

**BRISTOL ZONING BOARD OF APPEALS
MINUTES
REGULAR MEETING OF TUESDAY, JANUARY 5, 2021**

CALL TO ORDER:

By: Chairman Rafaniello

Time: 7:00 P.M.

Place: City Hall

ROLL CALL:

Chairman Rafaniello called the meeting to order at 7: 00 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	Rory Ghio	X	
	Tim Adamaitis	X	
	Richard Balsam	X	
STAFF	Robert Flanagan, AICP, City Planner	X	
	Edward Spyros, Zoning Enforcement Officer	X	
	Andrew Armstrong, Assistant City Planner	X	

Public Hearings

1. Application #3733 – Appeal of the Zoning Enforcement Officer’s (ZEO) September 5, 2020 decision at 286 Shrub Road; Assessor’s Map 56, Lot 24; R-15 (Single-Family Residential) zone, Robert K. Scanlon, appellant – (Public Hearing Postponed from November 2, 2020).

Chairman Rafaniello designated regular Commissioners Raymond, Twombly, Radke, Pecevich and Rafaniello to vote on Application #3733.

The Board acknowledged receipt of the following items in their electronic packets: a letter dated September 5, 2020, Notice of Violation and Request for Voluntary Compliance, from Edward Spyros, Zoning Enforcement Officer (ZEO) to Robert Brouse, regarding the property; a memorandum dated November 12, 2020, from Edward Spyros, ZEO, to Robert Brouse, regarding Appeal of Zoning Enforcement Officer’s Decision; an e-mail dated December 18, 2020, from Stephanie Scanlon to Robert Flanagan, City Planner, regarding a request to continue the application until February 2, 2021; an e-mail dated November 18, 2020, from Stephanie Scanlon to Robert Flanagan, City Planner, regarding a request to open the public hearing and immediately continue the application until the January 7, 2021 meeting; an e-mail from Stephanie Scanlon to Robert Flanagan, City Planner, regarding a request to postpone the public hearing until the December 1, 2020 meeting and two pages of photographs, undated.

The following item was submitted into the record: an e-mail dated January 5, 2021, from Stephanie Scanlon to Chairman Rafaniello, regarding the request to withdraw Application #3733 and to notify them the school bus was removed from the property on January 1, 2021. Mr. Flanagan explained that he met with Mr. Spyros this afternoon and he indicated he inspected the property and the school bus has been removed from the property.

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

MOTION: Move to withdraw Application #3733 – Appeal of the Zoning Enforcement Officer’s (ZEO) September 5, 2020 decision at 286 Shrub Road; Assessor’s Map 56, Lot 24; R-15 (Single-Family Residential) zone, Robert K. Scanlon, appellant.

By: Twombly

Seconded: Pecevich.

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

The application is withdrawn.

2. Application #3739 – Variance of minimum rear yard at 84 Lardner Road; Assessor’s Map 20, Lot 17/14; R-15 (Single Family-Residential) zone, Kevin B. Rivenburgh, applicant.

Chairman Rafaniello designated regular Commissioners Raymond, Radke, Pecevich, Twombly and Rafaniello to vote on Application #3739.

The Board acknowledged receipt of the following items in their electronic packets: a letter dated December 16, 2020, from Emily Eschner, regarding no objections to the plans; a letter dated December 16, 2020, from Sandra Rivenburgh, regarding no objections to the plans; a letter dated December 16, 2020, from Joyce Weglarz, regarding no objections to the plans.

The following items were submitted into the record: three letters dated January 3, 2021, from Sylvia Oakes, regarding no objections; a letter from Ellen Carrier, regarding no objections and a letter from Michael Konopka, regarding no objections.

Mr. Flanagan read into the record the three letters dated December 16, 2020, from the neighbors.

Kevin Rivenburgh, 84 Lardner Road, explained he would like to construct a bedroom addition on the first floor in lieu of where an existing sunroom is located now. This is a corner lot and the Regulations changed since the house was constructed in 1938 prior to the current Regulations. The property is an R-15 zone, but the Regulations state that because it’s a corner lot and it has two front yards. The side yards would typically be in an east and west direction on the property.

After inquiries by the Board, respectively, Mr. Rivenburgh explained the Variance was from 25 ft. down to 15 ft. He explained the addition would be from the edge of the house to the rear yard. The commercial vehicles on the property have been removed from the property. The stockade fence would remain on the property. The chain link fence was owned by the neighbor. Mr. Flanagan noted the Variance was from 25 ft. down to 14. 7 ft.

Mr. Rivenburgh explained he had the architectural plans for the Board and six letters from the neighbors with no objections to the plans. He explained the aerial map of Lardner Road with existing houses closer to the property line than the current Regulations allow currently. His opinion was the proposed design plan was in character with the neighborhood.

Mr. Flanagan read into the record the letter dated January 4, 2020, which was submitted into the record this evening.

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

The hearing is closed.

By: Twombly

Seconded: Pecevich.

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

The Board commented that this was a small lot with two front yards. To most people this would be a side yard, but it was a rear yard which the Regulations dictated. The sunroom was within the setback line and the lot area of 9,750 sq. ft. was under what is required for the zone. This would normally be a 15,000 sq. ft. lot.

MOTION: Move to approve Application #3739 – Variance of minimum rear yard at 84 Lardner Road; Assessor’s Map 20, Lot 17/14; R-15 (Single Family-Residential) zone, Kevin B. Rivenburgh, applicant, in accordance with the plot plan and information submitted.

By: Pecevich Seconded: Twombly.

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

Against: None.
Abstain: None.

The application is approved.

- 3. Application #3740 – Variance of minimum front yard and entry stairs at Lot 50 Fifth Street; Assessor’s Map 38, Lot 50 Fifth Street; R-10 (Single Family-Residential) zone, Jason Gorneault, applicant.
- 4. Application #3741 – Variance of minimum rear yard at Lot 50 Fifth Street; Assessor’s Map 38, Lot 50; R-10 (Single Family-Residential) zone, Jason Gorneault, applicant.
- 5. Application #3742 – Variance of minimum 50’ distance between driveway opening and street intersection (for corner lots) to allow a driveway at Lot 50 Fifth Street; Assessor’s Map 38, Lot 50; R-10 (Single Family-Residential) zone, Jason Gorneault, applicant.

Chairman Rafaniello designated regular Commissioners Twombly, Pecevich, Raymond, Radke and Rafaniello to vote on Applications #3740, #3741 and #3742.

Chairman Rafaniello indicated that Applications #3740, #3741 and #3742 would be heard concurrently, but voted on separately.

The following item was submitted into the record: a letter dated January 5, 2021, from Charles Talmadge, Development Planning Solutions, regarding the withdrawal of Application #3741 and an e-mail dated January 4, 2020, from Kristine Landry, regarding objections to the applications.

Charles Talmadge, Development Planning Solutions, LLC, 73 Meadow Street, on behalf of the applicant, explained the applicant purchased this property with the intent of constructing a single-family house on the property, which is permitted by right. This is a corner lot and a lot of record, but the setbacks made this a difficult property. The setbacks were similar to the previous application, but different, because this is a 8,500 sq. ft. lot. An e-mail from one of the neighbors was sent to Mr. Flanagan this afternoon.

Mr. Flanagan read into the record the e-mail dated January 4, 2021, from Kristine Landry which was received on January 5, 2021.

Mr. Talmadge explained they received the e-mail this afternoon and he met with Mr. Gorneault and staff from the applicant’s surveyor’s office. They summarized the house may be relocated to the north on the property to alleviate the need for the rear yard Variance. He submitted into the record a letter from the applicant a request to withdraw Application #3741.

Mr. Talmadge read into the record the letter dated January 5, 2021.

MOTION: Move to withdraw Application #3741 – Variance of minimum rear yard at Lot 50 Fifth Street; Assessor’s Map 38, Lot 50; R-10 (Single Family-Residential) zone, Jason Gorneault, applicant.

By: Twombly Seconded: Pecevich.

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

The Application #3741 is withdrawn by the applicant.

Regarding Application #3740, Mr. Talmadge explained the proposed structure and overhangs would be within the required setbacks and the structure would be re-located to the north. They are requesting the Variance for the front steps because they would extend beyond the front yard setback line.

Because this a corner lot, the rear yard setback was different versus the existing houses in the neighborhood. Therefore, the plans required the structure to be closer to Fifth Street, which causes the steps to extend past the setback line.

This was the same reason for the driveway for Application #3742, which dictated the driveway location on the property and that the driveway needs to be 50’ feet from the intersection of Holden and Fifth.

After inquiries by Mr. Flanagan, Mr. Talmadge explained with relocating the house, the 13.4 ft. front yard Variance request would remain with the elevation sloped down. They would make adjustments to the elevation of the front door. The 19 ft. to the rear of the property would be revised. The driveway and overhangs would remain. They would provide a revised map with the building foundation relocated to the north, but would proceed with the application this evening.

After inquiries by the Board, Mr. Talmadge explained with the withdrawal of Application #3741 and the relocation of the house, he would submit revised plans. The driveway would be asphalt and a typical residential driveway. Mr. Talmadge mentioned there were various driveways in the areas less than 50 ft. from the corner of an intersection.

He explained the house across the street was less than 40 ft. If the proposed house were located to the rear (1 ft.), the driveway may shift with the plans. The two car garage would be under the house as the design chosen by the owner is a raised ranch.

The Board had concerns the request was for a 27 ft. Variance. The Board suggested re-designing the house with the garage to the front and the house, the driveway to the left towards Fifth St. and the proposal would comply with the Regulations. Mr. Talmadge explained alternative plans were reviewed, but the deck would be near the street and they were trying to provide a yard for the property owners.

No one else spoke in favor of the application.

The following persons were not in favor or against the application, and had concerns: Bruce Pinette, 79 Fifth St. He was not against the house being constructed, but that the house was too large for the property with all the variances requested. The house was not in the character with the neighborhood, which were mainly 20 ft. by 40 ft. foundations. His opinion was there were many styles of houses in the neighborhood that the property owners could construct on the property versus one that required this many variances.

In response, Mr. Talmadge explained that this would not be the only raised ranch in the neighborhood, but there was one on Holden St. Regarding the Board's question of constructing the driveway in a different location, any style house would have an insufficient length of 50' feet from intersection Fifth and Holden.

The Board commented that there was both 20 ft. from the front and rear of the house; if the garage was put to the side of the property with a turn in the driveway, a variance would not be needed. Their opinion was there were alternative options for an appropriately sized house for the property. Therefore, the variance requests were questionable.

The following person spoke against the application: Christine Tarchini, 75 Holden St. and William Tarchini, 75 Holden St.; Ms. Tarchini had concerns because the mention of the existing raised ranch was on Holden St., but that property was larger than the applicants property this evening. Mr. Tarchini had concerns that this was a large house for this property. He understood the plans, but there were concerns for this intersection as well. They were new to this neighborhood, but they had water concerns on this side of their house and these plans may make the water problem worse.

After inquiries by the Board, Mr. Talmadge explained there was no ledge on the property, which required any blasting.

After inquiries by Mr. Flanagan, Mr. Talmadge explained they reviewed the options for a different driveway configuration to shift the driveway a greater distance from Holden St., which is the configuration the applicant prefers. With the house size, deck and driveway location on Fifth St., the driveway would be about three ft. from the neighbor's property. They do not want to encroach on this neighbor so they would shift the driveway more south on Holden St. to 40 ft., if the Board agreed.

Mr. Flanagan explained the request this evening was for 23.9 ft. distance from the intersection of Holden and Fifth. Chairman Rafaniello suggested the applicants revise the plans to make them more acceptable, but that was the applicant's determination. Mr. Talmadge agreed on behalf of the applicants to continue Application #3740 and Application #3742 to the February 2, 2021 meeting to allow the applicants to improve the plans.

MOTION: Move to continue Application #3740 – Variance of minimum front yard and entry stairs at Lot 50 Fifth Street; Assessor's Map 38, Lot 50 Fifth Street; R-10 (Single Family-Residential) zone, Jason Gorneault, applicant, to the February 2, 2021 regular meeting of the Board.

By: Pecevich

Seconded: Twombly.

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

Against: None.

Abstain: None.

The Application #3740 is continued.

MOTION: Move to continue Application #3742 – Variance of minimum 50’ distance between driveway opening and street intersection (for corner lots) to allow a driveway at Lot 50 Fifth Street; Assessor’s Map 38, Lot 50; R-10 (Single Family-Residential) zone, Jason Gorneault, applicant, to the February 2, 2021 regular meeting of the Board.

By: Pecevich

Seconded: Twombly.

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

The Application #3742 is continued.

MISCELLANEOUS

1. Approval of Minutes – December 1, 2020

Chairman Rafaniello designated regular Commissioners Pecevich, Raymond, Radke and Rafaniello to vote on the December 1, 2020, regular minutes. He also designated alternate Commissioner Ghio to sit in place of Commissioner Twombly with his absence at the December 1, 2020, meeting.

MOTION: Move to approve the minutes of the December 1, 2020, regular meeting.

By: Twombly

Seconded: Pecevich.

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

ADJOURNMENT

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

MOTION: Move to adjourn at 8:00 P.M.

By: Twombly

Seconded: Pecevich.

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

Respectfully submitted,

Nancy King
Recording Secretary

Jerald A. Rafaniello, Chairman

David Pecevich, Secretary