



*City of Bristol
Zoning Board of Appeals*

*REGULAR MEETING OF TUESDAY, MAY 6, 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/88645837485?pwd=TZmTOiOMl6YmHht8sM7USp2gVQatJs.1>

Meeting I.D. Number:

886 4583 7485

Meeting Passcode:

123456

Join by phone

1-929-205-6099

AGENDA

1. Call to Order
2. Public Hearings
 - a. Application #3818 – Request for a variance for a reduction of the required front yard for rear lots at 34 Miller Road; Assessor's Map 15, Lot 115-1; R-15; Single-Family Residential zone; Brian Burney, applicant.
3. Approval of Minutes
 - a. Regular Meeting - February 4, 2025
 - b. Regular Meeting - April 1, 2025
4. 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, June 3, 2025

For Office Use Only
APPLICATION NO. 3818
DATE FILED: 04-15-2025
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: 34 Miller Road

Assessor's Map No.: 15 Assessor's Lot No.(s): 115-1 Zone of the Property: R-15

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

Type of Variance

Section of the Zoning Regulations

Front Yard set back on rear lot

R-15

Article III, Sec. 10.2.5(B) Rear Lots

Briefly state the purpose of the proposed variance (e.g., "to build a two-car garage"): _____

To build a 2.5 car garage (24' x 32')

Briefly state the specific hardship which causes the need for the proposed variance: _____

The odd shaped rear lot and existing conservation easments leaves most of the lot unusable and a distance from the driveway.

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: Brian Burney

Address: 34 Miller Road City: Bristol State: CT Zip: 06010

Telephone No.: 860-839-2867 E-Mail: brianburney@sbcglobal.net

Signature: [Signature] Signature – (Printed/Typed) Brian Burney

CHECK ONE: ☒ owner ☐ other (specify): _____

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

Name: Rosemary Burney

Address: 34 Miller Road City: Bristol State: CT Zip: 06010

Telephone No.: 860-584-0202 E-Mail: brianburney@sbcglobal.net

Signature: [Signature] Signature – (Printed/Typed) Rosemary Burney

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

**CITY OF BRISTOL, CONNECTICUT
SUPPLEMENTARY INFORMATION**

For Office Use Only
APPLICATION NO. 3818

Address or location of property: 34 Miller Road

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

The intent of this project is to install a single story, two and one half car garage on to our premises in an effort to increase security, minimize effort, and maximize safety when maintaining vehicles during inclement weather. Due to certain characteristics of the property there are limited options available for the placement of a garage structure. Specifically, the odd shape of the lot combined with steep grades, conservation easements, and wetlands boundaries contribute to the limitation. Additionally, the zoning regulations for front yard set backs applied to rear lots increases the complexity of placement. Please reference below Article III that applies to my situation. Logistically it makes most sense to have the garage in close proximity to the driveway further limiting our options primarily to the location highlighted on the surveyor's map.

Article III, Section 10.2.5(B) Rear Lots

B. Each rear lot shall have a required front yard setback line 50% farther back than that required for the zoning district in which it is located; the required front yard shall be provided between the lot line to which the accessway leads and the nearest facing wall of the principal building.

ADDITIONAL APPLICANT

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

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

Telephone No.: _____ E-Mail: _____

Signature: _____ Signature – (Printed/Typed) _____

ADDITIONAL OWNER(S) OF RECORD

Name: _____

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

Telephone No.: _____ E-Mail: _____

Signature: _____ Signature – (Printed/Typed) _____

Name: _____

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

Telephone No.: _____ E-Mail: _____

Signature: _____ Signature – (Printed/Typed) _____

(OPTIONAL) SEND COPIES OF ALL CORRESPONDENCE TO:

Name: _____

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

Telephone No.: _____ E-Mail: _____

08/17 - LUO

Location Map
34 Miller Road



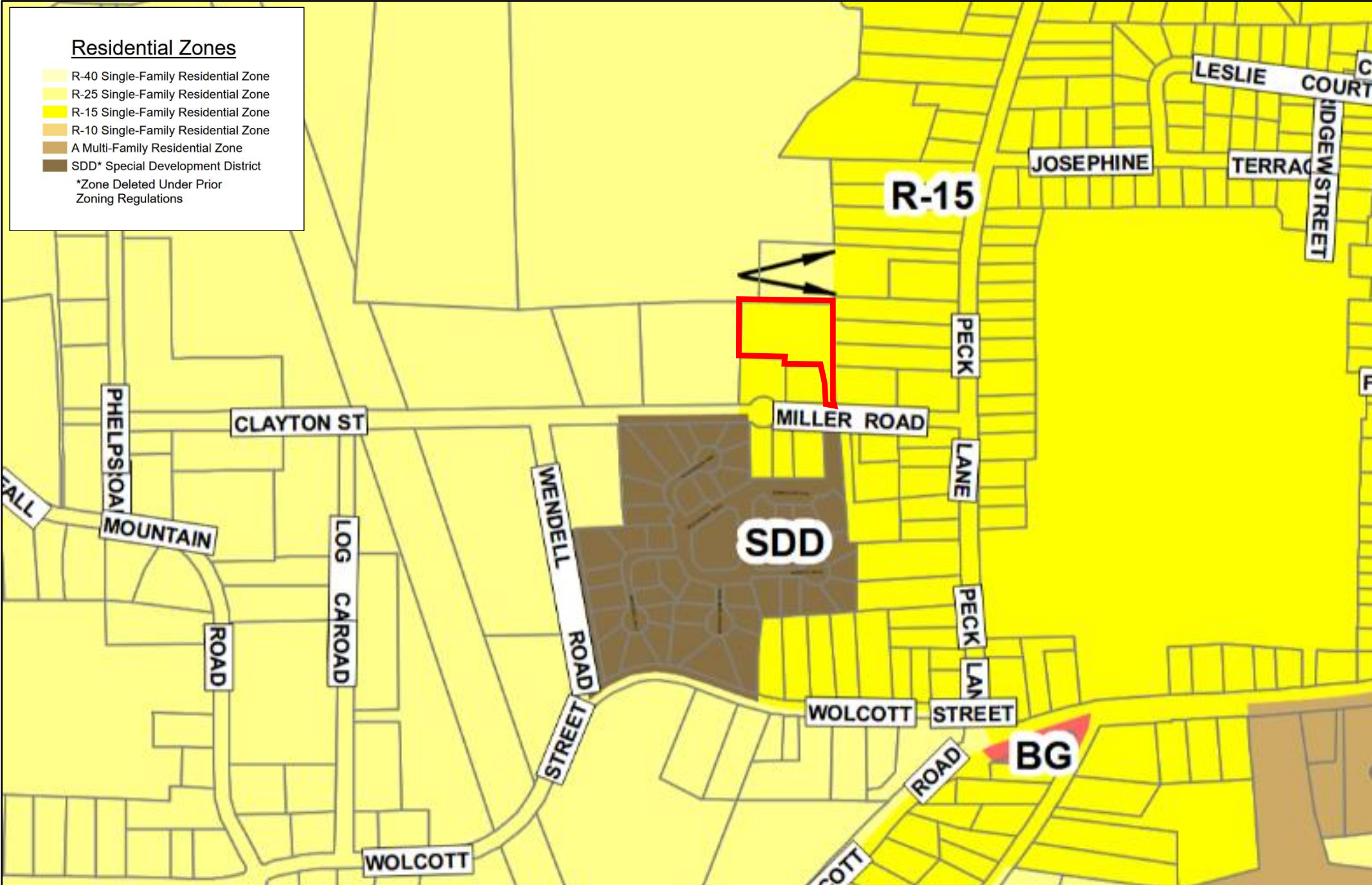
Zoning Map

34 Miller Road

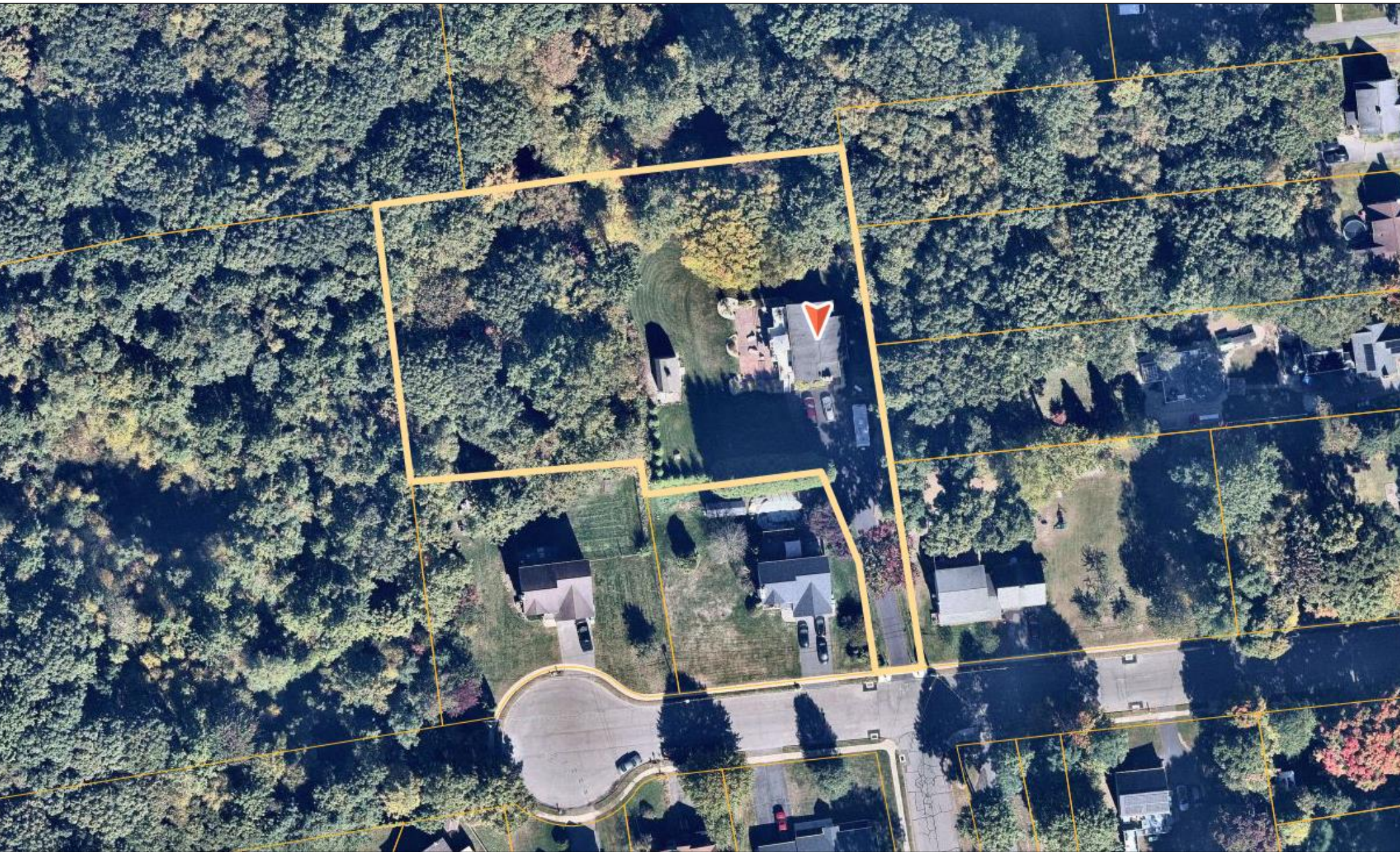
Residential Zones

- 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

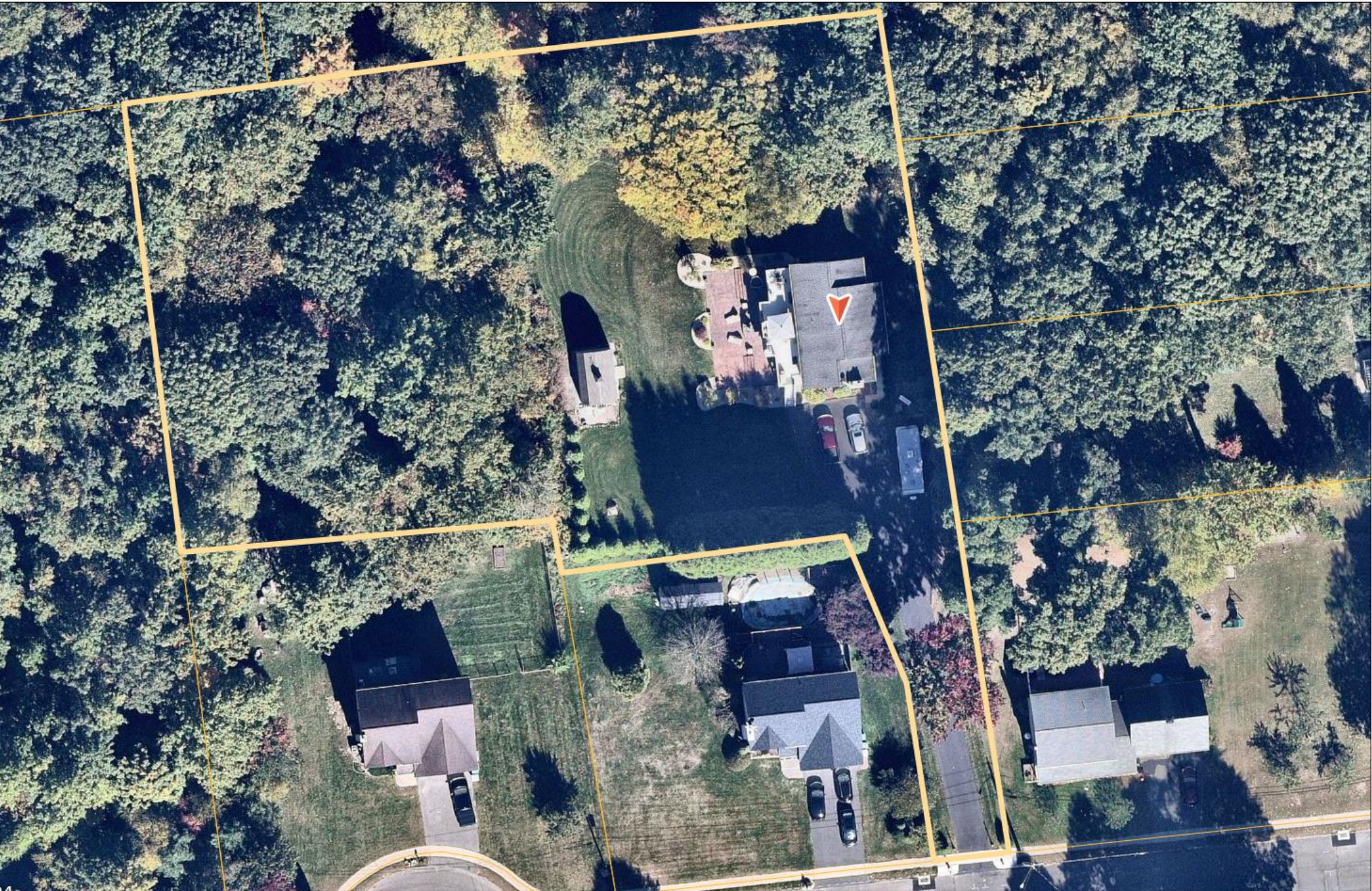
*Zone Deleted Under Prior
Zoning Regulations



Aerial Map
34 Miller Road



Aerial Map 2
34 Miller Road



Narrative – 34 Miller Road

The intent of this project is to install a single story, two- and one-half car garage on to our premises in an effort to increase security, minimize effort, and maximize safety when maintaining vehicles during inclement weather. Due to certain characteristics of the property, there are limited options available for the placement of a garage structure. Specifically, the odd shape of the lot combined with steep grades, conservation easements, and wetlands boundaries contribute to the limitation. Additionally, the zoning regulations for front yard setbacks applied to rear lots increases the complexity of placement. Please reference below Article III that applies to my situation. Logistically it makes most sense to have the garage in close proximity to the driveway further limiting our options primarily to the location highlighted on the surveyor's map.

Article III, Section 10.2.5(B) Rear Lots B. Each rear lot shall have a required front yard setback line 50% farther back than that required for the zoning district in which it is located; the required front yard shall be provided between the lot line to which the accessway leads and the nearest facing wall of the principal building.









CAREFREE

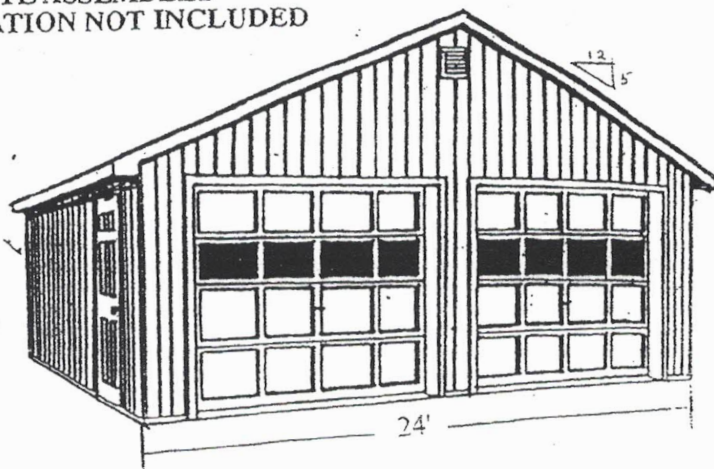


SMALL BUILDINGS

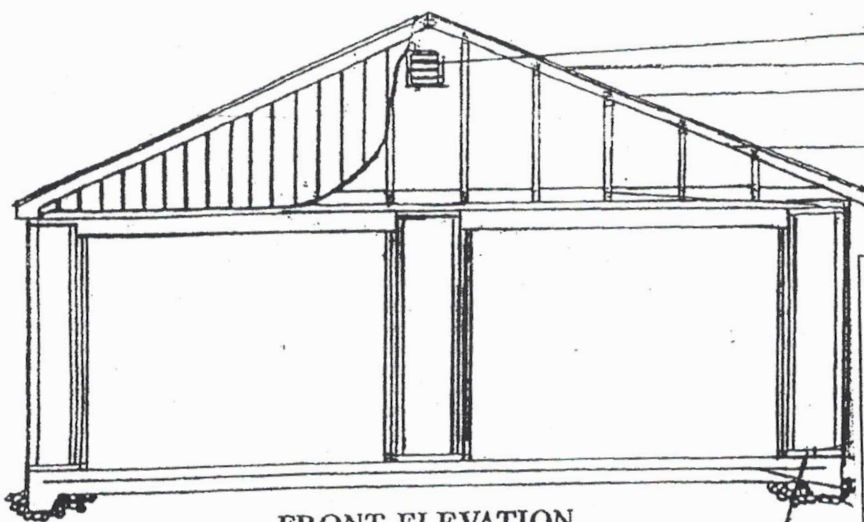
"Built To Last A Lifetime"

MAIN OFFICE & FACTORY
ROUTE 2 AT EXIT 16
COLCHESTER, CT. 06415
860-267-7600

Typical
2 CAR GARAGE
SITE ASSEMBLED
FOUNDATION NOT INCLUDED



24' X 24'
GARAGE SHOWN
OTHER SIZES
20' X 24'
24' X 28'
24' X 32'
24' X 36'

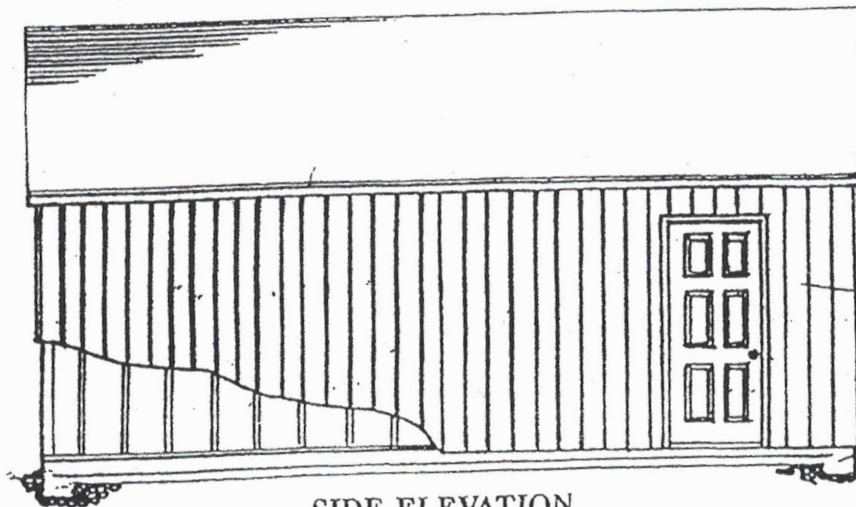


FRONT ELEVATION

P.T. 2x6 Sill Plate

- 12 X 12 LOUVER
- 240LB. SELF SEALING ASPHALT SHINGLES
- 1/2" CDX PLYSCORE ROOF DECKING
- Engineered Roof Truss 16" on center
- ALUMINUM DRIPEDGE

Garage Wall Bracing
Double 2"x12" header
Double 2"x4" jack studs
Top plate fastened to header w/2 rows of 16D spikes w/3" o.c. pattern.
21" long 1000lb strap opposite sheathing.
Fasten sheathing to header w/8D common in 3" grid pattern and 3" o.c. to studs & plates.
Minimum 23" wall each side of garage door opening.



SIDE ELEVATION

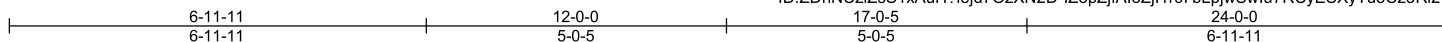
- 1x6 FASCIA
- 5/8" TEXTURE 1-11 SIDING
- OUTSIDE CORNER TRIM
- FOUNDATION
(Done by others)

12'-10"

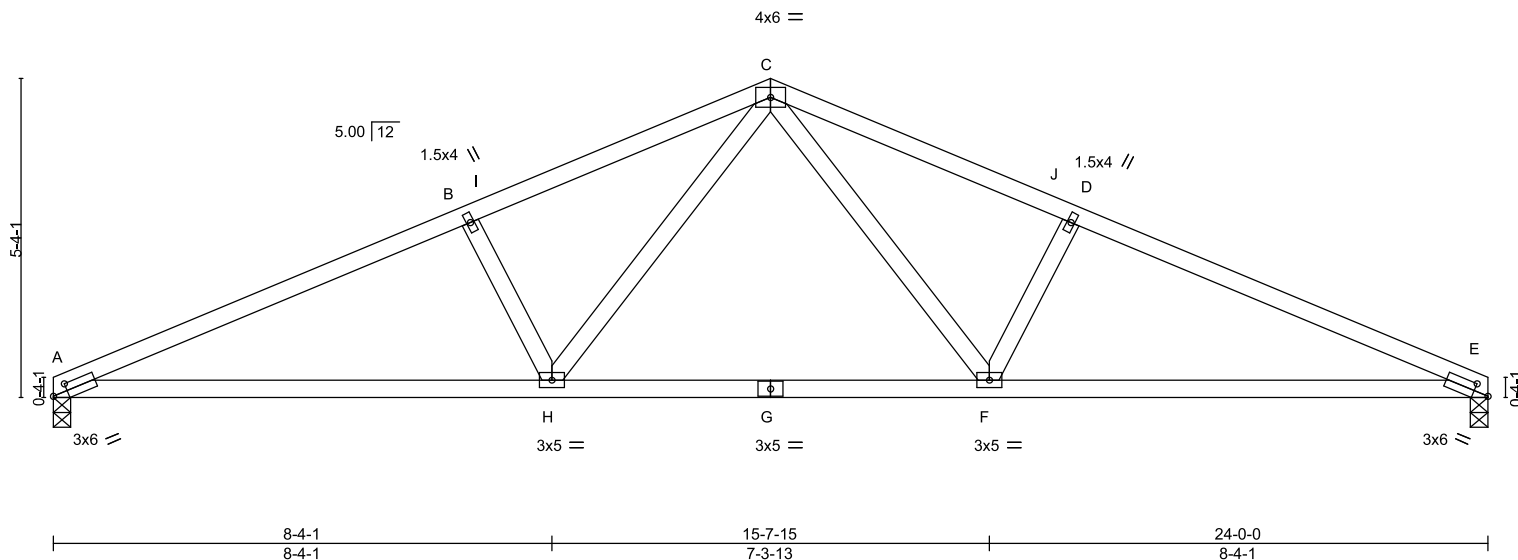
Job	Truss	Truss Type	Qty	Ply	152714270
CAREFREE-COMMONS	T1	FINK	17	1	

Truss Manufacturing Co, Newington, CT - 06111,

8.530 s Dec 6 2021 MiTek Industries, Inc. Thu Jun 23 09:26:03 2022 Page 1
ID:ZDnNCziZsS1xAuH?iejd7OzXN2D-lZopZjfAloZjl1rc7bLpjuSwlu7RCyESXyTu5Cz3Ri2



Scale = 1:38.5



LOADING (psf)		SPACING-		CSI.		DEFL.		PLATES		GRIP	
TCLL (roof)	35.0	Plate Grip DOL	1.15	TC	0.94	in (loc)	l/defl	MT20		197/144	
Snow (Ps/Pg)	30.8/40.0	Lumber DOL	1.15	BC	0.96	Vert(LL)	-0.19 E-F				
TCDL	10.0	Rep Stress Incr	YES	WB	0.21	Vert(CT)	-0.37 E-F				
BCLL	0.0	Code	IRC2015/TPI2014	Matrix-R		Horz(CT)	0.08 E				
BCDL	10.0										
								Weight: 78 lb		FT = 10%	

LUMBER-

TOP CHORD 2x4 SPF No.2
BOT CHORD 2x4 SPF No.2
WEBS 2x4 SPF No.2

BRACING-

TOP CHORD Structural wood sheathing directly applied.
BOT CHORD Rigid ceiling directly applied or 2-2-0 oc bracing.

REACTIONS.

(size) E=0-3-8, A=0-3-8
Max Horz A=-91(LC 17)
Max Uplift E=-194(LC 13), A=-194(LC 12)
Max Grav E=1304(LC 2), A=1304(LC 2)

FORCES. (lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.

TOP CHORD A-B=-2584/367, B-C=-2314/374, C-D=-2314/374, D-E=-2584/367
BOT CHORD A-H=-356/2274, F-H=-153/1560, E-F=-266/2274
WEBS B-H=-552/231, C-H=-172/848, C-F=-173/848, D-F=-552/231

NOTES-

- Unbalanced roof live loads have been considered for this design.
- Wind: ASCE 7-10; Vult=135mph Vasd=107mph; TCDL=5.0psf; BCDL=5.0psf; h=25ft; Cat. II; Exp B; Enclosed; MWFRS (envelope) gable end zone; cantilever left and right exposed; end vertical left and right exposed; Lumber DOL=1.33 plate grip DOL=1.33
- TCLL: ASCE 7-10; Pr=35.0 psf (roof live load: Lumber DOL=1.15 Plate DOL=1.15); Pg=40.0 psf (ground snow); Ps=30.8 psf (roof snow: Lumber DOL=1.15 Plate DOL=1.15); Category II; Exp B; Partially Exp.; Ct=1.10
- Roof design snow load has been reduced to account for slope.
- Unbalanced snow loads have been considered for this design.
- This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
- Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 100 lb uplift at joint(s) except (jt=lb) E=194, A=194.
- Attic room checked for L/360 deflection.



June 23, 2022

WARNING - Verify design parameters and READ NOTES ON THIS AND INCLUDED MITEK REFERENCE PAGE MII-7473 rev. 5/19/2020 BEFORE USE.

Design valid for use only with MiTek® connectors. This design is based only upon parameters shown, and is for an individual building component, not a truss system. Before use, the building designer must verify the applicability of design parameters and properly incorporate this design into the overall building design. Bracing indicated is to prevent buckling of individual truss web and/or chord members only. Additional temporary and permanent bracing is always required for stability and to prevent collapse with possible personal injury and property damage. For general guidance regarding the fabrication, storage, delivery, erection and bracing of trusses and truss systems, see **ANSI/TPI1 Quality Criteria, DSB-89 and BCSI Building Component Safety Information** available from Truss Plate Institute, 2670 Crain Highway, Suite 203 Waldorf, MD 20601



16023 Swingley Ridge Rd
Chesterfield, MO 63017



1-800-326-SHED(7433)

Fax 860-267-1018

Sales@CarefreeBuildings.com

Foundation Requirements

FOUNDATIONS:

Must be 1" under the actual size of building. (Example 24' x 24' = 23'-11" x 23'-11")

Must be square (same measurements across diagonals)

Must be level. (**Building codes** specify that compressible shims are not acceptable between the foundation and the bottom plate.) Any spaces between the bottom plate and the foundation caused by dips and or out of level concrete are solely the concrete contractor's responsibility.

ANCHOR BOLTS Including nuts and washers (washers must be 1.5" diameter)

To be installed by the concrete contractor to receive a 2x6 bottom plate.

If anchor bolts are not installed there will be a \$350 charge to for installation.

If nuts/washers are not on site an additional charge of \$50 will be added.

WIND SPEED CONNECTIONS:

Depending on your particular municipality, additional construction fasteners, anchoring and or framing may be required. This optional service is priced separately **dependent on your needs.**

KNEE WALLS:

A 9'x7' overhead door requires that the foundation wall be a minimum of 12" above the top of the finished floor. A 9'x8' overhead door requires that the foundation wall be a minimum of 24" above the top of the finished floor.

DOOR OPENINGS IN FOUNDATION:

3'-0" X 6'-8" Pass door = 41 " rough opening in concrete foundation.

9' x 7' overhead door = 115 1/2 " rough opening in concrete foundation (7.5" wider than the door)

Shed Doors will have the bottom sill plate left in the door opening. Add 6" to *shed door* width for concrete rough opening.

STEP FOUNDATION:

There is a \$200 charge per step.

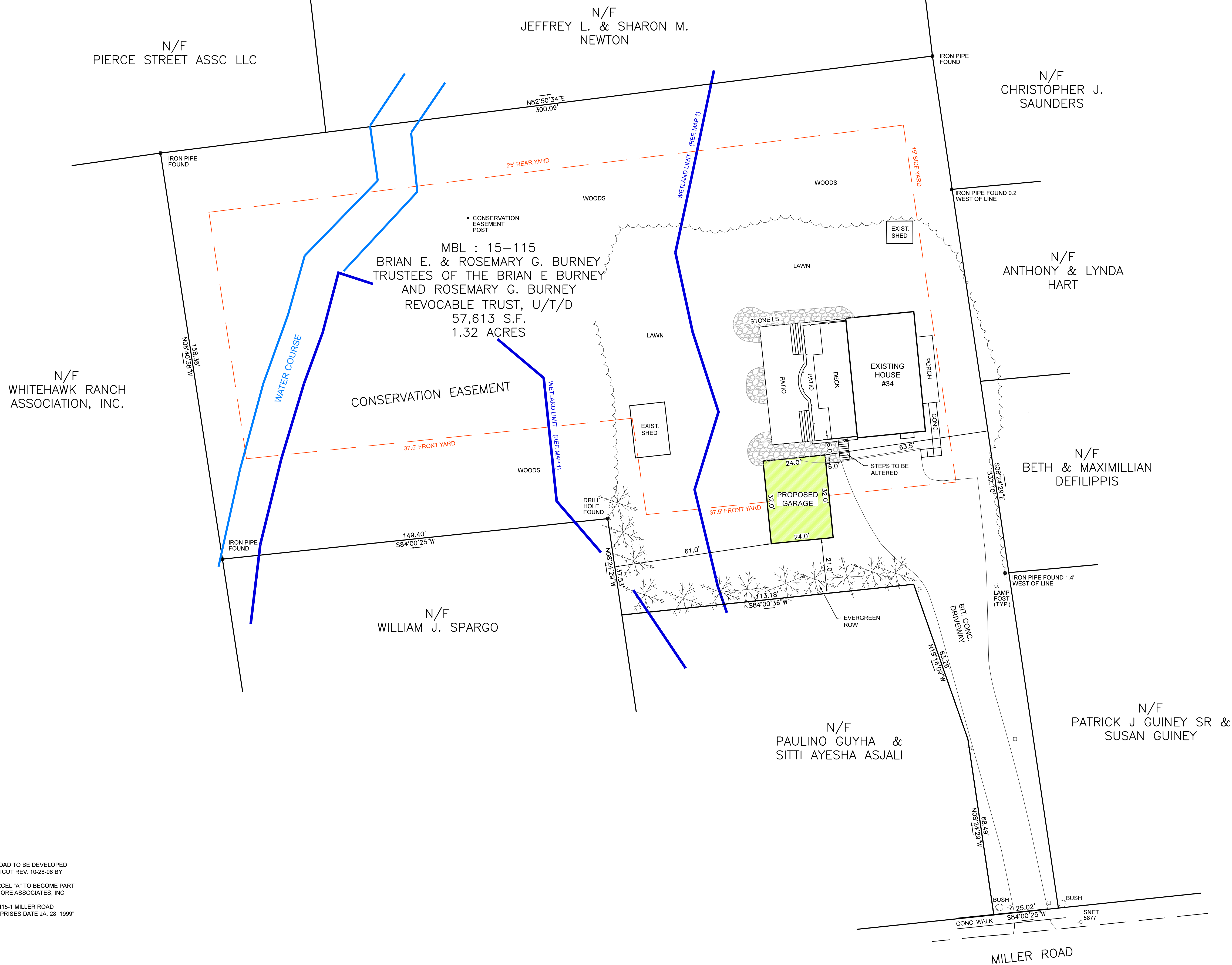
CONCRETE FLOOR:

The concrete floor must be poured prior to the garage installation.

ACCESS:

Carefree must have direct truck access to the site. We use a Bobcat to set the panels from the inside of the building. Do not seal or finish your floor until after the garage is completed as the Bobcat will leave tire marks. Our buildings are pre built in large wall panels in a controlled environment at our factory in Colchester Connecticut. We must have the requirements listed above. There will be a \$200 surcharge for each deviation from the above. After the floor is poured, call us and we will confirm the specifications have been met and we proceed with the construction. Your new garage will be completed within 90 days from this point. (Typically, no construction from 12.1-4.1.)

Customer: _____ Date: _____ 11-21



ZONING TABLE - RELATING TO PROPOSED GARAGE		
ZONE R-15 - REAR LOT		
STANDARD	REQUIRED	PROPOSED
FRONT SETBACK (MIN.)	37.5'	21.0'
SIDE YARD	15'	61.0'
BUILDING COV. (MAX.)	30%	5.5%
IMPERV. COV. (MAX.)	50%	12%
*VARIANCE REQUIRED		

REFERENCE MADE TO MAPS TITLED:

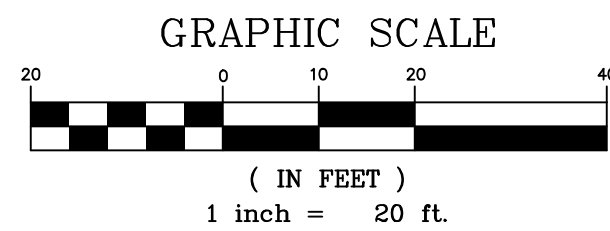
1. MAP SHOWING LOTS 115, 115-1 AND 121-1 MILLER ROAD TO BE DEVELOPED BY THE DICSON CORPORATION BRISTOL, CONNECTICUT REV. 10-28-96 BY WILLIAM H. KATT, SR. P.E. (B.L.R. MAP 874-I)
2. PROPERTY SURVEY MAP OF LOT 115 SHOWING PARCEL "A" TO BECOME PART OF LOT 115-1 MILLER ROAD BRISTOL, CONN. BY LEPORE ASSOCIATES, INC. (B.L.R. MAP 39-L)
3. GENERAL LOCATION SURVEY AS-BUILT PLAN LOT #115-1 MILLER ROAD BRISTOL, CONNECTICUT PREPARED FOR DB ENTERPRISES DATE JA. 28, 1999" BY LEPORE ASSOCIATES, INC.

TYPE OF SURVEY: ZONING LOCATION
BOUNDARY DETERMINATION CATEGORY: RESURVEY
CLASS OF ACCURACY: A-2

TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON. THIS SURVEY HAS BEEN PREPARED IN ACCORDANCE WITH THE STANDARDS AND SUGGESTED METHODS AND PROCEDURES FOR "THE STATE OF CONNECTICUT" PREPARED AND ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC., ON AUGUST 29, 2019.

William T. Clark
WILLIAM T. CLARK L.S. #70080

NOT VALID WITHOUT EMBOSSED SEAL



ZONING LOCATION SURVEY
PROPOSED GARAGE
34 MILLER ROAD
PREPARED FOR
BRIAN E. & ROSEMARY G. BURNEY
BRISTOL, CONNECTICUT

CLARK LAND SURVEYING, LLC
126 TUNXIS ROAD
BRISTOL, CONN. 06010
(860)-967-8590
TODD@CLARKLS.BIZ
DATE: 4-11-2025 SCALE: 1" = 20' MAP NO. 2025-34

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

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 hardships 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

**BRISTOL ZONING BOARD OF APPEALS
MINUTES
REGULAR MEETING OF MONDAY, APRIL 1, 2025
DRAFT MINUTES**

By: Chairman Rafaniello

Time: 6:00 P.M.

Place: City Hall
111 North Main Street
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	
	Jonathan Lukasiewicz		X
STAFF:	Brandon Peate, Zoning Enforcement Officer	X	
	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 Zoning Board of Appeals is: Tuesday, May 6, 2025.

Item 2.b. was taken out of order because of the size of the Public Hearing, Item 2.b., Application #3817.

2. Public Hearings

- 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.

Chairman Rafaniello designated himself, regular Commissioners Pecevich, Raymond Radke with alternate Commissioner Salgado-Sirko to vote on Application #3817.

The following persons representing the applicant reviewed Application #3817 with the Board: Erika Dailda, 124 Pondview Lane, property owner and Kenneth Tamborra, contractor for the applicant, 300 Carmel Hill Rd., Bethlehem.

Mr. Tamborra explained there would be no side yard impacts for the property but the applicant is requesting a Variance for a rear yard reduction to construct an in-ground swimming pool. The contractor said the 16 ft. X 32 ft. in-ground pool would be placed 11 ft. from the house to provide separation for safety purposes from the foundation and curtain drains. Mr. Tamborra pointed out there were no neighbors to the rear of the property.

Board inquires: Mr. Tamborra indicated the property to the rear of the application was owned by the City of Bristol and was considered an Open Space area. The contractor verified the elevation of the property would not be changed.

Board inquires: Mr. Armstrong noted the Inland Wetlands Commission would review this request on April 7, 2025. The assistant city planner reviewed the setback of the requested Variance in the Regulations for pools, which was half the distance of the rear yard requirement of 40, so 20 feet would be the required rear yard.

Commissioner Pecevich inquired about the pool size. The applicant explained that they tried to limit the pool size from being too big but also needed something appropriate for a family of five people.

The applicant and Commission discussed the grade of the property and slope being challenging.

The applicant and Commission discussed the existing placement of the home on the lot and identified that another person built the home before the applicant purchased it approximately two years ago.

Commissioner Radke noted the lot shape was challenging and narrow, topography, placement of the driveway and home including limited side yards does not leave much space or options and the applicant did the best they could to comply with the regulations.

Commissioner Raymond noted many other similar properties nearby had larger rear yards to work with.

Commissioner Pecevich mentioned the placement of the home was challenging.

Chairman Rafaniello noted the difficulties with topography, placement of the home on the lot and the conservation lot that was created in the rear.

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

The hearing is closed.

By: Pecevich

Seconded: Raymond.

For: Radke, Pecevich, Salgado-Sirko, Raymond and Rafaniello.
Against: None.
Abstain: None.

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

By: Raymond

Seconded: Radke.

For: Salgado-Sirko, Raymond, Radke, Pecevich and Rafaniello.
Against: None.
Abstain: None.

The application is approved.

- 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.

Chairman Rafaniello designated himself, regular Commissioners Pecevich, Raymond Radke with alternate Commissioner Salgado-Sirko to vote on Application #3816.

Zoning Enforcement Officer Brandon Peate introduced himself to the Board.

Mr. Peate (Zoning Enforcement Officer) entered the following items as part of the record:

Staff Report: dated April 1, 2025 (2 pages)

Exhibit A: Withdrawn Zoning Commission application for 291 Queen Street from 1994 (3 pages)

Exhibit B: Notice of Violation & Request for Voluntary Compliance dated November 7, 2024 (1 page)

Exhibit C: Supreme Court case Joseph DiBlasi v. Zoning Board of Appeals Town of Litchfield decided March 2, 1993 (8 pages)

Exhibit D: Notice of Violation & Request for Voluntary Compliance dated February 10, 2025 (1 page)

Brandon Peate, ZEO, gave an overview of the property located at 291 Queen Street and is located in a R-15 zone. On November 4, 2024 the Zoning Office received an application for a tenancy permit which he described is for a change of use without structural work. He believed this request to be coming from the Bristol-Burlington Health District for a nail technician. During the inspection for a tenancy permit, a building inspector mentioned to the ZEO that something may not be right with the uses.

After researching the property, he noticed a violation was issued (Exhibit B) from November 7th. He stated the structure and use pre-existed the current zoning regulations. He reviewed the previous use was multiple medical offices and was retrofitted by the appellant to create what the ZEO described as similar to a “commercial boarding house”. Former doctors’ offices were leased out to new business owners for uses including “personal service establishments”. The ZEO stated the definition of personal service establishments according to 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.”

The ZEO noted previous occupants in the building included eyelash technicians and a nail technician. He noted the tenants may be different today than they were on November 7th and asked the appellant to clarify.

Chairman Rafaniello clarified with the ZEO that the November tenancy permit was only for one tenant. He asked for clarification on what happened between November and April. The ZEO stated that since that time the tenants had operated largely the same. In his most recent visit, he noticed a roofing contractor and construction office. The nail technician was no longer there. In his research he found that Exhibit A determined the medical office at 291 Queen Street was a non-conforming use in 1994. Today, medical office is listed as an allowed use with a special permit in an R-15 zone. He noted that the Zoning Commission in 1994 decided that the property did not need a special permit for a medical office use and instead was deemed to be pre-existing non-conforming. He reiterated that medical office is listed as a special permit use for this zone and that a “personal service establishment” use is not a listed or permitted use in this zone or any other residential zone. He concluded that for those reasons that is why enforcement action was taken. The use going from a listed non-conforming use to use not listed and prohibited increases the non-conformity.

The Chairman and ZEO discussed the turnover of tenants in the building since November. Some businesses had left and others were new since the original inspection. The ZEO confirmed to the Chairman that the only tenancy permit he was notified about throughout the entirety of the process was for a nail technician which was classified as a personal service use. He further stated that the building and Health Departments prioritized the fumes without ventilation from this use as a safety hazard. This tenant has subsequently left the property. He stated this particular tenant and use was the only one discussed with the appellant. He believes the Bristol-Burlington Health Department may have issued a health license for what he believed to be an eyelash technician but was unsure of that and stated it was a separate approval process from Zoning. The ZEO gave an overview of Exhibit C, a court case where a somewhat similar but different case occurred in the Town of Litchfield. In this case, a permitted office use went to a different permitted office use. In that case, it did not require a change of use permit, but this case was different in his view, because the Town in that case had the use as a listed and permitted use within the zone and in this situation was transferring to a not listed a prohibited use. Lastly, he reviewed Exhibit D, an additional notice of violation issued February

10, 2025 as a courtesy to the appellant in order to have the ability to appeal his order to the ZBA. The previous violation letter had expired.

Attorney Franklin Pilicy, 235 Main Street, Watertown, introduced himself to the ZBA as a municipal law attorney for over 50 years and is here to represent the appellant, Focus Spaces, LLC. He reviewed the subject property at 291 Queen Street and submitted a document of zoning meeting minutes from 1959 indicating the zone was changed from residential to specifically allow the building to be built for medical office. The zoning application was granted at that time. He suggested it was possible from what he read in the minutes that the front part of the property could have been changed but not the rear. Attorney Pilicy then submitted into the record the Assessor's property card. Chairman Rafaniello asked what his point was in submitting this item. The attorney stated he wanted to describe the history of the property, some legal arguments and then have his client make some points about the uses. He suggested it was not 100% clear what zone the property was in because of how the property was treated in the past. Chairman Rafaniello asked the Assistant City Planner, Andrew Armstrong what zone the property was in. He replied that it was an R-15 zone according to City records and did not see any other information suggesting otherwise. Mr. Armstrong asked what the Assessor's card just submitted says. Attorney Pilicy replied that it stated it was an R-15 zone. He continued that the Assessor's card has a sketch that states the building was built in 1960. He continued to review most recent use of medical offices and at one time a conversion to a condominium which was later terminated. A contract to purchase the property by the appellant was entered into the record and gives the appellant the right to appeal this decision. The owner of the property is currently Sharif CT, LLC who additionally authorized his consent to file this appeal.

Attorney Pilicy continued that the first tenant for the Focus Space was instructed to go to the zoning office to obtain a permit. At that time they were informed that the use may not conform to the zoning regulations of Bristol. They then had meetings with the ZEO and communicated regarding the issues for about a month to a month and a half. On January 13, 2025 an application was filed with the ZEO to allow the uses described as "personal service" uses and others that are office uses. There was a meeting with the ZEO to review this request. It was clarified to the Chairman that Robert Flanagan was not part of this particular meeting but rather had separate email correspondence. Attorney Pilicy continued that the applicant filed an application to allow for the personal service uses and different types of office uses on January 13, 2025. He reviewed the "makeup" of the building consisting of 4,924 square feet and has 21 separate offices of roughly 150 square feet each and a common area, which he stated was the same layout it has been. He reviewed that the purpose of the zoning application was to seek ZEO approval to permit different types of office uses, either professional, business or medical.

Brandon Peate, ZEO, clarified there was no official application to change a use from a non-conforming use. The approval of a non-conformity has been handled by the ZEO within the building or tenancy permit and in making a determination would make a comment in the permitting system to what extent if any, the proposal would increase a non-conformity. Brandon clarified this request was not an actual application but rather through the building permit system and process to approve uses. There was a discussion about the process to rule on non-conformities and clarify it is under the purview of the ZEO to make the decision and that was the City's process.

Attorney Pilicy reviewed the section of the zoning regulations regarding non-conformities. "Such non-conforming use may be changed to another non-conforming use with the approval of the Zoning Enforcement Officer. In approving such change, the ZEO shall find that the proposed use is equally appropriate or more appropriate to the district in the non-conforming use". A copy of this regulation regarding non-conformities was provided to the ZBA and entered into the record. The Chairman clarified his understanding with Attorney Pilicy that his request was not from one non-conforming use to another non-conforming use, but rather for a non-conforming use to a use that is not listed in the regulations, which was prohibited. Attorney Pilicy responded that the whole idea of a non-conforming use is that it is a use that is allowed but it does not comply or conform to the uses that are listed in the zone and was true for every non-conforming use. Chairman pointed out that this is a non-conforming property, where some uses were allowed by a special permit in this residential zone and that "personal services" are not part of that list. Attorney Pilicy stated that under the zoning regulations the ZEO still had the grounds and authority to approve this if it is more appropriate for this district and that was the case he was trying to make on behalf of his client. He stated he was making a two-part argument that office uses are equal to personal service establishments and he attempted to make his case. He stated the uses were less intense and burdensome than the medical office use. He reviewed he felt the supreme court case from Litchfield that was provided to the ZEO was similar and reviewed the office uses in that case and the office use definitions for Bristol. It was his view that all three office uses were treated the same way and allowed in the same places. His argument was you can get a personal service use through the specific path set forth in the regulations and also that you can use this building for any office not just a medical office. According to the supreme court case there should be a right to any type of office.

Attorney Pilicy explained his position regarding personal service uses and stated he was unsure of the ZEO's position on office uses which was unclear. Further continued to review non-conforming uses and stating State Statute 8-2. Zoning regulations should not prohibit the continuance of any non-conforming use, structure or building existing at the time of the adoption such regulations. Such regulations shall not provide for the termination of a non-conforming use. A non-conforming use is defined as being prohibited by the zoning regulations but permitted of its existence at the time the regulations were adopted. The right to continue a non-conforming use is protected by Statute and constitutional protection.

Chairman Rafaniello stated he did not believe that was an issue as the ZEO did not prevent the continuation of a non-conforming use. Attorney Pilicy replied that the ZEO had interpreted the non-conforming use too narrowly by stating they could only have a medical office use and that the court case provides a clear determination on that particular issue but was also arguing they had a right to personal service uses if they could demonstrate that it is equally or less of an impact from a zoning perspective.

Brandon Peate, ZEO clarified his position that currently enforcement on the property is confined to personal service establishments and was careful in his report not to state whether a professional office should be granted the same non-conformities of a medical office. His enforcement actions have been limited to the personal service establishment uses and did not make a determination between the various office uses discussed. He found that personal service establishment uses would be the least compliant.

Commissioner Pecevich asked for clarification on where the line of distinction is drawn between professional and personal services. The ZEO provided the example of entering a hair salon and posed the question of whether it would be considered an "office" to which he stated it probably would not. He stated an office is more usually where people work on computers and then gave the actual definition of a personal service establishment according to the zoning regulations, "an establishment primarily involved in the provision of personal care or 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 and shoe repair shops. He then provided the definition of a business or professional office "offices which include 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, 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. Brandon stated that it is difficult to imagine that either definition could encapsulate every single use and characteristic but there is some line of distinction and it was his belief that it was now up to the ZBA to determine where that line should be drawn. Attorney raised the question of whether the ZEO will allow other types of offices such as a professional office and stated he guesses that is still part of this appeal. He reviewed that under the regulations non-conformities can be governed and sometimes have the right to increase a non-conformity by 25% although most Towns don't do that. Chairman Rafaniello stated that the scenario he described was different. The current situation is to change the use and the other scenario is to expand a non-conformity. Attorney Pilicy stated that how the City deals with non-conformities is set forth in the zoning regulations. Section 1.7.3.G outlines non-conforming uses that "such non-conforming use may change to another non-conforming use with the approval of the ZEO. In approving such a change, the ZEO shall find that the proposed use is equally or more appropriate to the district than the existing non-conforming use". He hoped the Board by the end of the meeting the Board would agree that personal service uses are sufficiently the same or less intensive than the previous use of medical office. He further asserted that medical office uses cease to exist in today's market because they have been swallowed up by larger hospitals. The subject property was built for 21 medical offices but would not be viable use today and would be less of intense use. Mr. Armstrong corrected Attorney Pilicy that the property was not surrounded by Industrial uses but rather entirely residential. He summarized his presentation and argument that the ZBA has the ability to allow zoning to operate "on an even keel". He felt he could make a case the proposed use is less intense.

Normand Lolident Jr., also known as "J.R." of 28 Skyline Drive, Middlebury introduced himself as the business owner of Focus Spaces, LLC and handed out and submitted into the record a booklet of his work restoring buildings in other towns. He gave an overview of his personal and business history. He reviewed other projects showing the restoration and success of various other Focus Space locations and processes in other towns and explained the nature and operation of the business including a mix of office and personal service uses and how they function. He showed a sample of the lease agreement indicating permits required must be obtained. The original nail technician told him they would not be doing acrylic nails which turned out to be false. The prohibition of strong or offensive odors is in the lease agreement. Chairman Rafaniello stopped the presentation to state he can tell the business owner does a good job, but he inquired why he did not seek the proper method of zoning approvals in starting this business. He continued that there are no signs for the business and there has been occupancy by various tenants who are in violation of his own rules per the lease and additionally not a permitted use in this zone. He asked the appellant to please get to the point regarding zoning. J.R. continued to explain his business and that it would be apparent through his presentation. He

further reviewed other similar properties in other towns. He stated when he found out he had a violation he invited the various departments to come into the building a few weeks after the first letter estimated to be in November. At that time, they were working to have the nail technician removed. An electrical panel box change was requested during the inspection. That was the only time a permit was required because it was mostly cosmetic. He reviewed the work completed on the property to the roof, trees, lighting, paneling, flooring and other interior work without any structural work. Because of this he explained he did not know there was an issue. He continued to review his presentation of various properties in other Towns and described their process and also business statistics and healthcare trends related to the City of Bristol and Connecticut's rankings.

Mary Buckley, 5 Side Hollow, Watertown, listing agent for the property introduced herself to the Board as a commercial broker. She explained she started working on the property in 2020 when ProHealth was a tenant and again sold in 2022. ProHealth vacated in May 2023 and remained vacant for about a year until JR went under contract with Focus Group. She explained they marketed the property extensively for medical office but had no success. Her opinion was it was low impact, quiet and appropriate.

Brian Godin, 73 Lovely Drive, Watertown, introduced himself as a Partner for a property broker company and has been in the profession for 20 years. He explained medical office buildings are now large corporations and that the chances of filling with a medical office use is highly unlikely for a long time according to the trends. He was complimentary of JR as a property owner.

JR continued his presentation of trends with medical offices. He then reviewed other Town's regulations regarding non-conformities.

Glenda DeJesus introduced herself as the owner of a studio in the building at 291 Queen Street and express her support of the use and business. She explained that this business model supports small business. She reviewed the qualifications of various tenants in comparison to medical office. She further reviewed the uses and provides safe and appropriate uses.

JR summarized his presentation and stated he did not want to walk away from this because he believes in it. He believes medical office uses will not work but he may be stuck with those uses if the appeal does not succeed.

Attorney Pilicy summarized his presentation that Towns are sensitive to the fact that vacant buildings are not easy to fill but there was a path to achieve the desired uses according to his view, through the Zoning Regulations.

Brandon Peate stated that to provide some context, if the Board overturned his decision, it would have an effect on other use determinations throughout the city. He explained that other towns including Bristol allow for a pathway for a non-conforming building use to continue and change use if the use is equally or less intrusive. He explained the Adaptive Reuse of Non-Residential Principal Buildings section of the regulations allows for a special permit in a residential zone. He listed all uses allowed under that section by special permit which included office uses. He felt there were other ways to achieve financial success for the location.

Commissioner Raymond explained he wants this business to do as well as anyone. He felt that the applicant could possibly sit down with staff and explore other options but that he had to side with the ZEO based on the regulations.

Attorney Pilicy again stated the Regulations provide a path and nobody in Bristol will ever regret that decision because it would be beneficial to the community and a good fit in the neighborhood.

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

The hearing is closed.

By: Raymond

Seconded: Radke.

For: Salgado-Sirko, Raymond, Radke, Pecevich and Rafaniello.

Against: None.

Abstain: None.

Chairman Rafaniello explained the Board's decision tonight is based upon whether the ZEO has correctly applied the regulations based on his determination of use. Other points made such as being business friendly or anything else does not have anything to do with this decision. It is solely about correctly interpreting the ZEO's decision against the regulations. There is no question that the business owner, JR, does a good job.

Commissioner Salgado-Sirko stated the City does want to support businesses and asked for a moment to gather her thoughts but felt that the decision was applied correctly.

Commissioner Raymond explained he really does want this business owner, JR, to do well and it would be a benefit to not just his business but the entire town. He felt perhaps another solution could be reached with staff to come up with another solution. Though, as far as tonight's decision, it is based strictly on the ZEO's decision of applying the regulations and felt that he did the correct thing.

Commissioner Radke stated after review and testimony he supported the ZEO's decision and felt he applied the regulations and interpreted the uses correctly. He explained he heard multiple different uses and activities including removing a nail salon and that the ZEO had to make decision on what is more intense use and it could set a precedent for future uses including potentially changing uses on a "whim" where it may not be suitable or more or less intense in various ways. Tenants have been changing constantly since November and does not know which uses are there. He supports the ZEO's decision.

Commissioner Pecevich stated he was torn on the decision. He reviewed the history of the property for medical use and the effects of the new Bristol Hospital downtown and felt it would be difficult to fill. He felt the ZEO and the Board had their own opinion and interpretation.

Commissioner Rafaniello stated the issue here is that the request in question is to change from a non-conforming use to a not listed and prohibited use in a residential zone. Personal service uses are allowed in other zones just not residential zones.

He encouraged the appellant to meet with staff and explore other alternate solutions.

MOTION: Move to deny 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.

By: Rafaniello

Seconded: Salgado-Sirko.

For: Salgado-Sirko, Raymond, Radke, and Rafaniello.

Against: Pecevich.

Abstain: None.

The appeal is denied.

The Zoning Enforcement Officer's decision was upheld.

3. Approval of Minutes

a. Regular Meeting - February 4, 2025

Chairman Rafaniello noted a correction on Pg. 1, Paragraph 2, Attorney stated the “hardships sand” should be corrected to “hardships and.”

MOTION: Move to approve the minutes of the February 4, 2025, regular meeting, as amended.

By: Raymond

Seconded: Pecevich.

For: Salgado-Sirko, Raymond, Radke, Pecevich and Rafaniello.

Against: None.

Abstain: None.

4. Communications

None.

a. New Alternate Member - Lukasiewicz

Mr. Armstrong explained that we have a new Commissioner but because of prior commitments could not attend tonight's meeting.

5. Adjournment

Chairman Rafaniello designated Commissioners NAME to sit on the adjournment.

MOTION: Move to adjourn at 8:32 P.M.

By: Raymond

Seconded: Pecevich.

For: Salgado-Sirko, Radke, Raymond, Pecevich and Rafaniello.

Against: None.

Abstain: None.

This meeting was recorded.

Respectfully submitted,

Andrew Armstrong
Assistant City Planner

Jerald A. Rafaniello, Chairman

Richard Raymond, Secretary