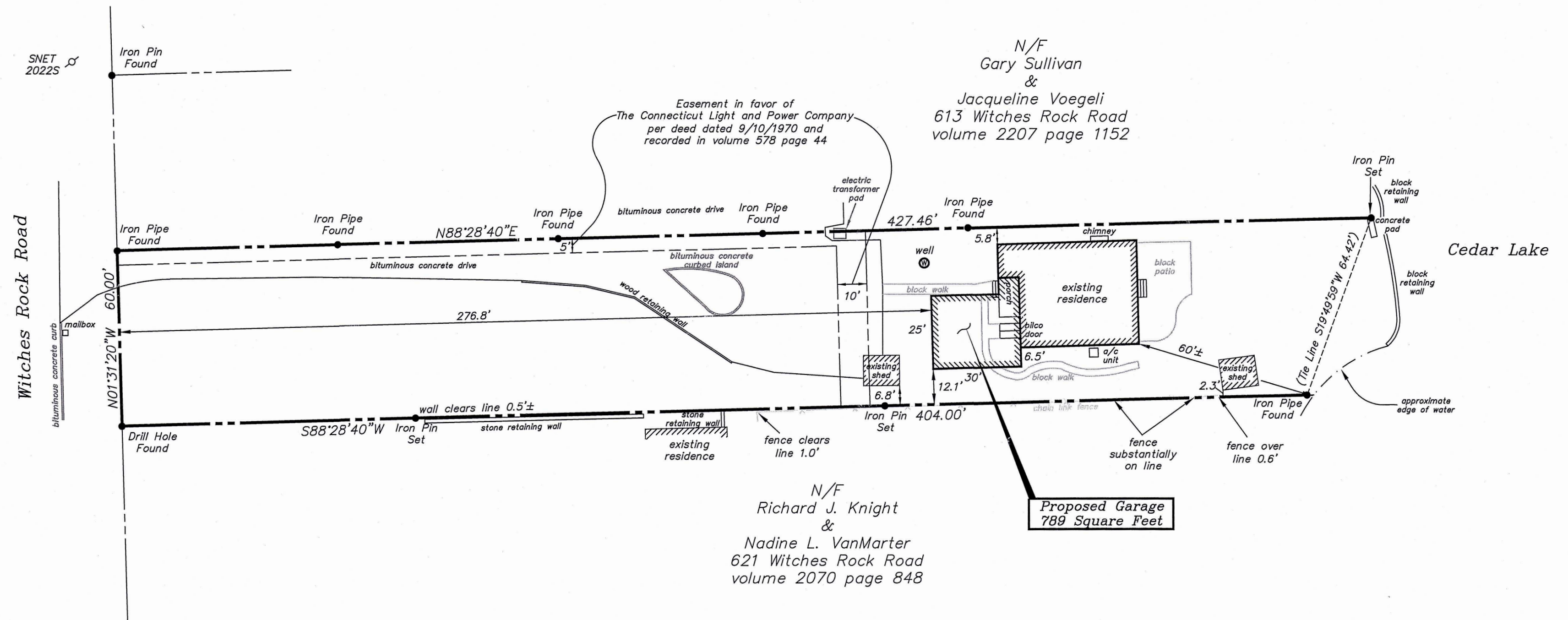


615 Witches Rock Road
Map Prepared by Bristol Land Use Office
Source: Bristol Assessor Records
For Planning Purposes Only - 6/13/24

Application #3808
Aerial



615 Witches Rock Road
Map Prepared by Bristol Land Use Office
Source: Bristol Assessor Records
For Planning Purposes Only - 6/13/24

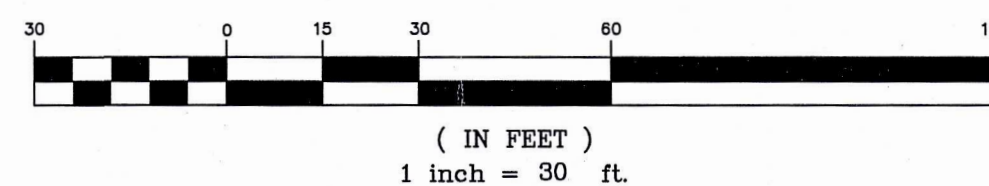


Survey Notes:

- This survey and map have been prepared pursuant to the Regulations of Connecticut State Agencies Sections 20-300b-1 through 20-300b-20 and the "Standards for Surveys and Maps in the State of Connecticut" as adopted by the Connecticut Association of Land Surveyors, Inc., on September 26, 1996.
- The type of survey performed and the mapped features depicted hereon are in accordance with the requirements of a Property Survey.
- Boundary determination/opinion is based upon a Dependent Resurvey of the map referenced in note 6A.
- With respect to the boundary lines depicted this survey conforms to a Class A-2.
- Bearings are based upon a observation of magnetic north on 4/5/2005.
- Reference is made to the following map:
A. Development of Cedar Knoll Beach, Property of Joseph T. Donovan, vicinity of Cedar Lake Witches Rock Road, Bristol & Wolcott, Conn., scale 1"=40', dated July 9, 1948., map on file in City of Bristol Land Records.
- Subject parcel depicted as Lot 9 on the map referenced in note 6A. Subject parcel depicted as Lot 9 on City of Bristol Assessor Map #8.
- No underground utilities are depicted.
- Subject parcel located in Zone R-25.

R-25 Zone			
	Required	Existing	Proposed
Min. Lot Area	25,000 sq.ft	25,700± sq.ft	25,700± sq.ft
Min. Lot Frontage	125 feet	60.00 ft	60.00 ft
Min. Front Yard	40 feet	299.9 ft	276.8 ft
Min. Side Yard (each)	15 feet	5.8 ft & 18.7	5.8 ft & 12.1 ft
Min. Rear Yard	40 feet	60± ft	60± ft
Max. Building Coverage	25%	9%	12%

GRAPHIC SCALE



Prepared By:
Robert J. Wadowski, L.S.
57 May Street
Bristol, Ct 06010
(860) 302-2669

To my knowledge and belief this map is substantially correct as noted hereon.

Robert J. Wadowski
Robert J. Wadowski

L.S. #70028

Revised 5/08/23 Update Survey, Add Proposed Garage
Revised 7/06/05 Change Proposed Garage Location
Revised 4/30/05

LEGEND

---	Property/Deed/Street Line
----	Easement Line
N/F	Now or Formerly
-O-	Utility Pole
SNET	Southern New England Telephone

CALL BEFORE YOU DIG 1-800-922-4455

Deed Reference
volume 2012 page 664

Area
25,700± Square Feet

Property Survey

land of

Jill I. Burnes & Brian M. Burnes

615 Witches Rock Road

Bristol, Connecticut

Scale 1"=30'

Date 04/5/2005

Field RJW/ BK

Comps RJW

Disk 1001 Job 1

**BRISTOL ZONING BOARD OF APPEALS
MINUTES
REGULAR MEETING OF MONDAY, JANUARY 2, 2024**

CALL TO ORDER:

By: Chairman Rafaniello

Time: 7:00 P.M.

Place: City Hall
Council Chambers
111 North Main Street
First Floor

ROLL CALL:

Chairman Rafaniello called the meeting to order at 7:02 P.M.

MEMBERS		PRES ENT	ABSENT
REGULAR MEMBERS:	Jerald Rafaniello (Chairman)	X	
	David Pecevich (Vice Chairman and Acting Secretary)	X	
	Richard Raymond (Secretary)		X
	Alfred Radke, III	X	
	Richard Balsam		X
ALTERNATE MEMBERS:	Michael Gregory Erosenko	X	
	Rory Ghio	X	
	Liza Salgado-Sirko	X	
		X	
STAFF:	Edward Spyros, Zoning Enforcement Officer	X	
	Andrew Armstrong, Assistant City Planner	X	

Chairman Rafaniello designated regular Commissioners Pecevich, Radke and Rafaniello as voting members this evening. He also designated alternate Commissioners Ghio and Erosenko as voting members this evening in place of regular Commissioners Balsam and Raymond with their absence. He also designated Commissioner Pecevich as Acting Secretary this evening.

PUBLIC HEARINGS:

1. Application #3804 – Variance request for minimum side yard required for a new garage addition at 1010 Matthews Street; Assessor's Map 66, Lot 267-A; R-25 (single-family residential) zone; Tomasz Rzepecki, applicant.

Tomasz Rzepecki, 1010 Matthews St., explained he and his wife lived at this residence for a long time and the request was to construct a 24 ft. X 24 ft. attached garage. The garage would encroach 12 inches on the 15 ft. side yard setback. He explained his wife and himself would be retiring soon and they wanted the garage for safety. If the garage is less than 24 ft., the passenger would have to be in the inclement weather. He spoke with the neighbors and there were no objections. He explained the existing house was constructed at an angle because of the septic system.

Board inquiries, Mr. Rzepecki explained regarding the opposite side (west side) of the house there was insufficient area. The vehicles would also have to drive on the septic line. In addition, there is a chimney and air conditioning unit on the other side of the home. He explained the driveway would not be widened for this plan. The plan was just for the garage addition to the existing house. The design would be flush with the front of the house. He explained there would only be a storage area above the garage. He noted the roof would be steeper than usual and has hired a builder for the garage.

No one else spoke in favor of the application.

No one spoke against the application.

The hearing is closed.

By: Rafaniello

Seconded: Pecevich.

For: Radke, Pecevich, Ghio, Erosenko and Rafaniello.

Against: None.

Abstain: None.

The Board's comments were that the encroachment was on the east side of the house. Also, there were no neighbors in attendance against the application. The hardship was the house would have to be relocated for this standard sized garage. The applicant spoke with neighbors. The applicant did his due diligence. The hardship was the house location and septic system for the property. If the house were constructed at a 90-degree angle, a Variance may not have been required. An additional hardship was the shape of the property. The Commissioners were in favor of the applicant because there would only be a slight encroachment.

MOTION: Move to approve Application #3804 – Variance request for minimum side yard required for a new garage addition at 1010 Matthews Street; Assessor's Map 66, Lot 267-A; R-25 (single-family residential) zone; Tomasz Rzepecki, applicant, in accordance with the plot plan and information submitted.

By: Pecevich

Seconded: Ghio.

For: Ghio, Erosenko, Radke, Pecevich and Rafaniello.

Against: None.

Abstain: None.

The application is approved.

2. Application #3805 – Variance request for minimum front yard required for an existing single-family home at 6 Ridge Road; Assessor's Map 33, Lot 101-4; R-15 (single-family residential) zone; Infinitive Property Services LLC, applicant.

Chairman Rafaniello designated regular Commissioners Pecevich, Radke and Rafaniello to vote on Application #3805. He also designated alternate Commissioners Ghio and Erosenko to vote on Application #3805 in place of regular Commissioners Balsam and Raymond with their absence this evening.

Attorney James Ziogas, 104 Bellevue Ave., representing the applicant, explained the request for a Variance for the corner lot for a front yard of 22.4 ft. for the existing structure. Attorney Ziogas explained the setback line is 25 ft. and the buildings is at 22.4 ft. The stairs encroach in the front yard. He explained the Board typically asks the applicant if the work was done and then asking for forgiveness. He explained this was a new developer and his surveyor had discussed the plans to construct a house that was approved by the City. During the certificate of occupancy process an error was discovered of measuring the property line setback from the street. The request was to correct this problem. He reviewed the doctrine of municipal estoppel for applicants. He explained the warranty was going to expire for the people buying the house. His view was the Board should grant the Variance because the applicant did his due diligence for the plans, but this was an honest mistake that had to be corrected. He explained Nancy Levesque, P.E., City Engineer, was in attendance to speak on the application.

Edward Spyros, ZEO, explained he never comes before the Board in favor or against an application. He explained he tries to stay neutral on an application. In this instance he was in favor of the application because he made an error on the front yard setback. He told the applicant to measure from the curb line and it should have been from the City right-of-way. So, it was an error of 2 ft. 6 inches.

Nancy Levesque, PE, City Engineer, explained the error that was discovered was measured from the wrong location. She explained the plan matches the submitted Site Plan. Therefore, the Engineering Dept. was in favor of the plan.

The Chairman understood the concern. His view was this was a corner lot and he did not have a concern on this request. There was a City error, but this does not matter at this point because of the size and shape of the lot. Also, there was no concern because of the setbacks on South St. and Ridge Rd.

Board inquiries: Attorney Ziogas explained the applicant would be paying for the additional changes. Mr. Spyros explained a foundation as built plan is requested from the applicants. He explained an inspection was done based on the Site Plan.

No one else spoke in favor of the application.

No one spoke against the application.

The hearing is closed.

By: Rafaniello

Seconded: Pecevich.

For: Ghio, Erosenko, Radke, Pecevich and Rafaniello.

Against: None.

Abstain: None.

The Board commented this was not an intentional mistake. The house is trying to be purchased by a family. This is a corner lot and the error was about 30 inches, so there was no concern with the plan. The setback is minimal. If someone had noticed the error with the foundation, the foundation may have been moved 2 ft. The traffic is mostly on South St. The Board agreed this application should be approved.

MOTION: Move to approve Application #3805 – Variance request for minimum front yard required for an existing single-family home at 6 Ridge Road; Assessor's Map 33, Lot 101-4; R-15 (single-family residential) zone; Infinitive Property Services LLC, applicant, in accordance with the plot plan and information submitted.

By: Pecevich

Seconded: Ghio.

For: Ghio, Radke, Erosenko, Pecevich and Rafaniello.

Against: None.

Abstain: None.

The application is approved.

Attorney Ziogas thanked the City Engineer and Mr. Spyros for their help with this applicant.

3. Application #3806 - Appeal of the Zoning Enforcement Officer's (ZEO) December 7, 2023 decision at 110 Hoover Avenue; Assessor's Map 54, Lot 60; R-15 (single-family residential) zone; Meghan Sherman, appellant.

Chairman Rafaniello designated regular Commissioners Pecevich, Radke and Rafaniello to vote on Application #3806. He also designated alternate Commissioners Ghio and Erosenko to vote on Application #3806 in place of regular Commissioners Balsam and Raymond with their absence this evening.

Meghan Sherman, 110 Hoover Ave., appellant, explained she was appealing the ZEO decision so she can have a small dog grooming business in her home. She explained she would be fully compliant with licensing and insurance for the business. She explained the ZEO denied her request and she was hoping the Board would approve her proposal.

At the request of the Board Ms. Sherman gave a background of her experience working as a dog groomer. She explained her reasons of starting a small business because of the stressful and hostile environment she was working in at a traditional commercial business. She explained this has affected her health. She would like to invest her efforts into her own business. She explained leasing space was unfeasible for her for grooming. She explained she only grooms in her kitchen on small dogs that do not shed.

Board inquiries: Mr. Sherman explained there was limited leasing space available in this business. She described her conversations with her neighbors about running a home business (attached to application.) The neighbors with a sightline to her property had no negative responses. For this business requirement she needed to purchase a groomers tub. She wanted the business to be started correctly with the City.

Mr. Armstrong explained that today Ms. Sherman submitted three items into the record of two photographs and one floor plan, which was not part of Mr. Spyros decision packet.

No one else spoke in favor of the Appeal.

Edward Spyros, Zoning Enforcement Officer, reviewed his report of the reasons to deny the request for a home business application according to the Zoning Regulations. His decision was a dog grooming business was not appropriate in a single-family residential zone. He reviewed the reasons from the Zoning Regulations of the home business being evident and visible in the area. He read into the record the Zoning Regulations regarding dog grooming facilities. He reviewed the zone and facilities that dog grooming equipment was allowed and not allowed. He reviewed from the Zoning Regulations the associated problems, prohibited

uses and the requirements for the property. As the Zoning Enforcement Officer, he has to protect the integrity of the Zoning Regulations. The existing neighbors may not be concerned, but the future neighbors would change in the area. His view was the use was not appropriate for this area.

No one else spoke against the Appeal.

Ms. Sherman explained she was not looking to run a commercial kennel or a boarding kennel. She explained her process for receiving the dogs, grooming and delivering the dogs. She disagreed this would decrease home values because this use would allow her more income to upgrade the property. Therefore, the property value would be increased for the area. She requested the definition of "intensity" at the time of the application. But, she was dismissed and told to review the matter with the Zoning Board of Appeals. She wanted to hear the Board's concerns, but she was not able to e-mail the Board.

Mr. Spyros explained he gave a simple explanation to Ms. Sherman that this residential use was too intense for a residential area. This was not fair to the neighbors. He is charged with protecting the residential zone. His view was a dog grooming business was not appropriate and not allowed for a residential zone.

The hearing is closed.

By: Radke

Seconded: Pecevich.

For: Ghio, Erosenko, Radke, Pecevich and Rafaniello.

Against: None.

Abstain: None.

Commissioner Ghio explained this was a difficult appeal. He explained he agreed with the ZEO on the residential zone. He agreed the ZEO had to protect this zone. Commissioner Radke agreed with the ZEO with the reading of the Zoning Regulations. He supported the ZEO's decision. Commissioner Erosenko agreed this was a difficult appeal. But, this is a residential zone and he agreed with the ZEO's decision. Commissioner Pecevich noted the appellant was courageous to try to open a business. But this was a residential zone and the use was not allowed in the Regulations. The City of Bristol may try to help her with her business, but he agreed with the ZEO's decision. Chairman Rafaniello was sympathetic to the appellant with the hardships and feasibility, but the Board and the ZEO have to enforce the Regulations. He agreed with the Commission comments and the ZEO's decision.

MOTION: Move that Application #3806 - Appeal of the Zoning Enforcement Officer's (ZEO) December 7, 2023 decision at 110 Hoover Avenue; Assessor's Map 54, Lot 60; R-15 (single-family residential) zone; Meghan Sherman, appellant, be approved, in accordance with the plot plan and information submitted.

By: Pecevich

Seconded: Erosenko.

For: None.

Against: Radke, Ghio, Erosenko, Pecevich and Rafaniello.

Abstain: None.

The appeal is denied.

Mr. Armstrong requested the appellant call him to discuss an option of some new loan programs by the City of Bristol.

MISCELLANEOUS

4. Meeting Minutes – December 5, 2023

Chairman Rafaniello designated regular Commissioners Pecevich, Radke and Rafaniello to vote on the December 5, 2023, regular meeting minutes.

MOTION: Move to approve the minutes of the December 5, 2023, regular meeting.

By: Pecevich

Seconded: Radke.

For: Radke, Pecevich and Rafaniello.

Against: None.

Abstain: None.

ADJOURNMENT

Chairman Rafaniello request Commissioners Ghio and Salgado-Sirko to meet with Staff to review the duties of a new Commissioner. He noted Commissioner Ghio has previously met with Staff.

Mr. Armstrong explained he would schedule a Zoom meeting with Commissioner Salgado-Sirko to review the duties and provide an orientation for new Commissioners. He noted Commissioner Salgado-Sirko's letter from the City Clerk's Office was corrected to an alternate member.

Chairman Rafaniello designated regular Commissioners Pecevich, Radke and Rafaniello to vote on the adjournment. He also designated alternate Commissioners Ghio and Erosenko to vote on the adjournment.

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

By: Ghio

Seconded: Erosenko.

For: Radke, Pecevich, Ghio, Erosenko and Rafaniello.

Against: None.

Abstain: None.

This meeting was taped.

Respectfully submitted,

Nancy King
Recording Secretary

Jerald A. Rafaniello, Chairman

Richard Raymond, Secretary