

**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