



**Planning Division
Meeting Minutes of the
Zoning Board of Appeals
(Draft Subject to Board
Approval)**

**REGULAR MEETING OF THE ZONING BOARD OF APPEALS
TUESDAY, JANUARY 20, 2009**

Commissioners Present

Mike McGarry
Valerio Giadone
David Bobowski
Stephen Dauphine

Staff Present

Roger J. O'Brien
Kim Holden
John Rose
Tammy McBride

Commissioners Absent

Robert Luckritz
Kenneth Lerman
Helen Nixon

Chairperson Giadone called the meeting to order.

I. Public Hearing

- a. 17-19 Squire Street, 20 Wolcott Street- Requesting variances from the following sections: 1. Section 954 Parking which would allow nine (9) parking spaces instead of 18 spaces, 2. Section 536(a) which would allow a lot occupancy of twenty-eight (28%) instead of twenty-five (25%). 3. Section 542 which would allow a rear yard setback of five (5) feet instead of thirty (30) feet. 4. Section 912(5) Number of dwelling units which would allow more than twenty percent (20%) of the units for persons in need of social rehabilitation. 5. Section 912(6) which would waive the requirement for staffing required during all hours of operation. 6. Section 912 Rehabilitation Home which would allow this rehabilitation home to be within 1,000 feet of another facility. Applicant- Broad Park Development Corp, Inc. R-2 district. **Postponed to February 3, 2009**
- b. 505 Wethersfield Avenue and 509 Wethersfield Avenue- Requesting a variance from Section 854C of the Commercial, Business and Industrial Permitted Use Table which would allow animal services in a B-4 district. Applicant – Connecticut Veterinary Center, Inc. **Postponed to February 3, 2009**

- c. 729 Windsor Street- Requesting a variance from section 878(a)(1)(a) conditions of use to allow the sale of liquor within a fifteen hundred foot (1,500 foot) radius within another establishment serving alcoholic liquor. Blanca Troche presented her request for variance stating its only to be used as a service bar in connection with the restaurant.

II. Public Hearing Items continued from the January 6, 2009 meeting

a. Appeal of a Cease and Desist order by Charter Oak Properties, LLC

Appeal of a Cease and Desist order by Charter Oak Properties, LLC. All properties along so called Saybrook Street, east of Ambrose Street, west of Connecticut River was tabled. Phillip DeMilo and Pasquale DeMilo spoke about the history of the property. Roger O'Brien, Director of Planning presented the City's position. A member of the public spoke against this appeal.

b. Appeal of a Cease and Desist order by Farmington Imlay Associates, LLC

Commissioner Giadone and Chris McKeon gave a brief summation of previous testimony being part of the record.

36-38 Imlay Street – Appeal of a Notice of Cease and Desist order by Farmington Imlay Associates issued August 4, 2008. Attorney Chris McKeon presented his appeal and indicated there was no change of use, the Cease and Desist order was vague. Roger O'Brien, Director of Planning presented the City's position.

42-44 Imlay Street – Appeal of a Notice of Cease and Desist order by Farmington Imlay Associates issued August 4, 2008. Attorney Chris McKeon presented his appeal and indicated there was no change of use. Roger O'Brien presented the City's position.

57 Imlay Street – Appeal of a Notice of Cease and Desist order by Farmington Imlay Associates issued August 4, 2008. Attorney Chris McKeon presented the appeal stating making prior testimony part of the record as far as no change of use. Roger O'Brien presented the City's position stating the changes that were made.

45-47 Imlay Street – Appeal of a Notice of Cease and Desist order by Farmington Imlay Associates issued August 4, 2008. Attorney Chris McKeon presented his appeal stating his previous testimony regarding change of use and the property has always been a six family. Roger O'Brien presented the City's position citing the permit was taken out and approved for a three family dwelling.

56 Imlay Street – Appeal of a Notice of Cease and Desist order by Farmington Imlay Associates issued August 4, 2008. Attorney Chris McKeon presented his appeal stating the required permits had been applied for. Roger O'Brien cited the City's position stating permits had been applied for after the Cease and Desist order was issued.

52-54 Imlay Street – Appeal of a Notice of Cease and Desist order by Farmington Imlay Associates issued August 4, 2008. Attorney Chris McKeon presented his

appeal citing previous testimony being part of the record and also no change of use had been made. Roger O'Brien cited the City's position.

III. Regular Meeting

a. Consideration Public Hearing Items

1. 36-38 Imlay Street – The Board deliberated on a motion to uphold the Cease and Desist order of the Zoning Administrator made by Commissioner Bobowski and seconded by Commissioner Dauphine. Commissioners Giadone, Bobowski and Dauphine voted in favor. Commissioner McGarry abstained. The Board upheld the Cease and Desist.
2. 42-44 Imlay Street – The Board deliberated on a motion to uphold the Cease and Desist order of the Zoning Administrator made by Commissioner Bobowski and seconded by Commissioner Dauphine. Commissioners Bobowski, Giadone and Dauphine voting in favor, Commissioner McGarry abstaining. The board upheld the Cease and Desist.
3. 45-47 Imlay Street – The Board deliberated on a motion to uphold the Cease and Desist order of the Zoning Administrator made by Commissioner Bobowski and seconded by Commissioner Dauphine. Commissioners Giadone, Bobowski, and Dauphine voting in favor. Commissioner McGarry abstained.
4. 56 Imlay Street – The Board deliberated on a motion to uphold the Cease and Desist order of the Zoning Administrator made by Commissioner Bobowski and seconded by Commissioner Dauphine. Commissioners Bobowski, Giadone and Dauphine voting in favor, Commissioner McGarry abstained.
5. 52-54 Imlay Street – The Board deliberated on a motion to uphold the Cease and Desist order of the Zoning Administrator made by Commissioner Dauphine and seconded by Commissioner Bobowski. Commissioners Giadone, Bobowski and Dauphine all voting in favor. Commissioner McGarry abstained.
6. 57 Imlay Street – The Board deliberated on a motion to grant the appeal made by Commissioner Dauphine and seconded by Commissioner Bobowski. Commissioners Giadone, Bobowski, McGarry and Dauphine all voting in favor.

IV. New/Old Business

- The Board did not take up the Rules of Procedure. The Board will review and take up at the next meeting.

Ajdournment

- The meeting was adjourned.

Respectfully submitted,

Tammy L. McBride, Clerk