

**BRISTOL ZONING BOARD OF APPEALS
MINUTES
REGULAR MEETING OF TUESDAY, JUNE 7, 2022**

CALL TO ORDER:

By: Chairman Rafaniello

Time: 7:00 P.M.

Place: City Hall West
Meeting Room One
Second Floor**ROLL CALL:**

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

MEMBERS	NAME	PRESENT	ABSENT
REGULAR MEMBERS:	Jerald Rafaniello (Chairman)	X	
	Jeffrey Twombly (Vice Chairman)		X
	Richard Raymond	X	
	Alfred Radke, III	X	
	David Pecevich (Secretary)	X	
ALTERNATE MEMBERS	Tim Adamaitis		X
	Richard Balsam	X	
STAFF			
	Robert M. Flanagan, AICP, City Planner	X	
	Andrew Armstrong, Assistant City Planner	X	
	Edward Spyros, Zoning Enforcement Officer		X

Chairman Rafaniello designated regular Commissioners Raymond, Radke, Pecevich and Rafaniello as voting Commissioners this evening. He also designated alternate Commissioner Balsam as a voting Commissioner this evening in place of Commissioner Twombly with his absence this evening.

Chairman Rafaniello reminded the Board the next Regular Meeting of the Zoning Board of Appeals is: Tuesday, July 5, 2022.

PUBLIC HEARINGS:

1. Application #3783 – Variance of minimum side-yard to allow for the construction of an addition (kitchen, family room and two-car garage) at 1001 Matthews Street; Map 66, Lot 269-5; R-40 (Single-Family Residential) zone; Ronald Jacquemin, applicant.

Ronald Jacquemin, 1001 Matthew Street, owner and occupant, explained his goal was to add an addition of a kitchen, family room and a two-car garage. There was an existing one-car garage when he purchased the property. He was going to demolish the existing one-car garage and family room. The new addition would encroach on the west side of the property setback. He wants to maximize the property frontage from the road to the garage and not be any closer to the road than exists now which he believes would deter people from coming onto his property.

Board inquires: Mr. Jacquemin explained the new garage would be in line with the existing driveway. The entrance would be towards the road, which would enter from Matthews St. The existing garage entrance is towards the west. He would like to retain the existing driveway as much as possible, but a portion of the driveway may have to be adjusted to the west for an additional parking space.

The Board commented the driveway was existing. It was not on the plan, but the entrance was towards the northeast versus the side yard, which was preferred. The Board understood the frontage and keeping the addition in line with the front of the house.

Mr. Jacquemin noted the two-car garage depth was 30 ft. and the width was about 26 ft. The kitchen would be towards the front and the family room would be towards the rear of the home

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, Balsam, Pecevich, Raymond and Rafaniello.
Against: None.
Abstain: None.

The Board commented that the addition was a minimal encroachment. There were no neighbors in attendance to speak against the application. The existing house placement had a challenge with the irregular shaped side yard and property line. This was a less than 5 ft. encroachment. This was not a full encroachment, but just a corner of the property on the south. The hardship was the angle of the lot; if it were a straight square lot, it would have been an easier plan.

MOTION: Move to approve Application #3783 – Variance of minimum side-yard to allow for the construction of an addition (kitchen, family room and two-car garage) at 1001 Matthews Street; Map 66, Lot 269-5; R-40 (Single-Family Residential) zone; Ronald Jacquemin, applicant, in accordance with the plot plan and information submitted.

By: Pecevich

Seconded: Raymond.

For: Radke, Balsam, Raymond, Pecevich and Rafaniello.
Against: None.
Abstain: None.

The application is approved.

2. Application #3784 – Variances of: 1) maximum height of fence within the required front yard and 2) no fence shall be located closer than three feet from the front line or closer than six inches from any other lot line to allow for the placement of a fence at 301 Main Street; Map 26, Lot 194-A; R-15/BT (Single Family Residential/Downtown Neighborhood Transition Overlay) zone; Residences on Main, LLC, applicant.

Attorney Timothy Furey, 43 Bellevue Avenue, representing the applicant, explained this request was for the property on Main St. and Summer St. When the property was constructed, the first-floor tenants on both streets complained of no sense of security.

There is a 5 ft. setback for the front yard for structures. There have been no thefts or people near the windows, but it was uncomfortable and some first-floor tenants did not want rent these units there because of this concern. The applicant invested in open metal fencing to provide additional security for the tenants.

Attorney Furey and the applicant discussed with Mr. Flanagan whether the applicant should amend the Regulations or apply for a Variance. The Variance would limit the current request to this property.

The current fence is 6 inches in height above the current Regulations (4.5' feet). The BD zone 100 ft. down the street does not have these limits. This development improved the area and does not do any injustice to the area. Working with Staff, the applicant felt the Variance was a more appropriate process, but the applicant could discuss amending the Regulations at a later point. Tenants moved in and then left the building because of security concerns. With the 5 ft. fence height there have been no problems.

Board inquiries, Attorney Furey noted the fence has been up a while. Before a Site Plan modification to be brought to the Zoning Commission, this item needs to be resolved. The fence was constructed shortly after the certificate of occupancy. The fences are latched, but it keeps people away from the buildings. The applicant did not know of these concerns until they started working with their tenants.

The Board commented the structure was put up and could not believe experienced people would overlook this. This problem was prior to finishing the inspection of the project and there has to be a better process.

Board inquiries: Mr. Flanagan explained he conducted an inspection and discovered the fence. A lengthy discussion ensued with the Board, Attorney Furey and Mr. Flanagan.

Attorney Furey noted the City has a bond in place and Mr. Flanagan did an inspection and check list and most items were resolved, but some required a Site Plan modification with the Zoning Commission. The erection of the fence was part of a decision for safety of the tenants. Today he checked with the ZEO and there were no complaints.

Mr. Flanagan explained Staff supported the Variance request. The fence was appropriate and provided tenant security, so there are no concerns with the request. There were some site modifications during construction and this was the first part to obtain the Variance and then go to the Zoning Commission for a review. This project is the result of a year of litigation with the applicant.

The Board had concerns with the fence company that did not check the Zoning Regulations for a fence close to the street. If the fence was for security but the fence was constructed without requesting a Variance. This request is asking for forgiveness, which puts the Board in a difficult position. The Board understood the applicants concern. The asking for forgiveness is frustrating to the Board.

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

The hearing is closed.

By: Raymond

Seconded: Pecevich.

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

Against: None.

Abstain: None.

The Board commented this was a beautiful project. The applicant had to consider safety. The Board wished that the applicant would have asked for the Variance before the project was complete. The Board does not want the applicant to remove the fence.

For the long term, to have people to feel secure was a good idea. Staff supports the request. The fence provides the needed security for the development and in keeping people away from the windows. The aesthetics, line of sight, and safety were good.

There is a hardship in the area with security. This puts a lot of pressure on the Board but the applicant has worked with Staff and they were reluctantly in favor of the application. The Board does not want applicants to ask forgiveness in the future.

MOTION: Move to approve Application #3784 – Variances of: 1) maximum height of fence within the required front yard and 2) no fence shall be located closer than three feet from the front line or closer than six inches from any other lot line to allow for the placement of a fence at 301 Main Street; Map 26, Lot 194-A; R-15/BT (Single Family Residential/Downtown Neighborhood Transition Overlay) zone; Residences on Main, LLC, applicant, in accordance with the plot plan and information submitted.

By: Pecevich

Seconded: Raymond.

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

Against: None.

Abstain: None.

The application is approved.

3. Application #3785 – Variance of building fenestration requirements (minimum of 65%) to construct a municipal parking facility at 111 North Main Street (corner of Meadow Street and Kelley Street); Map 26, Lot A-1; BD-1 (Downtown Business) zone; City of Bristol Department of Public Works, applicant.

Raymond Rogozinski, P.E., Director of Public Works, 111 North Main St., City Hall West, Department of Public Works, representing the applicant, explained the request was for a new parking garage at the corner of Meadow St. and Kelley St., which is to the rear of the Police Dept. There is an existing parking lot with 50 parking spaces. The proposal would be to construct a parking garage with 150 parking spaces, which would replace the existing parking area. The Variance is for the building fenestration requirements in the Downtown Business – BD Zone.

The new building does propose some fenestration, which would be windows for the various stairways that lead into and out of the proposed garage. The construction of the facility includes sloped surfaces because of the small lot, which requires that all the parking spaces would have a grade. The exterior walls would serve as retaining walls because of their height and there was no space available for windows in these areas.

Timothy Tracy, Desman Design Management, 3 West 35th Street, New York, NY, representing the applicant, explained the hardship was the nature of the building as a parking garage with no occupied space. The objective was to construct an open parking facility to have natural ventilation and light with an open perimeter to meet the building requirements. This prevents glazing in the design. Therefore, windows or fenestration would be inappropriate.

Based on these factors, it was not achievable to meet the 65% of frontage with glazing. Where feasible the applicant is proposing glazing (pedestrian corridors/stair towers) on the southeast and northeast corners. The hardship is the nature of the building, the driveway requirement on one of the two frontages and the size of the property requiring ramped parking bays.

Board inquiries: Mr. Tracy explained there is a stairway proposed along the Meadow St. frontage and an elevator was being reviewed. Mr. Rogozinski explained the parking garage would be for general public parking, municipal employees, police department employees, and post office employees. The elevator was not required by code, but the applicant is currently reviewing the project with and without an elevator. A final design for an elevator is being evaluated. Handicap accessibility will be available inside the proposed garage on the first floor, and those spaces would meet the ADA requirements, but the current code does not require an elevator.

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

The hearing is closed.

By: Raymond

Seconded: Pecevich.

For: Radke, Balsam, Raymond, Pecevich and Rafaniello.
Against: None.
Abstain: None.

The Board commented the design layout was appropriate for the proposed three-floor structure. This was an appropriate design and the applicant is proposing to put a lot of structure on a small footprint. There were no concerns.

The Board were unsure of the amount of parking spaces for the City and the Police Department has presently, but with the new buildings proposed along North Main Street, directional signage to this proposed building would be a good idea. Fenestration is part of the Regulations because of many retail uses downtown.

MOTION: Move to approve Application #3785 – Variance of building fenestration requirements (minimum of 65%) to construct a municipal parking facility at 111 North Main Street (corner of Meadow Street and Kelley Street); Map 26, Lot A-1; BD-1 (Downtown Business) zone; City of Bristol Department of Public Works, applicant, in accordance with the plot plan and information submitted.

By: Pecevich

Seconded: Raymond.

For: Radke, Balsam, Raymond, Pecevich and Rafaniello.
Against: None.
Abstain: None.

The application is approved.

4. Application #3786 – Variance of construction and drainage standards to construct a parking lot in the floodplain at Map 39, Lot 138-140 Broad Street; Map 39, Lot 138-140 Broad Street; BG (General Business) zone; 406 Broad Street, LLC, applicant.

Attorney James Ziogas, 104 Bellevue Avenue, representing the applicant on Applications #3786 and #378, explained these were two applications, but they were separate lots. One application was for parking and one was for business. He would discuss both applications, and then they would be voted on separately.

There was a building and a vacant lot that had the house demolished when purchased. The building was a small industrial factory in a BG zone that was an existing non-conforming use. The business and the property were sold and now vacant. The applicant is trying to convert it to a Special Permit BG zone use for the sale and service of recreation vehicles (snowmobiles, ATV's, mopeds and similar), which would be enclosed on the property.

On the vacant property, the applicant would construct a small parking lot for customers where the existing parking lot is located. The application was required because the property was in a floodplain area. The applicant met with the City Engineer, Environmental Engineer and Mr. Flanagan, regarding the concern of underground detention for storm water for parking areas.

The City Engineer and the Environmental Engineer thought it better not to have underground detention system on this site and to

Mr. Flanagan explained the request was for a Variance for the parking lot on the vacant parcel (Map 39, Lot 138-140) and the Connecticut DMV, 14-54 Location Approval for the sale of recreational vehicles on the parcel with the existing building (Map 39, Lot 105 – 406 Broad Street)

No one else spoke in favor of the application.

No one spoke against the application.

The hearing is closed.

By: Raymond

Seconded: Pecevich.

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

Against: None.

Abstain: None.

The Board commented that this was a good solution for the property. There were no concerns with the design. The left turn past Andrew St. was a good distance and would not be a problem. The Board liked the solution of the turf pavers and there were no concerns. They were pleased the applicant discussed the plans with the Engineering Department prior to submitting for a variance.

MOTION: Move to approve Application #3786 – Variance of construction and drainage standards to construct a parking lot in the floodplain at Map 39, Lot 138-140 Broad Street; Map 39, Lot 138-140 Broad Street; BG (General Business) zone; 406 Broad Street, LLC, applicant, in accordance with the plot plan and information submitted.

By: Pecevich

Seconded: Raymond.

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

Against: None.

Abstain: None.

The application is approved.

5. Application #3787 – Certificate of Approval for new car dealer and general repairers license at 398 Broad Street; Map 39, Lot 105 Broad Street; BG (General Business) zone; Danny Edwin Barriault/Bike's on Broad, applicant.

Attorney James Ziogas, 104 Bellevue Avenue, representing the applicant, explained this was a request for a new car dealer's and general repairer's license from the Conn DMV. The property is a BG zone, which allows a Special Permit of retail sales and the repair and sales of recreational vehicles. The next step was a Special Permit and Site Plan with the Zoning Commission. The site was previously an industrial use and it's being converted to a BG zone conforming use. This is an arterial street and a traffic light was 155 ft. away from the driveway entrance. He reviewed the various automobile facilities in the area.

Board inquiries: Attorney Ziogas explained the traffic would be a low use on the property. The business hours were Monday through Friday and half a day on Saturday to 2:00 P.M. The parking lot would have sufficient area for trailers to deliver the vehicles. There are large doors only on the right side of the building for access. The vehicles would be repaired inside the building. Some vehicles may be displayed outdoors, but would be stored inside the building at night.

No one else spoke in favor of the application.

No one spoke against the application.

The hearing is closed.

By: Raymond Seconded: Pecevich.

For: Radke, Balsam, Raymond, Pecevich and Rafaniello.
Against: None.
Abstain: None.

MOTION: Move to approve Application #3787 – Certificate of Approval for new car dealer and general repairer's license at 398 Broad Street; Map 39, Lot 105 Broad Street; BG (General Business) zone; Danny Edwin Barriault/Bike's on Broad, applicant, in accordance with the plot plan and information submitted.

The Board that this was an appropriate use for the property. There were no concerns with the application. The Board was pleased a business was going into the building, which was needed. This was an appropriate use for the area.

By: Pecevich Seconded: Raymond.

For: Radke, Balsam, Raymond, Pecevich and Rafaniello.
Against: None.
Abstain: None.

The application is approved.

MISCELLANEOUS

6. Approval of Minutes – April 5, 2022

Chairman Rafaniello designated Commissioners Radke, Pecevich, Balsam and Rafaniello, who were in attendance at the April 5, 2022, meeting.

MOTION: Move to approve the minutes of the April 5, 2022, regular meeting.

By: Pecevich Seconded: Balsam.

For: Radke, Balsam, Pecevich and Rafaniello.
Against: None.
Abstain: None.

ADJOURNMENT:

Chairman Rafaniello designated regular Commissioners Raymond, Radke, Pecevich and Rafaniello to vote on the adjournment. He also designated alternate Commissioner Balsam to vote on the adjournment in place of Commissioner Twombly with his absence this evening.

MOTION: Move to adjourn at 8:28 P.M.

By: Pecevich Seconded: Raymond.

For: Radke, Balsam, Raymond, Pecevich and Rafaniello.
Against: None.
Abstain: None.

Respectfully submitted,

Nancy King
Recording Secretary

Jerald A. Rafaniello, Chairman

David Pecevich, Secretary