



City of Bristol
Zoning Board of Appeals

REGULAR MEETING OF TUESDAY, APRIL 1, 2025
MEETING ONLINE VIA ZOOM AND
BRISTOL CITY HALL – CITY COUNCIL CHAMBERS
111 NORTH MAIN STREET
6:00 P.M.

INFORMATION TO ACCESS THIS MEETING:

Zoom Meeting link:

[https://bristolct-
gov.zoom.us/j/83025021355?pwd=2uQMfK22K0A9qcnfPkbrsJZxtHOQhl.](https://bristolct-gov.zoom.us/j/83025021355?pwd=2uQMfK22K0A9qcnfPkbrsJZxtHOQhl.1)

1

Meeting I.D. Number:

830 2502 1355

Meeting Passcode:

123456

Join by phone

1-929-205-6099

AGENDA

1. Call to Order
2. Public Hearings
 - a. Application #3816 – Appeal of the Zoning Enforcement Officer’s (ZEO) February 10, 2025, decision at 291 Queen Street; Assessor’s Map 30A, Lot 2-6; R-15; Single-Family Residential zone; Focus Spaces of Bristol LLC, applicant.
 - b. Application #3817 – Request for reduction of required rear yard for a new in-ground swimming pool at 124 Pondview Lane; Assessor’s Map 60, Lot 7-13; R-25; Single-Family Residential zone; Kenneth Tamborra, applicant.
3. Approval of Minutes
 - a. Regular Meeting - February 4, 2025
4. Communications

- a. New Alternate Member - Lukasiewicz

5. Adjournment

NOTE: This meeting will be held in-person and online (Via Zoom).

Please contact the Land Use Office at 860-584-6225 for further information.

REMINDER: The next Regular Meeting of the Zoning Board of Appeals is: Tuesday, May 6, 2025

For Office Use Only
APPLICATION NO. 3816
DATE FILED: 02-18-2025
DECISION DATE:
DECISION:

ZONING BOARD of APPEALS
CITY OF BRISTOL, CONNECTICUT
NOTICE OF APPEAL

The undersigned Appellant hereby appeals to the Bristol Zoning Board of Appeals from the order, requirement or decision of the Zoning Enforcement Officer as more fully described below and requests that such order, requirement or decision be reversed.

Briefly describe the order, requirement or decision of the Zoning Enforcement Officer being appealed:
Zoning Enforcement Officer, Order dated February 10, 2025. A copy of "Application for Zoning Permit" dated January 13, 2025 and a copy of the "Zoning Officer Decision" dated February 10, 2025 are attached to this Notice of Appeal.

Address or Location of the Property: 291 Queen Street, Bristol, CT 06010

Assessor's Map No.: 30A Assessor's Lot No.(s): 2-6 Zone of the Property: R-15

Briefly describe the grounds for this appeal:
The most recent use of the property was for medical offices. More specifically, a number of different medical practices were occupying one or more of the 21 different small offices. See attached "Statement of Appeal".

Other comments:

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

Name: Focus Spaces of Bristol LLC
Address: 40 Callender Road City: Watertown State: CT Zip: 06795
Telephone No.: 860-309-0378 E-Mail: Jlaliberte@unionflr.com
Signature: [Signature] Signature – (Printed/Typed) Normand J. Laliberte / Focus Spaces of Bristol LLC
It's Attorney, Franklin G. Policy
CHECK ONE: [] owner [] other (specify):

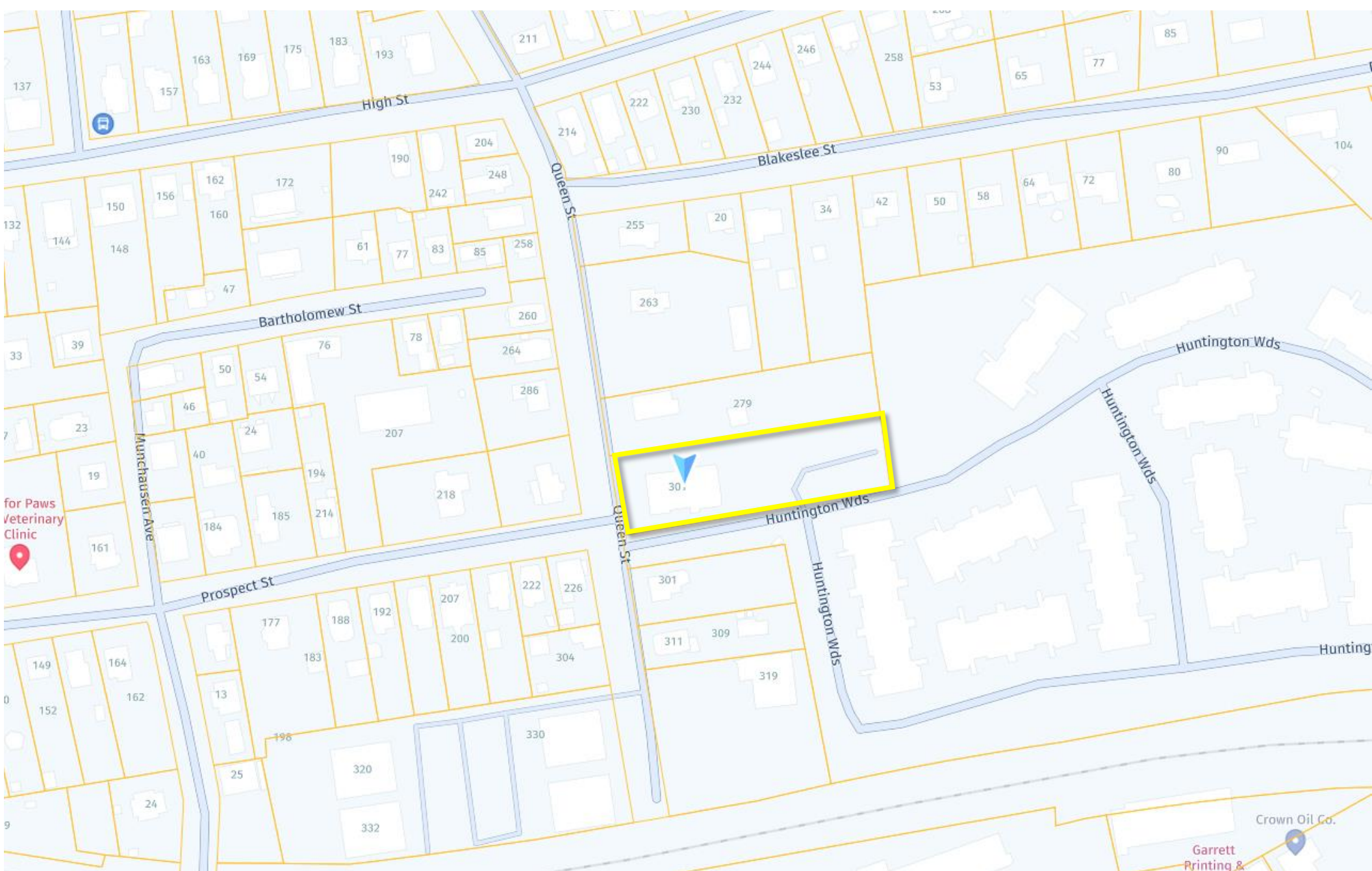
OWNER(S) OF RECORD (If other than Applicant; if more than one, list on Page 2)

Name: Sharif CT LLC
Address: 115 Cedarhurst Lane City: Milford State: CT Zip: 06461
Telephone No.: E-Mail:
Signature: Signature – (Printed/Typed) See attached

- The following shall be included as part of this application:
- filing fee – \$185 (includes \$60 state fee) – make checks payable to "City of Bristol"
 - any other data and drawings as may be relevant to this appeal

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

Location Map
291 Queen Street



Zoning Map
291 Queen Street

ZONING DISTRICTS

Residential Zones

- 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

*Zone Deleted Under Prior

Business Zones

- BN Neighborhood Business Zone
- BHC Route 72 Corridor Business Zone
- BG General Business Zone
- BD-1 Downtown Business Zone
- BD-2 Downtown Business Zone

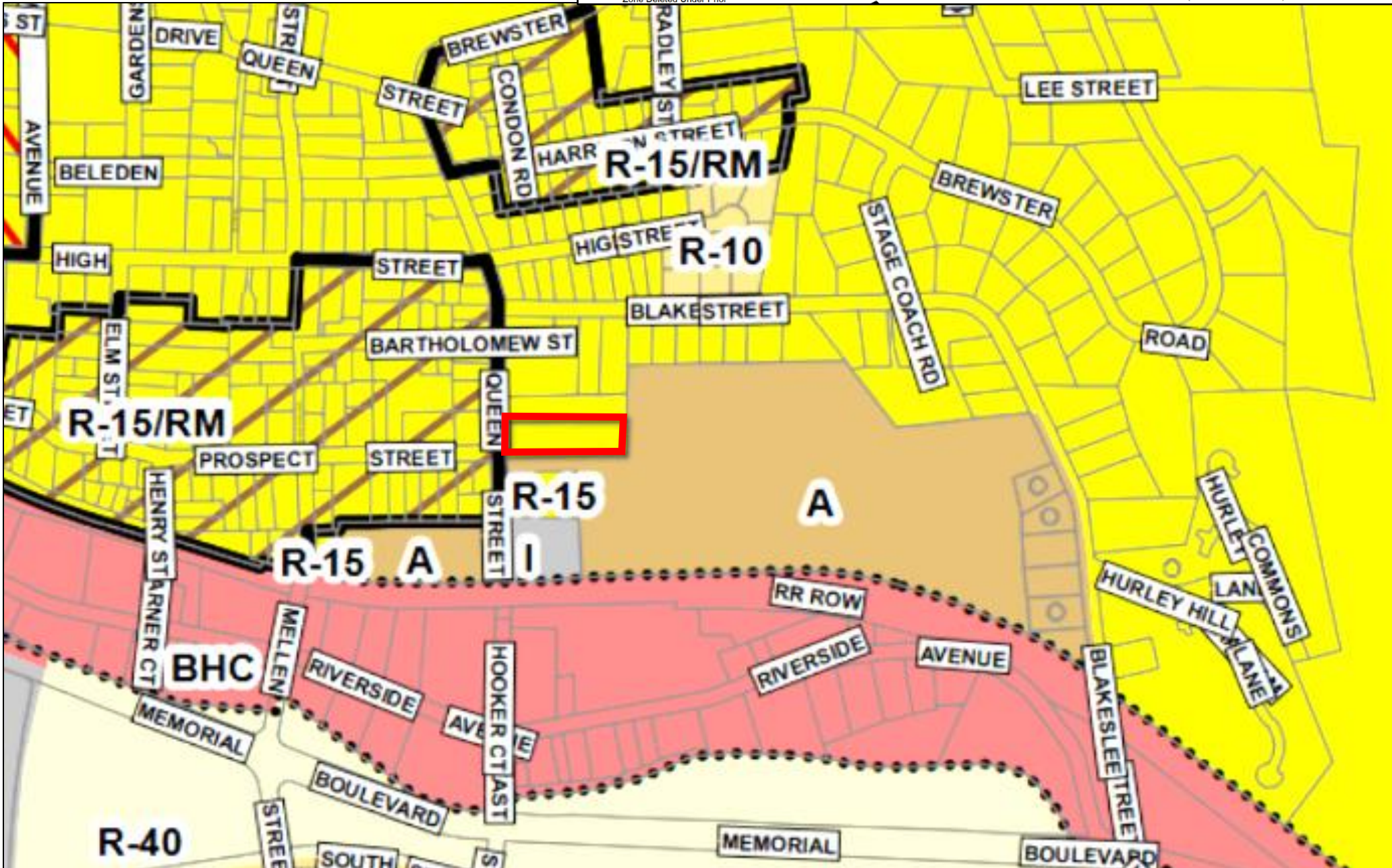
Industrial Zones

- IP-25 Industrial Park Zone
- IP-3 Industrial Park Zone
- IP-1 Industrial Park Zone
- I General Industrial Zone

Overlay Zones

- OSD Open Space Development Overlay Zone
- RM Mixed Residential Overlay Zone
- BT Downtown/Neighborhood Transition Overlay Zone
- Access Management Overlay Zone
- Level "A" Aquifer Protection Area

(1) Upper and Lower White Bridge & Mix Street
 (Effective Date: 5/27/11)



Aerial Map
291 Queen Street



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DONALD J. RINALDI, AS OF COUNSEL

**Also Admitted in MA*

February 14, 2025

Zoning Board of Appeals
City of Bristol
111 North main Street
Bristol, CT 06010

**Attachment to Notice of Appeal
Statement of Appeal**

On January 13, 2025, the Applicant Focus Spaces of Bristol LLC ("Applicant") filed an application with the Zoning Officer seeking continuation of the existing office use. A copy of this application is attached to this Notice of Appeal.

This Application explains the history of the property including the immediate prior use of the property. The property was previously occupied by a number of doctors. Each doctor used one of the separate small offices. The building included a shared reception area and a shared break-room. There were a number of different medical practices that used one or more of the separate offices. The doctors all vacated at the same time. It seems that all medical doctors are now working for the large healthcare providers, and the small medical offices no longer exist.

The Application provides a statement of background information. The Application claims that the Applicant has the right to continue office use based upon the office use being a nonconforming use. The grounds for the Application as a nonconforming use are set out in the Application and are incorporated and made a part of this Appeal.

By email dated January 21, 2025, the Zoning Officer denied the Application as follows:

"Good afternoon,

Following up on this property, I am not so sure that 291 Queen Street qualifies as non-conforming. I located evidence of an approved 1994 Site Plan for a medical office. This use is listed as Special Permit in the Zoning Regulations for residential zones. I intend on following through with enforcement next month if there is no progress made.

Regards,

Brandon Peate

Zoning Enforcement Officer
Bristol Building Department”

The Zoning Enforcement Officer also sent a Notice of Violation dated February 10, 2025. This Appeal includes the decision by e-mail dated January 21, 2025 and the Notice of Violation dated February 10, 2205.

The Applicant is aggrieved for purposes of this Appeal by virtue of a contract to purchase the Property. A Notice of Contract to Purchase is recorded in Book 2302 Page 718 of the Bristol Land Records. The present owner is Sharif CT LLC (“Sharif”). Shaif consents to the filing of this Appeal and any other appeals or zoning applications in connection with 291 Queen Street, Bristol, CT.

Conclusion and Legal Argument Nonconforming Uses

General Statutes [Section 8-2] provides in relevant part that zoning regulations shall not prohibit the continuance of any nonconforming use, building or structure existing at the time of the adoption of such regulations. Such regulations shall not provide for the termination of any nonconforming use solely as a result of nonuse for a specified period of time without regard to the intent of the property owner to maintain that use... A non-conformity has been defined as a use or structure [that is] prohibited by the zoning regulations but is permitted because of its existence at the time that the regulations [were] adopted.”

The right to continue nonconforming uses is protected by statute. General Statutes Section 8-2 provides in part that zoning “regulations shall not prohibit the continuance of a nonconforming use, building or structure existing at the time of the adoption of such regulations.” Nonconforming uses are protected by the statute even though there is no exemption or provision for them in the zoning regulations. Case law holds that a nonconforming use is a vested right which is entitled to constitutional protection. The concept of nonconforming uses protects the right of the user to continue the same use of the land as it existed before the date of the adoption of the zoning regulations, and where a nonconformity exists, it is a vested right which adheres to the land itself, and the right is not forfeited by a purchaser who acquires it with knowledge of the regulations which are inconsistent with the existing use.”

There is one Connecticut Supreme Court Case that discusses office use in the context of a non-conforming use “*831 To determine whether the proposed use represents a change in use, we first consider the treatment of office use in the zoning regulations. A professional office is one that provides services of a professional as distinguished from a business nature. Id., art. II Section 25. This distinction is applied only in describing the type of office that can be maintained in a residential zone. Id., art. V Section 4.1. In describing business zones the regulations make no distinction between a professional office and a business office.” *DiBlasi v. Zoning Board of Appeals of Town of Litchfield*, 224 Conn. 823 (1993).

In this case, the building being non-conforming to the residential zone is considered a business zone for purposes of the office use. Although the medical office, professional office and business office have slightly different definitions, all such office uses are treated the same under the zoning regulations.

Under Connecticut law 291 Queen Street is located in a business or commercial zone because of its status of a non-conforming use. Under Connecticut law the proposed non-conforming uses are considered as being located in a business commercial zone and not limited in any way by the fact that the non-conforming building is located in a residential zone. It is the business uses that are protected uses that can be continued. This is true under Connecticut law and the Bristol Zoning Regulations.

Additional Statement in Support of the Proposed Use:

The following is re-statement of information on the history of the building and the Applicant's claim for continued use as non-conforming uses.

291 Queen Street, Bristol, CT 06010 ("Property")

Focus Spaces of Bristol LLC ("Applicant")

**Amended Application to Change a Nonconforming Use to another Nonconforming Use
In accordance with Zoning Regulations Section 1.7.3(G)**

Background Information

The Applicant is Focus Spaces of Bristol LLC, a Connecticut Limited Liability Company, having an address at 40 Callender Road, Watertown, CT. The sole member and manager of the LLC is JR Laliberte ("Applicant").

The Applicant has an interest in this property by virtue of a contract to purchase this property from the present record owners Sharif CT LLC.

The Property is located at 291 Queen Street, Bristol, CT 06010 ("Property"). The office building was built in 1960. It appears the building has always been used for office use and more recently, medical office use. The building consists of approximately 4,924 square feet. The building presently consists of approximately 21 separate rooms of approximately 150 square feet. The Property is located in an R-15 Residential Zone.

Present Zoning Regulations

Zoning Regulations concerning non-conforming use:

1.7.3 Non-Conforming Uses

“Where a lawful use of a structure and/or land exists as of the effective date of adoption or amendment of these Regulations which is no longer permitted under the provisions of these Regulations as adopted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. Such non-conforming use shall not be enlarged or increased, nor extended to occupy a greater floor area or area of land than was occupied by the use as of the effective date of adoption or amendment of these Regulations.
- B. Such non-conforming use shall not be moved in whole or in part to any portion of the land other than that occupied by the use as of the effective date of adoption or amendment of these Regulations.
- C. Any existing structure devoted in whole or in part to such non-conforming use shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered in a manner which increases the nonconformity of the use, or except to change the use of the structure to a use permitted in the district in which it is located.
- D. Such non-conforming use may be extended throughout any part of an existing structure that was manifestly arranged or designed for such use as of the effective date of adoption or amendment of these Regulations, but no such use shall be extended to occupy any land outside the structure.
- E. If such non-conforming use or existing structure devoted in whole or in part thereto is damaged or destroyed by any means, it may be repaired or replaced to an extent which does not increase the nonconforming use. Such repair or replacement shall commence within six months after the damage or destruction occurs and shall be completed within 18 months after commencement. If such repair or replacement is not accomplished within such time periods, and if the owner does not demonstrate an intent to continue the use, the non-conforming use shall not thereafter be resumed.
- F. If such non-conforming use is superseded by a permitted use, it shall thereafter conform to the requirements of the district in which it is located, and the non-conforming use shall not thereafter be resumed.
- G. **Such non-conforming use may be changed to another non-conforming use with the approval of the Zoning Enforcement Officer. In approving such a change, the Zoning Enforcement Officer shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use.”**

The existing non-conforming use includes business office, professional office, and medical office. The following Definitions are as follows:

Business or Professional Office: Offices which involve the transaction or provision of financial, professional, or business services, or the operation of service organizations. Office uses include but are not limited to accounting services, advertising agencies, business consultants, design professionals, financial institutions, investment companies, law firms, non-profit or social work agencies, public relations firms, offices of professional persons, sales agencies, technology professionals, etc. Office uses are characterized by having limited storage consisting of office supplies or the like, but not stock for resale.

Professional Office: The office of recognized professions, such as doctors, lawyers, dentists, architects, engineers, artists, musicians, designers, teachers, and others who through training or experience are qualified to perform services of a professional nature.

Medical Office: A facility operated by one or more physicians, dentists, chiropractors, mental health specialists, or other licensed health practitioners for the examination and treatment of persons solely on an outpatient basis. Includes outpatient medical services including, but not limited to, physical therapy and diagnostic testing and procedural centers.

Personal Service Establishment: An establishment primarily involved with the provision of personal care or other service directly to the consumer on a one-to-one basis by walk-in or appointment such as beauty shops, barber shops, tailor shops, shops specializing in personal adornment or shoe repair shops.

291 Queen Street/ Existing Building

The existing building consists of approximately 4,924 square feet. The building consists of approximately 21 separate rooms of 150 square feet. It appears the most recent use included a number of medical providers each using a separate room. Each existing room includes a sink which was important for the medical providers. The building also includes a common area used for kitchen purposes and a break room for employees. As you know, in the last couple of years, essentially all medical providers have joined large medical practices owned by major hospitals and health care companies. Accordingly, the medical office use has essentially been abandoned by the medical profession.

Applicants Proposed Uses

The Applicant owns a number of other commercial buildings in other towns where the types of tenants proposed for Queen Street are consistent. The same mix of uses either presently exist, or is presently being developed (i.e. the same business model) in Middlebury, Watertown, Thomaston, Waterbury, Plymouth, Meriden, Manchester, and Woodbury. This concept has been very successful and most welcome in all of the towns mentioned. The concept is to rent an affordable single room with common sharing of a waiting room, restrooms, and break areas. All

utilities, maintenance, common area cleaning, trash removal, landscaping, and snow removal are provided. This has been a beneficial resource to communities in order to allow small spaces to provide the service that residents of these communities need.

The similar facilities in other towns have about 50/50 mix of office users and personal service providers. Some of the types of tenants are: mental health therapists (who may rent, and yet do telehealth but are required by insurance providers to have a physical address), aestheticians, bookkeepers, accounting people, attorneys, home health care agency offices, contractors, outside salespeople, nails (no acrylic nails allowed), hair braiding, Botox skin care, dieticians, and many more sole proprietors.

It appears there is some overlap in the definitions between the business and professional offices, and medical offices with the definition of personal service establishments.

Notwithstanding, the Applicant can demonstrate that the proposed use (even if partially within the scope of personal services) is equally appropriate or more appropriate to the district.

Comparison of Medical Office with Professional Office and Personal Services

The Applicant's research shows the most recent occupant, Pro-Health Network, had 7-8 full-time providers with each Doctor handling two exam rooms (14 patients). Additionally, 8-10 full-time administrative and nursing staff. There is also an estimated 5-10 patients in the waiting room at any given time.

Medical use Summary of Parking:

7-8 Doctors
8-10 Admin
14-16 Patients (in rooms)
7-10 Patients (waiting room
Total: 36-44 Cars in the Lot

Multiplying by the daily turnover of patients adds approximately 250 vehicles per day.

Proposed Professional Office Use and Personal Services

The reasonable estimate is 20 cars in the parking lot at any given time.

Both medical use and professional office work by appointment only. However, these sole proprietors service a lot less clients per day since they have no support staff to manage the clients. Most professional office tenants are part-time whereas most Medical Use tenants are full-time.

Comparison of Services:

Chiropractor vs massage therapist (Most chiropractors actually offer massage therapy!)

Ophthalmologist vs an Eyelash or Eyebrow Technician

Podiatrist vs a Nail Technician

Dermatologist vs an Esthetician

Hair loss treatments vs wig fitting or an Electrolysis

The Applicant is of the opinion that there is no question that the proposed use for professional offices and personal services is significantly less intense than the medical office use. It is also significant that the present configuration of the office space includes approximately half of the offices with sinks uniquely suited for professional offices. In no case will any proposed tenant accept walk-in clients. The nature of the businesses is by appointment only. Although some of the proposed tenants may also fit the definition of personal services, the reality is there is no significant difference from a non-conforming use perspective.

Summary of Application

The Applicant is seeking a Zoning Certificate in accordance with Section 1.7.3G.

“G. Such non-conforming use may be changed to another non-conforming use with the approval of the Zoning Enforcement Officer. In approving such a change, the Zoning Enforcement Officer shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use.”

All of the proposed tenant uses will be equally or more appropriate than the historical business professional in medical offices. In reality, there will be no distinction or impact on the neighboring properties within the zoning district. It is likely that many nearby residents will benefit from the convenience of the proposed tenants. Because each tenant space is relatively small, it will be easy to monitor and quickly effect removal in the unlikely event of a problem. It would seem to me that the Applicant and yourself as Zoning Officer, have a common goal to avoid this building remaining largely vacant.

The proposed use and tenant mix is squarely within the provisions of Section 1.7.3G. You have previously indicated a concern with a prior tenant using acrylic. The Applicant agreed with this concern, and that tenant is no longer a tenant.

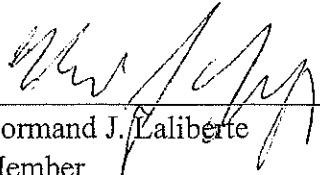
The Applicant respectfully requests that the tenant mix as described herein is approved in accordance with the cited regulation.

It is the opinion of the Applicant that the Applicant's proposed uses are protected nonconforming uses under long-standing Connecticut law.

The Applicant respectfully requests to be informed when this matter will be scheduled for Zoning Board of Appeals proceedings. The Applicant respectfully requests to be informed if there are any notice requirements that must be sent to adjoining property owners once a public hearing is scheduled.

If you have any questions or concerns, please contact the undersigned at your earliest convenience.

FOCUS SPACES OF BRISTOL LLC



Normand J. Laliberte
Member



Franklin G. Pilicy
Its Attorney

To Whom It May Concern,

I, Umar Sharif Khawaja, a member of Sharif CT LLC and the current owner of 291 Queen Street, Bristol, CT, hereby provide my consent for Focus Spaces of Bristol LLC, as the contract purchaser, to file an appeal before the Zoning Board of Appeals of the City of Bristol. Additionally, I authorize Focus Spaces of Bristol LLC to submit any necessary zoning applications and engage with zoning officers and relevant zoning agencies within Bristol, CT, as needed.

Thank you for your attention to this matter.

Best regards,

Umar Sharif Khawaja
Member, Sharif CT LLC
Owner, 291 Queen Street
Bristol, CT

Umar sharif 2/4/25

Brandon Peate
Zoning Enforcement Officer
860-584-6214
BrandonPeate@BristolCT.gov



Bristol City Hall
Building Department
111 North Main Street
Bristol CT 06010

BRISTOL CONNECTICUT

NOTICE OF VIOLATION & REQUEST FOR VOLUNTARY COMPLIANCE

February 10, 2025

Sharif CT LLC
115 Cedarhurst Lane
Milford, CT 06461

Jamshed Kaisor Sharif Khawajaa, member
18 Lakeview Boulevard
Edison, NJ 08817

Franklin G. Pilicy, Esq.
235 Main Street
Watertown, CT 06795

JR Laliberte
40 Callender Road
Watertown, CT 06795

RE: 291 Queen Street
MBLU: 30A-2-6

When reviewing a permit, an inspection revealed that the use of the property changed without zoning approval. The property previously fell under the use classification of Medical Office. According to city land records, you are listed as the owner of the property.

As a result, the following violations of the Bristol City Zoning Regulations are noted:

- Z.R. Section (1.6.2): Any existing structure devoted in whole or in part to such non-conforming use shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered in a manner which increases the nonconformity of the use, or except to change the use of the structure to a use permitted in the district in which it is located.
- Z.R. Section (3.1) No use is permitted unless it is allowed by this Article as an as of right use, by Zoning Permit, or by Special Permit. Uses permitted as principal, accessory, or temporary uses within each zoning district are those uses identified in this Article.

Within 10 days, all unapproved uses must cease operation. A tenancy permit must be applied for prior to any proposed businesses operating on the property.

This is a request for voluntary compliance. Failure to correct the violations and bring your property into compliance with the local codes may necessitate the issuance of a zoning citation (\$108 per day, per violation).

If you feel this letter has been issued in error, contact the Bristol Land Use Agency within 30 days after receiving this notice for information on the appeal process. Any questions, feel free to contact my office. Thank-you in advance for your prompt attention and anticipated voluntary compliance.

Best regards,

Brandon Peate

Brandon Peate
Zoning Enforcement Officer

FRANKLIN G. PILICY*
FPilicy@prwpc.com

BENJAMIN A. SAAVEDRA*
BSaavedra@prwpc.com

KARA J. SUMMA
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PILICY & RYAN, P.C.

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JILLIAN A. JUDD
JJudd@prwpc.com

DONALD J. RINALDI, AS OF COUNSEL
**Also Admitted in MA*

January 13, 2025

SENT VIA EMAIL: BrandonPeate@bristolct.gov

SENT VIA OVERNIGHT DELIVERY:

Town of Bristol
Zoning Enforcement Officer, Brandon Peate
111 North Main Street
Bristol, CT 06010

**RE: 291 Queen Street, Bristol, CT 06010 ("Property")
Focus Spaces of Bristol LLC ("Applicant")
Amended Application to Change a Nonconforming Use to another
Nonconforming Use
In accordance with Zoning Regulations Section 1.7.3(G)**

Zoning Enforcement Officer, Brandon Peate:

Background Information

The Applicant is Focus Spaces of Bristol LLC, a Connecticut Limited Liability Company, having an address at 40 Callender Road, Watertown, CT. The sole member and manager of the LLC is JR Laliberte ("Applicant").

The Applicant has an interest in this property by virtue of a contract to purchase this property from the present record owners Sharif CT LLC.

The Property is located at 291 Queen Street, Bristol, CT 06010 ("Property"). The office building was built in 1960. It appears the building has always been used for office use and more recently, medical office use. The building consists of approximately 4,924 square feet. The building presently consists of approximately 21 separate rooms of approximately 150 square feet. The Property is located in an R-15 Residential Zone.

Present Zoning Regulations

Zoning Regulations concerning non-conforming use:

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the Zoning Enforcement Officer shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use.”

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Professional Office: The office of recognized professions, such as doctors, lawyers, dentists, architects, engineers, artists, musicians, designers, teachers, and others who through training or experience are qualified to perform services of a professional nature.

Medical Office: A facility operated by one or more physicians, dentists, chiropractors, mental health specialists, or other licensed health practitioners for the examination and treatment of persons solely on an outpatient basis. Includes outpatient medical services including, but not limited to, physical therapy and diagnostic testing and procedural centers.

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291 Queen Street/ Existing Building

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Applicants Proposed Uses

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The similar facilities in other towns have about 50/50 mix of office users and personal service providers. Some of the types of tenants are: mental health therapists (who may rent, and yet do telehealth but are required by insurance providers to have a physical address), aestheticians, bookkeepers, accounting people, attorneys, home health care agency offices, contractors, outside salespeople, nails (no acrylic nails allowed), hair braiding, Botox skin care, dieticians, and many more sole proprietors.

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Notwithstanding, the Applicant can demonstrate that the proposed use (even if partially within the scope of personal services) is equally appropriate or more appropriate to the district.

Comparison of Medical Office with Professional Office and Personal Services

The Applicant's research shows the most recent occupant, Pro-Health Network, had 7-8 full-time providers with each Doctor handling two exam rooms (14 patients). Additionally, 8-10 full-time administrative and nursing staff. There is also an estimated 5-10 patients in the waiting room at any given time.

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7-8 Doctors
8-10 Admin
14-16 Patients (in rooms)
7-10 Patients (waiting room)
Total: 36-44 Cars in the Lot

Multiplying by the daily turnover of patients adds approximately 250 vehicles per day.

Proposed Professional Office Use and Personal Services

The reasonable estimate is 20 cars in the parking lot at any given time.

Both medical use and professional office work by appointment only. However, these sole proprietors service a lot less clients per day since they have no support staff to manage the clients. Most professional office tenants are part-time whereas most Medical Use tenants are full-time.

Comparison of Services:

Chiropractor vs massage therapist (Most chiropractors actually offer massage therapy!)

Ophthalmologist vs an Eyelash or Eyebrow Technician

Podiatrist vs a Nail Technician

Dermatologist vs an Esthetician

Hair loss treatments vs wig fitting or an Electrolysis

The Applicant is of the opinion that there is no question that the proposed use for professional offices and personal services is significantly less intense than the medical office use. It is also significant that the present configuration of the office space includes approximately half of the offices with sinks uniquely suited for professional offices. In no case will any proposed tenant accept walk-in clients. The nature of the businesses is by appointment only. Although some of the proposed tenants may also fit the definition of personal services, the reality is there is no significant difference from a non-conforming use perspective.

Summary of Application

The Applicant is seeking a Zoning Certificate in accordance with Section 1.7.3G.

“G. Such non-conforming use may be changed to another non-conforming use with the approval of the Zoning Enforcement Officer. In approving such a change, the Zoning Enforcement Officer shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use.”

All of the proposed tenant uses will be equally or more appropriate than the historical business professional in medical offices. In reality, there will be no distinction or impact on the neighboring properties within the zoning district. It is likely that many nearby residents will benefit from the convenience of the proposed tenants. Because each tenant space is relatively small, it will be easy to monitor and quickly effect removal in the unlikely event of a problem. It would seem to me that the Applicant and yourself as Zoning Officer, have a common goal to avoid this building remaining largely vacant.

The proposed use and tenant mix is squarely within the provisions of Section 1.7.3G. You have previously indicated a concern with a prior tenant using acrylic. The Applicant agreed with this concern, and that tenant is no longer a tenant.

The Applicant respectfully requests that the tenant mix as described herein is approved in accordance with the cited regulation.

If you have any questions or concerns, please contact the undersigned at your convenience.

FOCUS SPACES OF BRISTOL LLC


By: Franklin G. Pilicy, Esq.

Materials Provided by the Zoning Enforcement Officer (ZEO)

Brandon Peate
Zoning Enforcement Officer
860-584-6214
BrandonPeate@BristolCT.gov



Bristol City Hall
Building Department
111 North Main Street
Bristol CT 06010

BRISTOL CONNECTICUT

STAFF REPORT

April 1, 2025

RE: 291 Queen Street
MBLU: 30A-2-6

Members of the Zoning Board of Appeals,

The aforementioned property is located within the R-15 Zone.

On July 13th, 1994, the Bristol Zoning Commission made the determination that the medical office located at 291 Queen Street is a nonconforming Use (Exhibit A pg. 3). This decision is attached as **Exhibit A**. Today, a Medical Office is listed in the Zoning Regulations as a use allowed by Special Permit in the R-15 Zone.

"Medical Office: A facility operated by one or more physicians, dentists, chiropractors, mental health specialists, or other licensed health practitioners for the examination and treatment of persons solely on an outpatient basis. Includes outpatient medical services including, but not limited to, physical therapy and diagnostic testing and procedural centers (Z.R. Section 19)."

On November 4th, 2025, the Bristol Zoning Office received an application for a Tenancy Permit (T-24-31). The description of proposed business activities is written as "To service clients for eyelash extensions". This proposition falls under the use classification of Personal Service Establishment and is defined as follows in the Zoning Regulations.

"Personal Service Establishment: An establishment primarily involved with the provision of personal care or other service directly to the consumer on a one-to-one basis by walk-in or appointment such as beauty shops, barber shops, tailor shops, shops specializing in personal adornment or shoe repair shops (Z.R. Section 19)."

This use classification is not listed as an allowed use in the R-15 Zone.

"Any use not permitted by these Regulations shall be deemed to be prohibited (Z.R. Section 3.3)."

When a current use is nonconforming, the Zoning Enforcement Officer can allow that use to change under certain circumstances.

"Such non-conforming use may be changed to another non-conforming use with the approval of the Zoning Enforcement Officer. In approving such a change, the Zoning Enforcement Officer shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use (Z.R. Section 1.7.3.G)."

Since Medical Office is a listed use while Personal Service Establishment is not listed, I cannot find that the proposed use is equal or more appropriate in the R-15 Zoning District.

A Notice of Violation was issued on November 7th, 2024 and is attached as **Exhibit B**. Following the Notice of Violation, the occupant of the property, Focus Spaces of Bristol LLC met in my office with Attorney Franklin Pilicy to discuss a path toward compliance. Attorney Pilicy presented the case *DiBlasi v. Zoning Bd. of Appeals of Town of Litchfield*, 224 Conn. 823 (1993) as evidence that this proposed use

should be allowed. In this case, attached as **Exhibit C**, a nonconforming use for a “business office” was allowed to replace a “medical office” without a change of use application after the Litchfield Zoning Board of Appeals ruled the opposite. Part of this decision was made because of the “lack of differentiation under zoning regulations between business and medical offices” (Exhibit C pg. 2). The ruling of this particular case has not altered my decision as the Bristol Zoning Regulations differentiate between a Medical Office and Personal Service Establishment.

A second Notice of Violation was issued on February 10th, 2025. This was sent out as a courtesy to the occupant of the property to allow for an appeal to take place. Appeals must be made within 30 days of a Notice of Violation, but I was empathetic to the fact that the property owner was diligent in working towards compliance. Please see this notice attached as **Exhibit D**.

If the Zoning Board of Appeals were to rule in favor of Focus Spaces of Bristol LLC, it is important to note that this decision would be allowing for any business under the Personal Service Establishment use classification to occupy the Medical Office.

Best regards,

Brandon Peate

Brandon Peate

Zoning Enforcement Officer

APPLICATION NO. 1434
 DATE SUBMITTED: 7/5/94
 GRANTED: withdrawn
 DENIED: _____

**BRISTOL ZONING COMMISSION
 CITY OF BRISTOL, CONNECTICUT
 APPLICATION FOR SPECIAL PERMIT**

The undersigned Applicant hereby applies to the Bristol Zoning Commission for approval under Section(s) V.A.3.5 AND V.A.6 of the Bristol Zoning Regulations for the following Special Permit use: MEDICAL OFFICE

Address or Location of the Property: 291 QUEEN STREET

Assessor's Map No.: 30A Assessor's Lot No(s): 2-6

Zone of the Property: R-15 Size of the Property (in acres or square feet): .86 ACRES

Reason for the Special Permit: TO CONSTRUCT A 760 SQ. FT ADDITION TO EXISTING MEDICAL OFFICE Bldg.

Does this application involve an activity regulated by the Inland Wetlands Agency? () yes (X) no

If yes, has an application for a permit been submitted to the Inland Wetlands Agency? () yes, on _____ (X) no

Other comments: _____

NOTE: Section 8-3c(a) of the Connecticut General Statutes requires that, if an application for a Special Permit involves an activity regulated under the Inland Wetlands and Watercourses provisions of the statutes, the applicant shall submit an application for a wetlands permit to the local Inland Wetlands Agency no later than the day the Special Permit application is filed.

APPLICANT (If more than one, list each separately)

Name: ARMANNO W. CICCARELLI, M.D. et. al Signature: Armanno W. Ciccarelli
291 Queen Street
Bristol, CT 06010

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

Telephone Number: (203) 583-1845 CHECK ONE: () owner (X) other please see attached.

OWNER OF RECORD (If other than Applicant; if more than one, list each separately)

Name: ARMANNO W. CICCARELLI, M.D. et. al Signature: Armanno W. Ciccarelli
291 Queen Street
Bristol, CT 06010

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

Telephone Number: (203) 583-1845

5-27-94

**THIS APPLICATION MUST BE FILED NO LATER THAN 12 NOON ON THE
 DEADLINE DAY FOR APPLICATION SUBMISSION — NO EXCEPTIONS!**

BZC -9/92

KRAWIECKI & DORVAL
ATTORNEYS AT LAW

25 NORTH STREET (ROUTE 6)
P.O. BOX 756
BRISTOL, CONNECTICUT 06011-0756

EDWARD C. KRAWIECKI, JR.
ANDRE D. DORVAL

JON P. FITZGERALD

TELEPHONE
(203) 589-3136

FAX
(203) 582-5504

July 8, 1994

Mr. Alan Weiner
Bristol Zoning Commission
111 North Main Street
Bristol, CT 06010

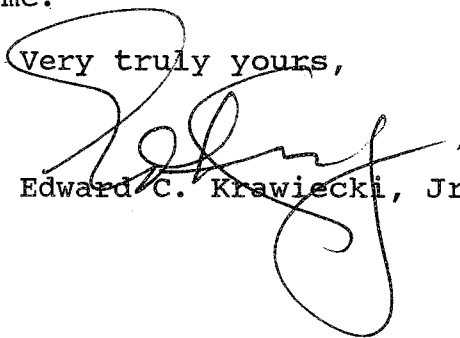
Re: Application #1434
291 Queen Street
Bristol, CT 06010

Dear Mr. Weiner:

Please be advised that this office represents Dr. Armano Ciccarelli d/b/a Professional Group Associates with regard to his Special Permit Application for an addition to the medical office located at the above-referenced property.

Should you have any questions at any time relating to this matter, please feel free to call me.

Very truly yours,


Edward C. Krawiecki, Jr.

ECK/kms



City of Bristol

BRISTOL, CONNECTICUT 06010

July 14, 1994

Dr. Armano W. Ciccarelli
291 Queen Street
Bristol, CT 06010

Re: Application #1434 - Special Permit for medical office (addition)
291 Queen Street

Dear Dr. Ciccarelli:

This is to inform you that at its meeting of July 13, 1994, the Bristol Zoning Commission made the determination that the proposed addition to the above-referenced medical office does not require a Special Permit, inasmuch as the existing facility is a nonconforming use and the proposed addition will not increase the intensity of such use, based upon the proposed decrease in the number of doctors that will occupy the facility. The Commission also agreed to return to you the \$135 filing fee submitted with the application; a refund check will be forwarded to you shortly. Should you have any questions, please call me at 584-7645.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Alan L. Weiner".

Alan L. Weiner
City Planner

cc: Attorney Edward C. Krawiecki Jr.
George Huston, Zoning Enforcement Officer

ALW/pr

COPY

Brandon Peate
Zoning Enforcement Officer
860-584-6214
BrandonPeate@BristolCT.gov



Bristol City Hall
Building Department
111 North Main Street
Bristol CT 06010

BRISTOL CONNECTICUT

NOTICE OF VIOLATION & REQUEST FOR VOLUNTARY COMPLIANCE

November 7, 2024

Sharif CT LLC
115 Cedarhurst Lane
Milford, CT 06461

RE: 291 Queen Street
MBLU: 30A-2-6

The Bristol Zoning Office received a tenancy permit application for 291 Queen Street, Bristol, CT. During a site visit, it became apparent that several businesses were already occupying the structure. The property was previously occupied by one tenant which use was classified as Medical Office. According to city land records, you are listed as the owner of the property.

As a result, the following violations of the Bristol City Zoning Regulations are noted:

- Z.R. Section (1.7.3.A): Such non-conforming use shall not be enlarged or increased, nor extended to occupy a greater floor area or area of land than was occupied by the use as of the effective date of adoption or amendment of these Regulations.
- Z.R. Section (1.6.2): Any existing structure devoted in whole or in part to such non-conforming use shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered in a manner which increases the nonconformity of the use, or except to change the use of the structure to a use permitted in the district in which it is located.
- Z.R. Section (3.1) No use is permitted unless it is allowed by this Article as an as of right use, by Zoning Permit, or by Special Permit. Uses permitted as principal, accessory, or temporary uses within each zoning district are those uses identified in this Article.

Within 10 days, all non-conforming uses must cease operation. Only one tenant is permitted. This tenant must be an equal or lesser use in non-conformity. A tenancy permit must be applied for.

This is a request for voluntary compliance. Failure to correct the violations and bring your property into compliance with the local codes may necessitate the issuance of a zoning citation (\$108 per day, per violation).

If you feel this letter has been issued in error, contact Bristol Corporation Counsel within 30 days after receiving this notice for information on the appeal process. Any questions, feel free to contact my office. Thank-you in advance for your prompt attention and anticipated voluntary compliance.

Best regards,

Brandon Peate

Brandon Peate
Zoning Enforcement Officer

224 Conn. 823
Supreme Court of Connecticut.

Joseph DiBLASI
v.
ZONING BOARD OF APPEALS OF
the TOWN OF LITCHFIELD et al.

No. 14568.

|
Argued Dec. 2, 1992.

|
Decided March 2, 1993.

Synopsis

Building owner sought review of decision of board of zoning appeals denying application for change of use for building. The Superior Court, Judicial District of Litchfield, Pickett, J., entered judgment for building owner. Appeal was taken. Following transfer, the Supreme Court, Santaniello, J., held that evidence did not support finding that proposed commercial lease to state for adult probation office was change in use from existing nonconforming use of building as office space and, thus, building owner did not have to obtain change in use permit.

Superior Court judgment affirmed.

Procedural Posture(s): On Appeal.

West Headnotes (4)

- [1] **Zoning and Planning** ⇌ Particular cases involving continuance or change of use

Evidence did not support finding that proposed commercial lease to state for adult probation office was change in use from existing nonconforming use of building as office space and, thus, building owner did not have to obtain change in use permit before leasing space to state, even if intensity of use would change; office use of building had been existing use at time of adoption of zoning regulations, and use had not changed during period after adoption of zoning regulations.

8 Cases that cite this headnote

- [2] **Zoning and Planning** ⇌ Continuance or change of use in general

Change in intensity of use of property may be valid criterion for determining whether to allow change in use, but change in intensity of use is not acceptable criterion for determining whether proposed use is change in use or continuation of existing use.

6 Cases that cite this headnote

- [3] **Zoning and Planning** ⇌ Continuance or change of use in general

Zoning and Planning ⇌ Increase in amount or intensity of use

Amount of business done pursuant to nonconforming use may be increased from that at time of

adoption of zoning regulations and nonconforming use may continue despite changes in ownership or tenancy of property; use at time of adoption of zoning regulations is not frozen.

9 Cases that cite this headnote

- [4] **Zoning and Planning** ⇌ Particular cases involving continuance or change of use

Differences in character between business office and medical office were not relevant to determination of whether use of building as adult probation office would be change in use of building from use as business office, in light of lack of differentiation under zoning regulations between business and medical offices.

7 Cases that cite this headnote

Attorneys and Law Firms

****372 *824** Thomas P. Byrne, with whom was Steven E. Byrne, Farmington, for appellants (defendants).

Franklin G. Pilicy, Watertown, for appellee (plaintiff).

Before ***823** PETERS, C.J., and BORDEN, BERDON, NORCOTT and SANTANIELLO, JJ.

Opinion

SANTANIELLO, Associate Justice.

This is an appeal from the judgment of the trial court sustaining the appeal¹ by the plaintiff, Joseph DiBlasi, from the decision of the named defendant zoning board of appeals of the town of Litchfield (board).² Upon the granting of the defendants' petition for certification,³ they appealed to the Appellate ***825** Court. We transferred the case to this court pursuant ****373** to Practice Book § 4023 and **§** General Statutes § 51-199(c). We affirm.

The procedural and factual background of the case is as follows. In 1970, the town of Litchfield adopted zoning regulations and a zoning map. From the time of the adoption of the zoning regulations, the use by the then owner, the Connecticut Light and Power Company (CL & P), of the plaintiff's property, located in a residential zone, became a legally existing nonconforming use.

The plaintiff's property contains a building consisting of approximately 6000 square feet that was constructed in 1957 by CL & P, and site improvements sufficient for CL & P to park equipment that was used off-site. CL & P used separate sections of the building for administrative offices, storage of parts and materials, and maintenance and repairs of equipment. In addition, the public frequented the building to pay utility bills and purchase small appliances.

In 1978, Katherine B. Anderson purchased the property to house the J.O. Anderson Company,

plumbing and heating supplies company. In 1986, the plaintiff purchased the property. Since 1986, the building has been occupied by the J.O. Anderson Company, as a tenant, and the White Birch Construction Company, the plaintiff's business.⁴ Each company houses its offices in the building and runs its business from the site. The plaintiff garages most of his equipment off-site.

In September, 1990, the plaintiff submitted a proposed lease for 2000 square feet of office space, with an option for an additional 2000 square feet, to the state judicial department for an adult probation office. Sometime thereafter, *826 the plaintiff applied for, and received, a permit to update the building for code changes and to remodel it for his proposed tenant.

On October 11, 1990, the plaintiff spoke to the Litchfield land use administrator about the proposed lease, and was told that any change in use must be approved by the planning and zoning commission of Litchfield (commission).⁵ On October 12, 1990, in a letter to the state department of public works leasing agent, the first selectman of Litchfield expressed her displeasure at learning secondhand of the adult probation office's proposed move to Litchfield. She requested the state to contact her before conducting any further negotiations to construct or lease a facility in Litchfield and noted that the permits required for occupancy of the plaintiff's building had not been obtained.

On October 15, 1990, the land use administrator again notified the plaintiff that any "change of use from construction office to an adult probation office" must be reviewed and

approved by the commission. She instructed the plaintiff that "[i]n order to avoid any distress to the parties involved, the State, the Town or to you, please be sure to make application to the Litchfield Planning and Zoning Commission before furthering lease negotiations."⁶ The minutes of the commission meeting held that same evening indicate that "[a]fter hearing that an Adult Probation Office in the White Birch Construction Building was proposed, the Commission requested that Mr. DiBlasi appear before them. After discussion, Mr. DiBlasi was told that he would have to submit an application for change of use."

In a letter dated October 19, 1990, the plaintiff explained that he was not changing the use, but rather *827 was continuing the nonconforming use begun by CL & P in 1957. On October 22, 1990, the land use administrator responded to the plaintiff's letter, informing him that the commission had been given the right by statute to **374 review any proposed change in use. She informed the plaintiff that any delay in preparing the building for the state was attributable to his failure to file a change of use application in a timely manner. She noted that if he proceeded to negotiate a lease without commission approval, he would be doing so at his own risk.

The plaintiff followed these directives and filed an application for change of use on October 23, 1990. The application requested a change from "office use" to "office use." The plaintiff's application was considered by the commission at its November 5, 1990 meeting. The plaintiff explained that the proposed use was a continuation of the nonconforming use established in 1957 and, even if it were not

continuation, the proposed use was less intensive. In support of his application, the plaintiff presented to the commission a record of observations of activity at the Torrington adult probation office and a traffic report indicating a less intensive use of the property.

In opposition to the application, the commission had received a letter from the Litchfield director of health expressing his concern about the adequacy of the septic system, testimony from the land use administrator on the anticipated use by the adult probation office, and testimony from the town planner claiming that the application was incomplete because it failed to address traffic, safety and sewage concerns. The town planner stated that the proposed use was of a different character and compared the probation office to a medical office rather than a business office. Neighboring property owners encouraged the commission not to allow changes to any aspect of the nonconforming use, including design, layout, percentage of space devoted to each *828 type of use and occupation by owner rather than tenant. Finally the commission received a petition and letters protesting the application.⁷

The commission denied the application "for a change of use (Adult Probation Office) ... because it creates a more intensive use and, at present, does not address the sewage disposal needs or the traffic and pedestrian safety improvements."⁸

The plaintiff appealed the commission's decision to the board. At the public hearing, on January 28, 1991, the board heard testimony from the plaintiff attesting to the financial

hardship caused him by the commission's decision, and claiming that he had been told to file an application and the section of the regulations pursuant to which the application was to be filed. In addition, the plaintiff reiterated his claims before the commission that the proposed use was a continuation of the existing nonconforming use.

At its February 25, 1991 meeting, the board characterized the plaintiff's application as a change of use that had been properly denied by the commission. One member of the board stated: "I think that when they (Planning *829 and Zoning) based their decision, they based it on proper information. I think they had enough information and I think something like the health record is important to their decision. I think there is definitely a change of use in the property." He also noted that although every company has an office, the building in which that office is located is not necessarily an office building. The **375 board denied the appeal "based on the fact that we see nothing wrong with what Planning and Zoning did; they were within their scope, within the realm of their responsibilities and ... they did what they felt was best for the community."

On March 19, 1991, the plaintiff appealed the decision of the board to the Superior Court. The trial court sustained the plaintiff's appeal,⁹ holding that the commission had "abused its discretion and acted in an arbitrary and illegal manner in denying the plaintiff's application to continue to use his property ... for office use...."

The defendants claim that the trial court improperly substituted its judgment for that of the board. The trial court concluded that

record did not support the board's decision that the plaintiff's proposed lease to the adult probation office constituted an impermissible change in use. The court found that the board had focused its attention on factors that were not relevant to a determination of whether the plaintiff's proposed use of the property was a change in use. It did not find, as the defendants claim, that although the board's decision was supported by the record, the court preferred a different result.

On appeal, the trial court may not retry the facts. The court will review the record before the board to determine "whether the board's decision was a reasonably *830 exercised honest judgment supported by the record." *Oakwood Development Corporation v. Zoning Board of Appeals*, 20 Conn.App. 458, 461, 567 A.2d 1260, cert. denied, 215 Conn. 808, 576 A.2d 538 (1990); see *Whittaker v. Zoning Board of Appeals*, 179 Conn. 650, 654, 427 A.2d 1346 (1980) (the court " 'reviews the record before the board to determine whether it has acted fairly or with proper motives or upon valid reasons' ").

The issue before both the commission and the board was whether the lease of office space constituted a change in nonconforming use. The Litchfield zoning regulations provide that "[a]ny building or use of land or building legally existing at the time of the adoption of these regulations or of any amendment thereof, which does not conform to the provisions of these regulations for the use and area requirements of the district in which it is located, shall be designated a nonconforming use." Litchfield Zoning Regulations, art. VI, § 1.1. When the town adopted zoning regulations

in 1970, the property involved became a nonconforming use and remained so at the time of the plaintiff's application to the commission.

The zoning regulations further provide that "[a] nonconforming use may be continued, changed to a conforming use, or changed to a use which is less intensive in character than the present nonconforming use...." Id., art. VI, § 1.5. The plaintiff contends that the proposed lease of office space is merely a continuation of the nonconforming use first established in 1957 by CL & P. The defendants maintain that the proposed lease represents a change in use and, therefore, that the right to make such use of the plaintiff's property was correctly denied by the board as being more intensive than the current use of the property.

*831 To determine whether the proposed use represents a change in use, we first consider the treatment of office use in the zoning regulations. A professional office is one that provides services of a professional as distinguished from a business nature. Id., art. II, § 25. This distinction is applied only in describing the type of office that can be maintained in a residential zone. Id., art. V, § 4.1. In describing business zones the regulations make no distinction between a professional office and a business office. Id., art. V, §§ 9.2(c), 10.1(c), 11.1(c).

General Statutes § 8-2 restricts the ability of a town to eliminate a nonconforming use through its zoning regulations. "Such regulations shall not prohibit the continuation of any nonconforming use ... existing at the time of adoption of such regulations."

General Statutes § 8-2(a); see *Helbig v.*

ing Commission, 185 Conn. 294, 306, 440

A.2d 940 (1981); *Gilbertie v. Zoning Board of Appeals*, 23 Conn.App. 444, 446, 581 A.2d 746 (1990). Therefore, if office use was an existing use of the plaintiff's property in 1957, a continuation of that use would be protected.

- ✓ “[W]e have stated, in defining the words ‘existing use,’ that we mean a utilization of the property so that it may be known in the neighborhood as being employed for a given purpose; that neither the extent nor the quantity nor the quality of the use which may be permitted to continue is prescribed by those words; and that it is only required that the use must have existed. The court is not generally required to speculate as to the number of acts or business transactions necessary to constitute an existing use.” *Melody v. Zoning Board of Appeals*, 158 Conn. 516, 520–21, 264 A.2d 572 (1969).

[1] The evidence before the board and the commission did not support the defendants' claim that office use was not an existing nonconforming use of the property. The plaintiff described the use of the property by CL & P *832 as including administrative offices and an area where the public could pay bills and purchase small appliances as well as areas devoted to dispatching repairmen and repairing equipment. The record discloses, therefore, that CL & P had used this building to conduct its business in the Litchfield area. In her October 15, 1990 letter, the land use administrator objected to the “change of use from construction office to an adult probation office....” This letter itself acknowledges, therefore, that the property had been used for offices.

The testimony before the commission on which it relied to find a change of use noted the differences in usage of a business office as compared to a medical office. These differences relate to the hours of operation and number of visitors to the building. The probative value of this evidence is undermined by the fact that a business office and a medical office are both offices and are not differentiated in the zoning regulations. Therefore, the evidence before the board and the commission indicates that the building had been and continues to be known in the neighborhood as containing offices. The trial court properly held that the evidence before the board did not support the defendants' claim of a change in use.

In addition, the trial court concluded that both the commission and the land use administrator had misidentified the plaintiff's proposed lease as a proposal to extend or expand a present nonconforming use when they required the plaintiff to file an application for change of use or face legal action. The commission, and subsequently the board, inappropriately used this application as evidence that the plaintiff was seeking a change in the nonconforming use of his property.

The defendants also claim that there was equally sufficient testimony to support the board's decision upholding the commission's determination that the application *833 was for a change of use. They point to the testimony of the land use administrator describing the proposed hours, number of staff members and number of anticipated visits to the adult probation office; the testimony of neighboring property owners who interpreted the language

Exhibit C

he statute to mean that nothing about the use at the time of the adoption of zoning regulations could be changed; and the testimony of the town planner discussing the difference in character of a business office and a medical office.

- ✓ [2] [3] [4] None of this testimony provides support for the board's decision. First, the testimony of the land use administrator focuses on the intensity of the use of the property. While a change in intensity may be a valid criterion for determining whether to allow a change in use, it is not an acceptable criterion for determining whether a proposed use is a change in use or a continuation of an existing use. “ ‘We have previously held that a mere increase in the amount of business done pursuant to a nonconforming use is not an illegal expansion of the original use.’ ” ¹ *Zachs v. Zoning Board of Appeals*, 218 Conn. 324, 331, 589 A.2d 351 (1991), quoting ² *Helicopter Associates, Inc. v. Stamford*, 201 Conn. 700, 716, 519

A.2d 49 (1986). Second, the use at the time of the adoption of zoning ³ regulations is not frozen. The amount of business may be increased; see *Zachs v. Zoning Board of Appeals*, supra; and the nonconforming use may continue despite changes in ownership or tenancy; see 1 R. Anderson, *American Law of Zoning* (3d Ed.1986) § 6.40. Third, the town planner's discussion of the difference in character between a business office and a medical office is inappropriate because the zoning regulations do not differentiate between these types of offices under these circumstances.

The judgment is affirmed.

In this opinion the other Justices concurred.

All Citations

224 Conn. 823, 624 A.2d 372

Footnotes

- 1 General Statutes § 8–8(b) provides in relevant part: “[a]ny person aggrieved by any decision of a board may take an appeal to the superior court....”
- 2 In addition to the board, the chairman of the board and the town clerk were also named as defendants.
- 3 General Statutes § 8–8(o) provides in relevant part: “[t]here shall be no right to further review except to the appellate court by certification for review....”
- 4 Litchfield Partners also currently leases office space in the building from the plaintiff. The record does not reflect when Litchfield Partners became a lessee.

Exhibit C

The plaintiff has never conceded that there was a change in use. He did, however, comply with the demands of the local officials.

- 6 Copies of this letter were sent to the first selectman and the department of public works director of leasing.
- 7 The petition stated: "WE, THE UNDERSIGNED, ARE EXTREMELY CONCERNED ABOUT THE PROPOSED MOVE OF THE ADULT PROBATION OFFICE TO THE WHITE BIRCH CONSTRUCTION COMPANY BUILDING ON ROUTE 202 WHICH IS IN OUR RESIDENTIAL (R-80) NEIGHBORHOOD. ALSO THE PROXIMITY OF THIS PROPOSED OFFICE TO THE HIGH SCHOOL AND MIDDLE SCHOOL SHOULD BE A MAJOR CONCERN TO EVERYONE."
- 8 On November 6, 1990, the land use administrator notified the state that the commission had denied the plaintiff's application. This letter was followed, on November 7, 1990, by a letter from the town attorney again noting the denial and stating the town's intent to seek judicial relief if the state proceeded with its plans to lease the building. On November 8, 1990, the land use administrator notified the plaintiff that he was remodeling the building in violation of the zoning regulations and that he would face fines or fines and imprisonment if he continued the work. Finally, on November 13, 1990, the commission informed the plaintiff that his application had been denied.
- 9 The trial court found that the plaintiff, as owner of the property, was aggrieved. The defendants have not challenged this determination on appeal.

End of Document

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Brandon Peate
Zoning Enforcement Officer
860-584-6214
BrandonPeate@BristolCT.gov



Bristol City Hall
Building Department
111 North Main Street
Bristol CT 06010

BRISTOL CONNECTICUT

NOTICE OF VIOLATION & REQUEST FOR VOLUNTARY COMPLIANCE

February 10, 2025

Sharif CT LLC
115 Cedarhurst Lane
Milford, CT 06461

Jamshed Kaisor Sharif Khawajaa, member
18 Lakeview Boulevard
Edison, NJ 08817

Franklin G. Pilicy, Esq.
235 Main Street
Watertown, CT 06795

JR Laliberte
40 Callender Road
Watertown, CT 06795

RE: 291 Queen Street
MBLU: 30A-2-6

When reviewing a permit, an inspection revealed that the use of the property changed without zoning approval. The property previously fell under the use classification of Medical Office. According to city land records, you are listed as the owner of the property.

As a result, the following violations of the Bristol City Zoning Regulations are noted:

- Z.R. Section (1.6.2): Any existing structure devoted in whole or in part to such non-conforming use shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered in a manner which increases the nonconformity of the use, or except to change the use of the structure to a use permitted in the district in which it is located.
- Z.R. Section (3.1) No use is permitted unless it is allowed by this Article as an as of right use, by Zoning Permit, or by Special Permit. Uses permitted as principal, accessory, or temporary uses within each zoning district are those uses identified in this Article.

Within 10 days, all unapproved uses must cease operation. A tenancy permit must be applied for prior to any proposed businesses operating on the property.

This is a request for voluntary compliance. Failure to correct the violations and bring your property into compliance with the local codes may necessitate the issuance of a zoning citation (\$108 per day, per violation).

If you feel this letter has been issued in error, contact the Bristol Land Use Agency within 30 days after receiving this notice for information on the appeal process. Any questions, feel free to contact my office. Thank-you in advance for your prompt attention and anticipated voluntary compliance.

Best regards,

Brandon Peate

Brandon Peate
Zoning Enforcement Officer

For Office Use Only	
APPLICATION NO.	3817
DATE FILED:	03-12-2025
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: 124 Pondview Lane

Assessor's Map No.: 60 Assessor's Lot No.(s): 7-13 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>Minimum Rear-Yard for Swimming Pools (Accessory) (20 foot minimum)</u>	<u>Article II, Section 5.4.19(B)</u>
<u></u>	<u></u>
<u></u>	<u></u>

Briefly state the purpose of the proposed variance (e.g., "to build a two-car garage"): To construct a new in-ground pool.

Briefly state the specific hardship which causes the need for the proposed variance: Due to topography of lot,
House had to be located toward rear of lot, therefore, very limited rear yard. (see additional notes section)

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

Other comments:

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

Name: Tamborra Pool, Path & Patio (Kenneth Tamborra)

Address: PO Box 852 City: Watertown State: CT Zip: 06751

Telephone No.: 203-650-2606 E-Mail: tamborrapool@gmail.com

Signature:  Signature - (Printed/Typed) KEN TAMBORRA

CHECK ONE: ☐ owner ☒ other (specify): pool contractor

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

Name: Erika & Kenneth Dailda

Address: 124 Pondview Lane City: Bristol State: CT Zip: 06010

Telephone No.: 203-233-7738 E-Mail: mango0052@gmail.com

Signature:  Signature - (Printed/Typed) Erika Dailda / Kenneth Dailda

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

For Office Use Only
APPLICATION NO. _____

**CITY OF BRISTOL, CONNECTICUT
SUPPLEMENTARY INFORMATION**

Address or location of property: _____ 124 Pondview Lane

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

For house structural purposes, the pool should not be installed closer than 10 feet, due to over dig area for installing pool.
For safety purposes, if the pool is located closer than 10 feet to the roof of the house. It would be possible for people to jump off the roof into the pool.
Because of the location of the house on the lot, the rear yard is so limited, that a normal width pool will not physically or safely fit.

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: Kenneth Tamborra (Tamborra Pool, Path & Patio)

Address: PO Box 852 City: Watertown State: CT Zip: 06751

Telephone No.: 203-650-2606 E-Mail: tamborrapool@gmail.com

08/17 - LUO

**CITY OF BRISTOL, CONNECTICUT
SUPPLEMENTARY INFORMATION****For Office Use Only**
APPLICATION NO. _____

Address or location of property: _____ 124 Pondview Lane

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

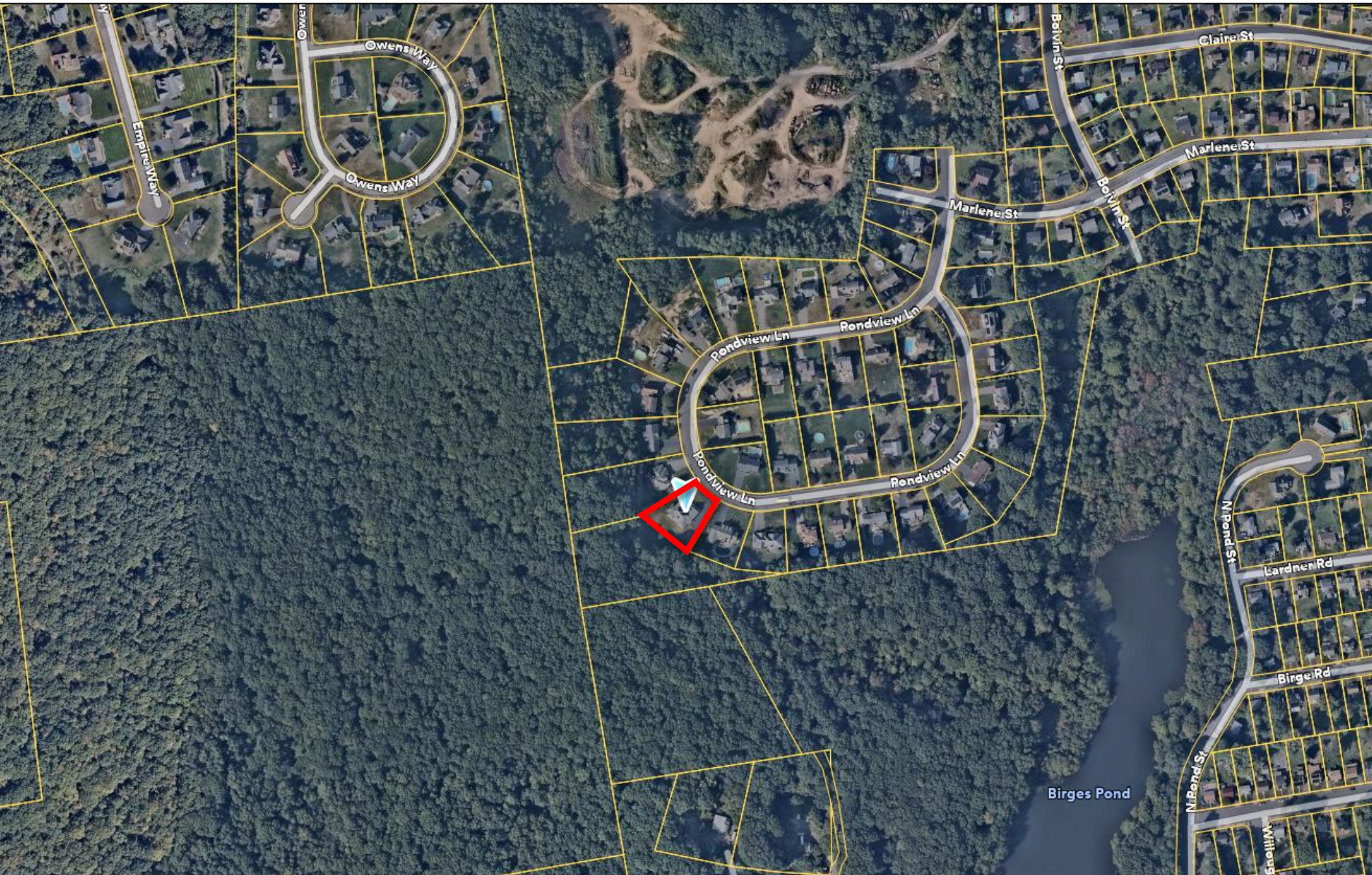
Telephone No.: _____ E-Mail: _____

Signature: _____ Signature – (Printed/Typed) _____

(OPTIONAL) SEND COPIES OF ALL CORRESPONDENCE TO:Name: Erika DailidaAddress: 124 Pondview Ln City: Bristol State: CT Zip: 06010Telephone No.: 203-233-7738 E-Mail: mango0052@gmail.com

08/17 - LUO

Location Map
124 Pondview Lane

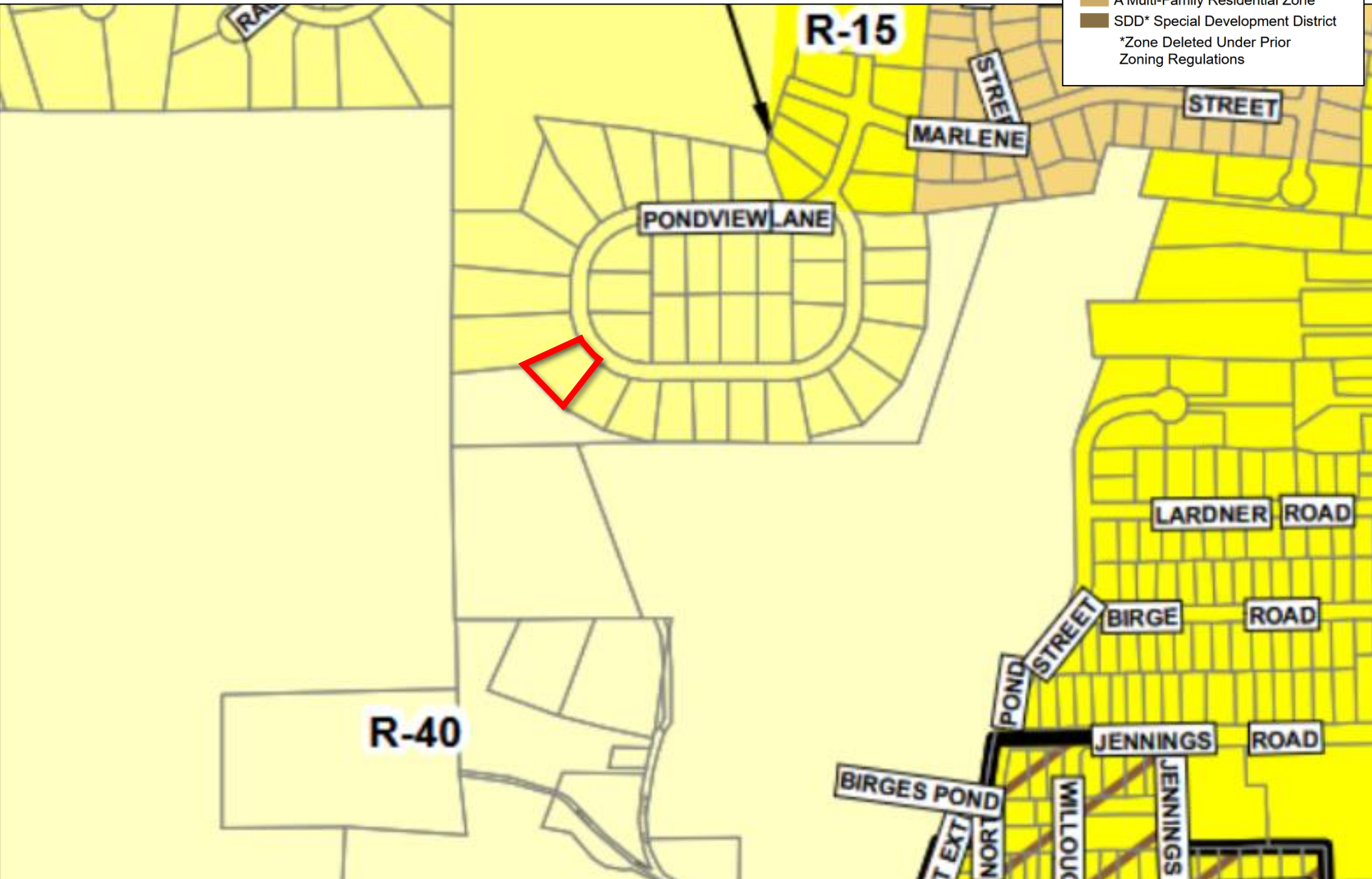


Residential Zones

- 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
- *Zone Deleted Under Prior Zoning Regulations

Zoning Map

124 Pondview Lane



Aerial Map
124 Pondview Lane



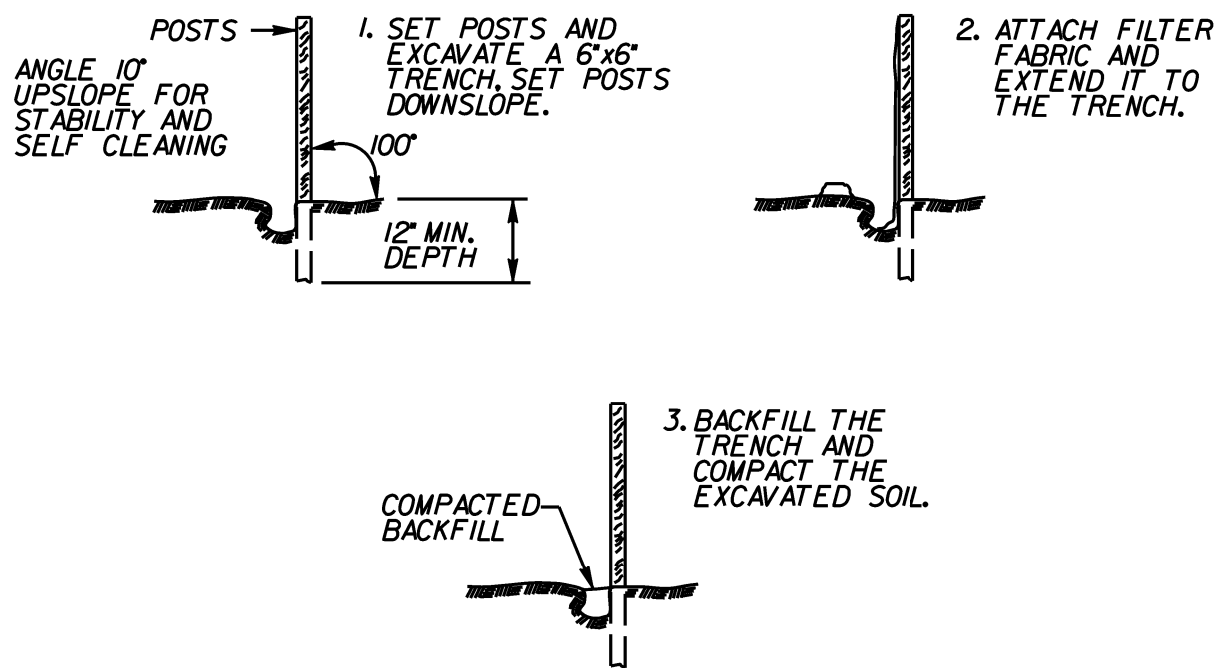
Notes:

Map 60
Lot 7-13

Zone R-25

Area of Wetlands on Property - 0.0 Ac
Area of Wetlands Disturbed - 0.0 Ac.
Fill Placed In Wetlands - 0.0 C.Y.
Nearest Activity to Wetlands - 22.5'

100' Upland Area on Property - 0.27 Ac.
100' Upland Area Disturbed 0.04 Ac.
Fill Placed In 100' Upland Area - 0 C.Y.(Net)

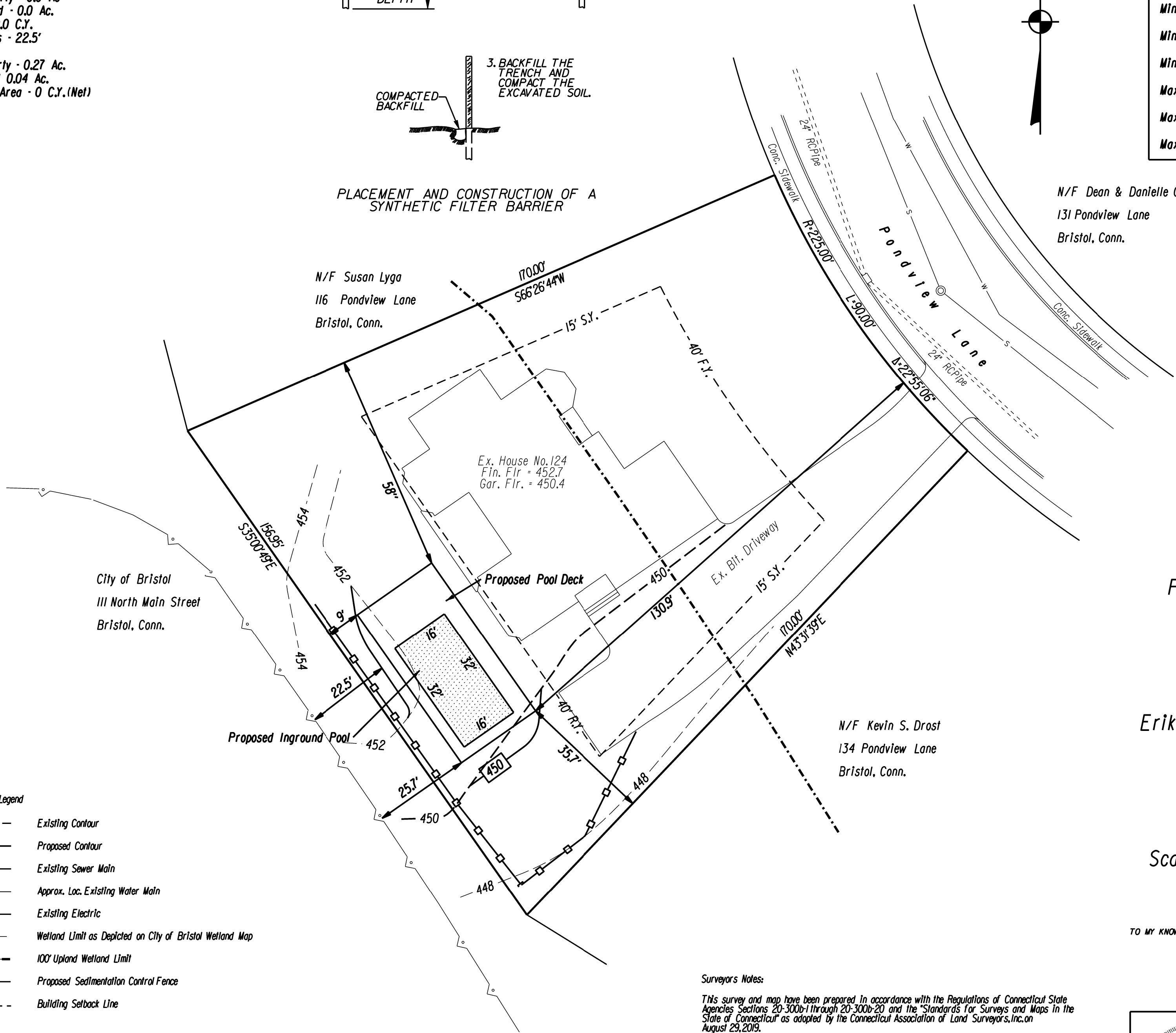


PLACEMENT AND CONSTRUCTION OF A SYNTHETIC FILTER BARRIER

Zoning Data Table Zone R-25		
Minimum Lot Area (s.f.)	25,000	25,055
Minimum Lot Frontage (l.f.)	125	90 *
Minimum Front Yard (l.f.)	40	130.9 * *
Minimum Side Yard (l.f.)	14	35.7 * *
Minimum Rear Yard (l.f.)	40	9 * *
Maximum Building Height	35	N/Applic.
Maximum Building Coverage (%)	25.5	12.2
Maximum Impervious Coverage (%)	65	30 * * *

* - Lot of Record
* * - Swimming Pool
* * * - Includes Swimming Pool

N/F Dean & Danielle Cyr
131 Pondview Lane
Bristol, Conn.



Zoning Location Survey
Plot Plan for Swimming Pool
Assessors Lot 60-7-13

owned by
Erika Dailida & Kenneth S. Dailida
124 Pondview Lane
Bristol, Conn.

Scale 1" = 20' January 14, 2025
Rev. February 18, 2025

TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

Robert Green Associates L.L.C.

Map Reference:

Subdivision of Lot 7 & A Portion of Lot 3-2 off Marlene Street
Bristol, Conn. to be Developed by M & G Development, Inc.
Scale 1" = 40' Rev. to June 24, 1987 A. F. Lepore & Associates
Engineers & Surveyors.

Surveyors Notes:

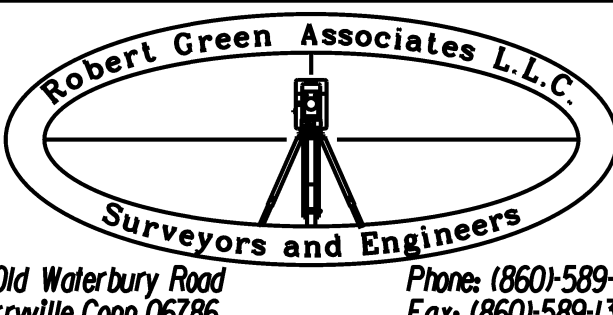
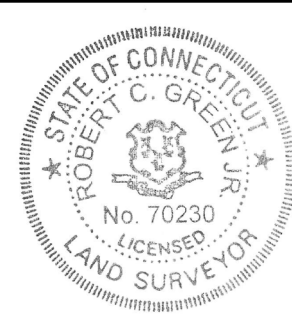
This survey and map have been prepared in accordance with the Regulations of Connecticut State Agencies Sections 20-300b-1 through 20-300b-20 and the Standards for Surveys and Maps in the State of Connecticut as adopted by the Connecticut Association of Land Surveyors, Inc. on August 29, 2019.

Boundary Determination Category - Resurvey

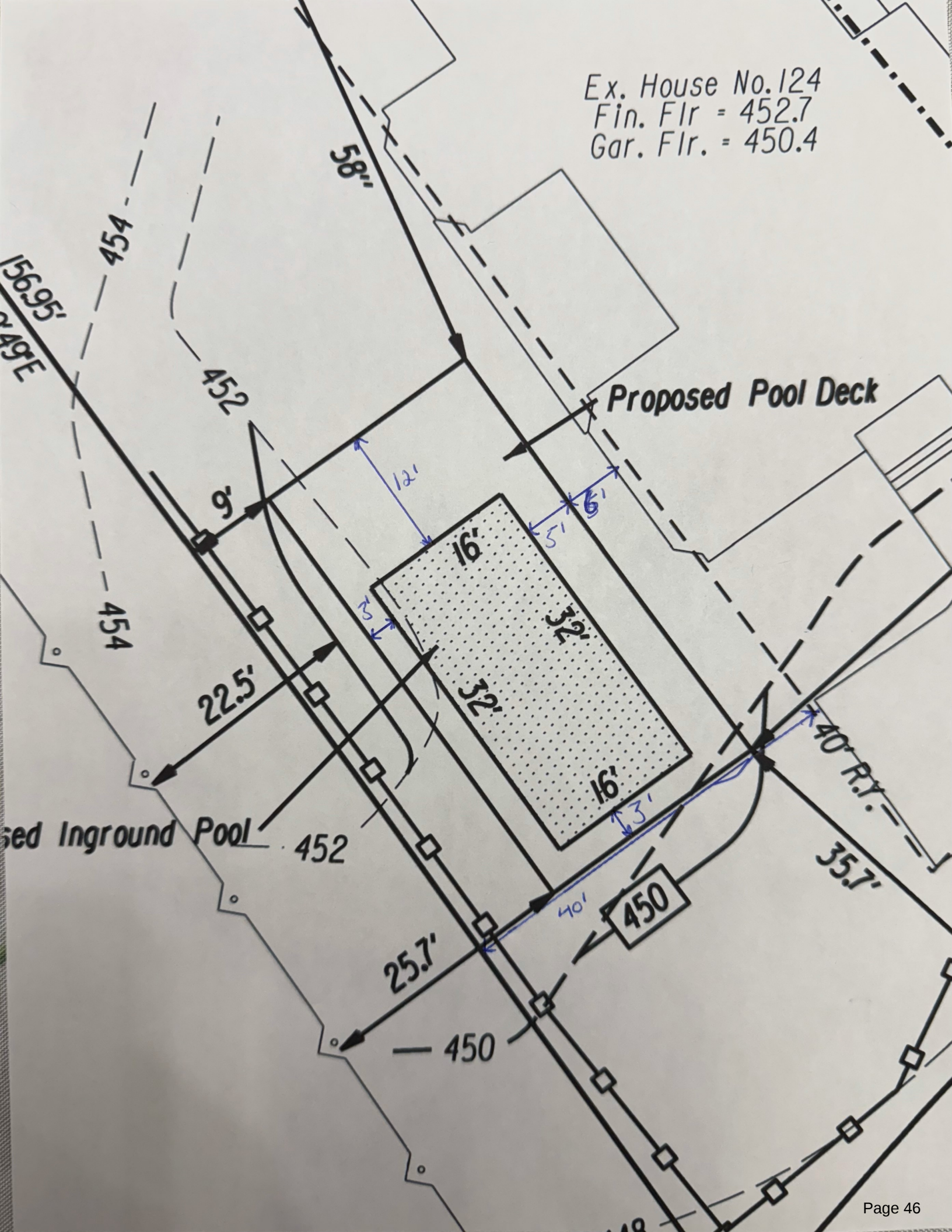
Horizontal Accuracy Class - A-2

Zone - R-25

Underground features have been compiled, in part, based upon information furnished by others. This information is to be considered approximate and Robert Green Associates does not take responsibility for subsequent errors or omissions which may have been incorporated into this plan as a result.



Ex. House No. 124
Fin. Flr = 452.7
Gar. Flr. = 450.4



**BRISTOL ZONING BOARD OF APPEALS
MINUTES
REGULAR MEETING OF MONDAY, FEBRUARY 4, 2025
DRAFT MINUTES**

By: Chairman Rafaniello

Time: 6:00 P.M.

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

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:			
	Rory Ghio	X	
	Liza Salgado-Sirko	X	
STAFF:	Andrew Armstrong, Assistant City Planner	X	

1. Call to Order

Per the order of Chairman Rafaniello, the meeting was called to order at 6:00 P.M.

Chairman Rafaniello reminded the Board the next regular meeting of the Board is on Tuesday March 10, 2025.

2. Public Hearings

- a. Application #3815 – Request for a reduction of minimum lot area to create a second building lot at 197 Greystone Avenue; Assessor's Map 17, Lot 183/30; R-15; Single-Family Residential zone; Kathy Scott, applicant.

Chairman Rafaniello designated himself, Commissioners Raymond, Balsam, Radke and Pecevich to vote on Application #3815.

Attorney Timothy Furey, 43 Bellevue Ave., representing the applicant, presented the request for a reduction of a minimum lot area to create a second building lot located at 197 Greystone Avenue. The attorney presented a map showing two existing lots with 50 feet of frontage each to the north of the property. Attorney Furey reviewed lots in the area from the card catalogs that had the same configuration as the request. The attorney said the applicant may either apply for a subdivision for a free cut with the Planning Commission and/or engineering staff, or the Board may approve the Variance for two undersized lots. Attorney Furey outlined the proposed lots would be over 12,000 sq. ft. and would be in compliance with the setbacks and zoning regulations to construct a house. The attorney said there was a prior approved Variance on the corner of the property for an existing garage.

Attorney Furey stated the hardship was the uniqueness of the lot, the lot shape and two street frontages. The attorney reviewed the hardship and stated there would be no injustices to the Zoning Regulations or to the neighborhood and mentioned there is a need for mid-range housing. Attorney Furey noted the applicant was required to apply for a subdivision of the lot as the next step. The attorney clarified the Board is not approving the second lot but potentially approving the undersized nature of the lot.

Chairman Rafaniello noted the applicant may not apply for a subdivision without an approved Variance. The Chairman pointed out the Board had to vote on the merits of this property and if reducing both lots to 12,000 sq. ft. was appropriate. Chairman Rafaniello stated the prior approved Variance for the existing home would be limited to the existing parcel and not the proposed lot.

No one else spoke in favor of the application.

No one spoke against the application.

The hearing is closed.

By: Raymond

Seconded: Pecevich.

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

Against: None.

Abstain: None.

The Board commented that this was not a new property owner trying to subdivide the property. The Board understood the hardships were the two-street frontages. The Commissioner said the lot would not be of an unusual nature for the neighborhood. The Board noted the request was only for the lot area and the subdivision was not being voted on and approved by the Board. The Commissioner indicated if the prior owner had made two lots, the property probably would have been okay. The Board's view was that the lot lends itself to be divided evenly. The Commissioner stated the proposed lot would comply with all the Regulations besides the lot area. The Board had no concerns about the proposed plan.

Chairman Rafaniello required a stipulation for the motion to apply for the lot split with a different Commission or the Variance would not be allowed to go forward with the new lot.

MOTION: Move to approve Application #3815 – Request for a reduction of minimum lot area to create a second building lot at 197 Greystone Avenue; Assessor's Map 17, Lot 183/30; R-15; Single-Family Residential zone; Kathy Scott, applicant, in accordance with the plot plan and information submitted with the following stipulation:

1. The Variance for minimum lot area applies only to the two (2) proposed lots shown in the maps and plans submitted. The Variance will only become effective when both lots are recorded on the land records. And the previous Variance, Application #3361 will apply to the existing home only and not to the proposed lot shown.

By: Raymond

Seconded: Pecevich.

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

Against: None.

Abstain: None.

The application is approved.

APPROVAL OF MINUTES

1. Approval of Minutes – January 7, 2025

The Board noted the minutes of January 7, 2025, needed a slight correction on Pg. 2, the tenth paragraph, should state "If there are any future noise problems, the Board noted the sound levels would be handled by the Police Department."

ADJOURNMENT

Chairman Rafaniello designated himself, Commissioners Balsam, Ghio, Salgado-Sirko and Radke vote on the adjournment.

MOTION: Move to adjourn at 6:25 P.M.

By: Raymond

Seconded: Pecevich.

For: Balsam, Ghio, Salgado-Sirko, Radke and Rafaniello.

Against: None.

Abstain: None.

This meeting was recorded.

Respectfully submitted,

Nancy King
Recording Secretary

Jerald A. Rafaniello, Chairman

Richard Raymond, Secretary

DRAFT



City of Bristol
Office of Town and City Clerk
111 North Main Street
Bristol, Connecticut 06010
(860)584-6200 ext. 0

March 12, 2025

Jonathan Lukasiewicz
290 Perkins Street
Bristol, CT 06010

Dear Mr. Lukasiewicz:

This is to officially notify you that at a meeting of the City Council on March 11, 2025 you were appointed as an alternate member to the Zoning Board of Appeals Committee for a term to July, 2027.

It is necessary to take your oath of office when you are appointed. At your earliest convenience, kindly stop by the Town Clerk's Office to take your oath.

I have enclosed copies of Section 2-9 of the Bristol Code of Ordinances regarding attendance at meetings, a Calendar of meetings and a listing of members and a copy of the Ethics Ordinance. You should read the Ethics Ordinance carefully since it pertains to board members.

Should you change your address, or resign from this appointment, you must notify the Town Clerk's Office.

Very truly yours,

A handwritten signature in cursive script, reading "Erica Cabiya".

Erica L.N. Cabiya, CCTC
Town and City Clerk

EC/jb

Enclosures

cc: Robert Flanagan