



**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 6, 2009**

Commissioners Present

Helen Nixon
Valerio Giadone
David Bobowski
Stephen Dauphine
Kenneth B. Lerman

Staff Present

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

2009 JAN 29 P 2:38
CITY CLERK

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Commissioners Absent

Robert Luckritz
Mike McGarry

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 January 20, 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. Applicant- Blanca Troche. C-1 district. **Postponed to January 20, 2009**

II. Public Hearing Items continued from the December 16, 2008 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 postponed until the next meeting.

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

Acting Chairman Valerio Giadone read several relevant sections of the zoning regulations into the record at the start of the hearing.

8 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 wanted entered into the record according to Section 8-7d, the hearing was not completed in time frame permitted and expired December 24, 2008. Roger O'Brien, Director of Planning stated that the City was within the time frame of January 22, 2009.

12-14 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 and also wanted the copy of his appeal to be made part of the record. Roger O'Brien, Director of Planning stated the fact that there were more than two unrelated people living in the dwelling constitutes either a dormitory or rooming house and instructed the appellant to apply for either. A member of the public spoke against the appellant.

16 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 stated the deadline had passed for completion of the public hearing and the City made the last extension. He also stated that the issues here were similar to 8 Imlay Street regarding creation of a parking lot. Roger O'Brien stated the statutory deadline for completion of the public hearing had been met.

21 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 wanted part of the record regarding change of use discussions as well as definitions of density/family. Discussions were also made regarding work done without Historic Review. Roger O'Brien presented the City's position regarding work that had been done.

20-22 Imlay Street – Appeal of a Notice of Cease and Desist order by Farmington Imlay Associates issued August 4, 2008. Attorney Chris McKeon wanted all previous discussions made part of the record regarding change of use, creation of a parking lot and definition of density/family. Discussions were also made regarding how the leasing of the property worked in connection with the Culinary Institute. Roger O'Brien, Director of Planning presented the City's position regarding the lease with Culinary Institute.

24-26 Imlay Street – Appeal of a Notice of Cease and Desist order by Farmington Imlay Associates issued August 4, 2008. Commissioner Giadone made part of the record previous discussions regarding change of use and density and the City's point of view as well as the appellants. Attorney Chris McKeon presented his appeal and answered questions regarding creation of parking lot and demolition of a structure. Attorney Chris McKeon stated the parking lot already existed and a demolition permit was taken out for the garage as well as Historic Review. Roger O'Brien, Director Planning stated that additional paving had been done with the intent of making a contiguous lot.

The remaining items (8.) 36-38 Imlay Street, 331-002-016, (9.) 42-44 Imlay Street, 332-004-011, (10.) 45-47 Imlay Street, 332-003-008, (11.) 56 Imlay Street, 332-003-007, (12.) 52-54 Imlay Street, 332-004-008, (13.) 57 Imlay Street – requesting appeal of a Notice of Cease and Desist issued on August 4, 2008 were continued.

III. Regular Meeting

a. Consideration Public Hearing Items

1. 8 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 Nixon. Commissioners Giadone, Bobowski, Nixon and Dauphine voted in favor. The Board upheld the Cease and Desist. Commissioner Lerman recused himself.
2. 12-14 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, Nixon and Dauphine voting in favor, Commissioner Giadaone voting against. Commissioner Lerman recused himself.

3. 16 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 Giadone. Commissioners Giadone, Bobowski, Nixon and Dauphine voting in favor. Commissioner Lerman recused himself.
4. 21 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 and Dauphine voting in favor, Commissioners Giadone and Nixon voting against. Commissioner Lerman recused himself.
5. 20-22 Imlay Street – The Board deliberated on a motion to uphold the Cease and Desist order of the Zoning Administrator made by Commissioner Nixon and seconded by Commissioner Bobowski. Commissioners Giadone, Bobowski, Nixon and Dauphine all voting in favor. Commissioner Lerman recused himself.
6. 24-26 Imlay Street – The Board deliberated on a motion to uphold the Cease and Desist order of the Zoning Administrator made by Commissioner Giadone and seconded by Commissioner Nixon. Commissioners Giadone, Bobowski, Nixon and Dauphine all voting in favor. Commissioner Lerman recused himself.

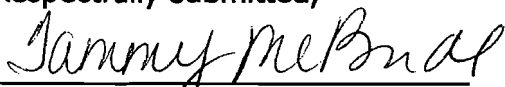
IV. New/Old Business

- 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