

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

1. Pledge of Allegiance
2. Call To Order

By: Chairman Rafaniello

Time: 7:00 P.M.

Place: City Hall
111 North Main St.
Council Chambers
First Floor

Per the order of Chairman Rafaniello, the meeting was called to order at 7:00 P.M.

MEMBERS		PRESENT	ABSENT
REGULAR MEMBERS:			
	Jerald Rafaniello (Chairman)	X	
	David Pecevich (Vice Chairman)	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	
STAFF:			
	Richard Brown, Chief Building Official		X
	Andrew Armstrong, Assistant City Planner	X	

Per the order of Chairman Rafaniello, the meeting was called to order at 7:00 P.M.

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.

Chairman Rafaniello designated Commissioner regular Commissioners Pecevich, Raymond, Radke, Balsam and Rafaniello to vote on Application #3807.

Attorney Sarah Ann Cohen, 580 Broad St., representing the applicant, explained after the Pandemic that people do not go to bars and restaurants as much as before the Pandemic. The existing lot does meet the standards to the current Regulations. She explained the lot did not meet the previous Regulations when the lot was constructed. The applicant wants more people to come into the restaurant/bar. She explained the applicants want to construct an overhang on the rear of the building with a Variance, but there is not a 15 ft. to the neighbor. She stated this area does not encroach on the neighbor, but there is not a 15 ft. area. Their view was this addition would be beneficial to the restaurant/bar.

Chairman Rafaniello explained the maps originally submitted with the plans were not correct because there was an encroachment on the property line. He explained therefore the Board was in a difficult position.

Attorney Cohen explained a revised map was submitted at 4:30 P.M. today for the application.

Mr. Armstrong explained the revised map submitted today did not have enough time for Staff or any of the public to review the plans.

Attorney Cohen requested to continue the application if the applicant did not have to reapply for an additional application. She explained this would allow time to post for the September meeting without reapplying for an additional application, which would allow the Board and the public to review the revised plans.

The Board noted the public hearing signage would have to be reposted.

Chairman Rafaniello noted this would be the best for the application because the Board would have to deny the application as the application exists.

Mr. Armstrong requested Attorney Cohen to submit an e-mail to request the continuance of the public hearing to September.

MOTION: Move that the Public Hearing on 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, be postponed to the Tuesday, September 3, 2024, regular meeting

By: Pecevich

Seconded: Balsam.

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

Against: None.

Abstain: None.

The application is continued.

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.

Chairman Rafaniello designated Commissioner regular Commissioners Pecevich, Raymond, Radke, Balsam and Rafaniello to vote on Application #3808.

The following item was submitted into the record: a letter dated June 2, 2024, from Gary Sullivan, regarding no objections to the application (submitted by Brian Burnes.)

Brian Burnes, 615 Witches Rock Rd., representing the applicant, explained he wanted to construct an attached 2-car garage, mudroom and a laundry room to the front of the existing house. Mr. Burnes explained the request require a Variance because the construction would be within the 3 ft. 6-inch area of the 15 ft. side yard for the Variance. The request would require 3 ft. 6 inches into the side yard setback of 15 ft.

Mr. Burnes reviewed the hardships on the property of the lot being constructed in 1947. He explained the existing lot was non-conforming in the R-25 zone. The 60 ft. frontage was less than the current requirement of 125 ft. The property frontage from the front to the rear of the property would be maintained. The are limits of placing the building within the 30 ft. area side-yard area on the property. One side-yard is 5 ft. 6 inches from the existing house into the 9 ft. 6-inch existing area into the 15 ft. setback which would result in the attached garage 9 ft. 6 inches from the existing well. The Building Department did not recommend this plan but rather the building be placed on the opposite side of the house to prevent any damage to the existing well. Additionally, they recommended a 2-car wide driveway. He reviewed the neighbors' properties that would be similar to the request. He requested approval. Mr. Burnes requested approval for the plan.

Board inquires: Mr. Burnes explained the front yard shed near the addition would likely be demolished He explained the shed near the watercourse would be maintained. He explained the well was 100 ft. deep. He explained this was a

shared driveway and that half the driveway owned by him and half the driveway was owned by the neighbors. He was unsure who owned the double chain link fence on the property, but the fence would remain for a buffer for the neighbor. He explained the trees would remain on the property.

Board inquiries: Mr. Armstrong noted the 5.8 ft. prior Variance on the opposite side of the property was pre-existing.

Commissioner Raymond read into the record the submitted letter dated July 2, 2024.

No one else spoke in favor of the application

No one spoke against the application.

The hearing is closed.

By: Raymond

Seconded: Pecevich.

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

Against: None.

Abstain: None.

The Board commented if the wall construction was done near the existing well that the well would be affected, so the 2 ft. Variance was reasonable. The Board commented the existing well was a hardship and the proximity of the well was a concern. The Board commented the house was pre-existing with only a 60 ft. depth. If the dimensions were wider the plan would be easier to construct, which was a hardship. The Board commented the applicant tried to keep the plans away from the side-yard as much as possible to minimize the Variance. The applicant did their best with the existing property limits. The Board comments the hardship was the non-conforming lot and noted that most properties in the area that lots were non-conforming. The well was existing and should not be encroached on to prevent any damage. The Board comments the request was for a 2 ft. side-yard Variance, which was not a concern. The Board noted a letter of support was submitted into the record from the neighbor most affected. The Board commented the hardship was the existing well and the position of the lot. The Commissioners had no concerns with this request. The Board was in favor of the plan.

MOTION: Move to approve 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, in accordance with the plot plan and information submitted.

By: Raymond

Seconded: Pecevich.

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

Against: None.

Abstain: None.

The application is approved.

Commissioner Pecevich noted that Application #3807 should state Article II on the application.

4. Approval Of Minutes

a. Meeting Minutes – January 2, 2024

Chairman Rafaniello designated Commissioner regular Commissioners Pecevich and Radke to vote on the January 2, 2024, regular minutes. He also designated alternate Commissioners Erosenko, Ghio and Sirko to vote on the January 2, 2024, regular minutes.

MOTION: Move to approve the minutes of the January 2, 2024, regular meeting.

By: Pecevich

Seconded: Radke.

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

Against: None.

Abstain: None.

5. Election of Officers

MOTION: Commissioner Jerald Rafaniello nominated Richard Raymond as Secretary of the Zoning Board of Appeals.

By: Pecevich

Seconded: Radke.

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

Against: None.

Abstain: None

MOTION: Commissioner Richard Raymond nominated David Pecevich as Vice Chair of the Zoning Board of Appeals.

By: Raymond

Seconded: Radke.

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

Against: None.

Abstain: None.

MOTION: Commissioner David Pecevich nominated Jerald Rafaniello as Chairman of the Zoning Board of Appeals.

By: Pecevich

Seconded: Radke.

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

Against: None.

Abstain: None.

Chairman Rafaniello thanked the Board and Staff for all their efforts throughout the year. He thanked the Board and Staff for doing their homework on the applications and being respectful of the applicants.

6. ADJOURNMENT

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

MOTION: Move to adjourn at 7:25 P.M.

By: Pecevich

Seconded: Balsam.

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

Against: None.

Abstain: None.

Chairman Rafaniello reminded the Board the next regular meeting was on Tuesday September 3, 2024.

This meeting was taped.

Respectfully submitted,

Nancy King
Recording Secretary

Jerald A. Rafaniello, Chairman

Richard Raymond, Secretary