

**MINUTES OF PUBLIC HEARING
HELD BY THE ZONING BOARD OF APPEALS
LINCOLN CENTER HEARING ROOM
JANUARY 24, 2007**

MEMBERS PRESENT: James Stevenson, Chair
Kathleen Maffe, Vice Chair
Robert Schneider, Secretary
Robert Haley

ALTERNATES PRESENT: Edward Slegeski
Paul Harnois (sitting)
Susan Shanbaum

ABSENT: Albert Gionet

ALSO PRESENT: James Davis, Zoning Enforcement Officer
Mark Pellegrini, Director of Neighborhood
Services and Economic Development
Ginger MacHattie, Recording Secretary

The Chair opened the Public Hearing at 7:02 p.m. The Secretary read the legal notice for the application when the call was made.

DRAKE PETROLEUM – application #2301 – request a variance of Article IV Section 5.03.03 to reduce front yard setback to 9’ (60’ required) and reduce side yard setback to 20’ (25’ required), and request a special exception under Article IV Section 5.01.02 to install a new canopy at 484 Middle Turnpike East, Special Design Commercial zone.

Scott Young, Professional Engineer for CME Associates, addressed the Board on behalf of the applicant. The gas station has been on site since approximately 1950. There are currently three fuel-dispensing locations located on one central island. The applicant would like to install a 32 foot x 21 foot canopy over the island to protect customers from the elements. Mr. Young said the canopy would have no negative visual impact on the neighborhood.

In response to questions from Ms. Maffe, Mr. Young said that the current sign is not illuminated; however, the new canopy will be illuminated. The lighting will not affect traffic because the four lights are completely contained in the canopy, he said.

In response to a question from Mr. Schneider, Mr. Young said that his applicant suspects without this canopy there would be some loss of business. In inclement weather, self-serve locations with a canopy are more favorable to customers than locations without.

In response to a question from Mr. Stevenson, Mr. Young stated that the other sign on the property would not change location. It may be repaired or upgraded.

IN FAVOR

Mr. Pellegrini read a letter written to the Town of Manchester from Ms. Barbara Armeatano, dated May 2006, requesting a canopy at this location.

In response to a question from Mr. Stevenson, Mr. Pellegrini stated these plans were forwarded to all departments involved and he has not received any notice of concern.

MARIE TRI VU – application # 2303 – request a variance to Article II Section 6.01.13 to permit use of first floor for a personal service business (hair care center) and retail sales at 168 Main Street, Residence C zone.

Attorney John D. LaBelle, Jr, addressed the Board on behalf of the applicant, who would like a variance in order to open a family hair care business on the first floor of the premises. The retail portion of the request relates to sales of hair care products and incidentals to the customers having services performed. There will be a small display area consisting of two or three shelves. The applicant will be living on the second floor of the premises. The property is currently being used as an apartment and office building and is located next to a dentist's office and a two-family house. The single story residence in the back of the building will not be affected by this application. The rear of the house has a large paved area with six lined parking spaces, one of which is designated for handicap parking. There is additional room to put more parking spaces if necessary.

Attorney LaBelle stated the applicant initially wants to use the front room, a 14' x 24' area that runs parallel to Main Street. If her business is successful, she would like to expand to an additional 13' x 17' area for a total of 627 square feet. The property is surrounded by a fence, which will be repaired. The stones in the front yard placed for parking will be removed; the applicant is not proposing to have parking available in the front of the building.

Attorney LaBelle explained that the area is used for both residential and business use already, granting of this variance will not affect the neighborhood. The hours of operation will be 9:00 a.m. to 6:00 or 7:00 p.m., closed on Sundays.

In response to questions from Ms. Maffe, Attorney LaBelle described the available parking and stated that if the business is successful and the applicant expands, there is room for additional parking on the property. In response to questions from Mr. Haley, Attorney LaBelle stated the applicant is not currently residing on the premises; she is in the process of working on the home. The applicant did purchase the property with a plan for a beauty salon and was aware of the zoning regulations. No attempt has been made to rent a portion of the building as office space.

In response to a question from Mr. Stevenson, Attorney LaBelle stated that the applicant might replace the current sign with her own, leaving it in the same location.

IN OPPOSITION

Mary Fish, 17-19 Strickland Street, urged the Board to deny the application. She read part of Article II Section 6.01.13, which states, "The businesses uses shall be restricted to offices. There shall be no retail or wholesale merchandising." Ms. Fish is concerned that granting this variance will allow any future resident or owner of this property to open a personal service shop. Tattoo parlors and body piercing salons are included under the umbrella of a personal service shop. There is no buffer between the two areas, and the residents of Strickland Street were affected by the business previously at this location.

Ms. Fish read a letter from Ellis and Hazel Mize of 9-11 Strickland Street stating they were opposed to granting this variance.

Bob Fish, 17-19 Strickland Street, was opposed to approval of this variance. He did not like the previous business that occupied the building. Mr. Fish is concerned because if the variance is granted it is a permanent change that runs with the property.

Andy Taylor, 14-16 Strickland Street, has property that abuts 168 Main Street. The yard in this area has turned into a parking lot, which keeps expanding. He is against granting this variance.

Mark Pellegrini read an e-mail received by Mary Savage from Mary Gelinis of 48 Joseph Street, who stated that she opposes a personal care business in this location. Parking is a concern for her as well, he said.

Sandra Harper, 77 Strickland Street, was a former renter on Strickland near Main Street. She has purchased a house on the other end of Strickland and has noticed a big reduction in noise since her move. Strickland Street is already used as a cut-through by many drivers.

Jeff and Mary Dudas, 19 Strickland Street, are deeply concerned if the variance was granted and the property sold to another owner what may happen with the property. They do not want a marginal business right next to their home.

Attorney LaBelle stated that there is a misunderstanding of the application. The applicant is not asking for rezoning, just a variance. He suggested crafting the variance to apply only to a hair salon.

Mark Pellegrini explained that limiting the variance to a personal hair care or family hair care business could get complicated when the property changes hands.

ROBERT F. CHOUTKA – application # 2306 – request a variance to Article IV Section 5.03.02 to reduce side yard setback to 19.9 feet (25 feet required) and request a special exception under Article IV Section 5.01, Article IV Section 5.03.02 and Article II Section 6.15.01(e) to open an automotive body repair business; and site location approval under Section 14-54 of the

Connecticut General Statutes for an automotive body repair business at 86 Sanrico Drive, Industrial zone.

Attorney Len Jacobs addressed the Board on behalf of the applicant. Bob Choutka owns Vernon Collision, a well-respected business, and he has been looking for a place to purchase. The property at 86 Sanrico Drive is an industrial property and Mr. Choutka will be able to operate at this location without making any changes to the building. Attorney Jacobs described the building, lawn, and wooded area and stated that the applicant is not planning to make any major changes. The general use of the property will be similar to the current use. However, there will be no construction vehicles or materials stored on the property. The applicant plans to remove the remnants of pavement and replace it with a gravel surface, remove sheds and the waste oil tank, complete fencing, install a concrete dumpster pad, and add some landscaping. An automotive repair business is compatible with the neighborhood. The building currently exists 19.9 feet from the property line, which is why a variance is being requested.

In response to a question from Mr. Stevenson, Attorney Jacobs answered that the gravel area will improve what is currently there, but there will be no parking on it.

In response to a question from Ms. Maffe, Attorney Jacobs answered that there will not be a wrecker stored on the property.

In response to a question from Ms. Shanbaum, Attorney Jacobs stated that for its current use, this property is conforming to setback rules in the industrial zone. The variance is needed because there are special setback requirements for automotive repair uses.

In response to a question from Mr. Davis, Mr. Choutka stated the materials stored outside at his present location would be stored inside at the new location. This will be possible because the available space of the new location is double that of his existing location.

In response to a question from Mr. Pellegrini, Mr. Choutka stated that there will be no outside storage of parts for vehicles.

CARTER CHEVROLET COMPANY, INC. – application #2297 – request a modification of a condition of the special exception approval regarding the type of light fixtures at 1229 Main Street and 27-31 Charter Oak Street, Business III zone.

Attorney John LaBelle, Jr. addressed the Board on behalf of the applicant. The applicant had previously been approved for parking lot lighting with a condition that the lights have full cutoff fixtures. The applicant is requesting a modification to allow light shields instead of the full cutoff fixtures for economic reasons. The light shields are currently in place and virtually no light flows over to abutting properties.

In response to a question from Mr. Stevenson, Attorney LaBelle stated that the light shields are on, but the bulbs have not been changed yet. Ms. Shanbaum did look at the lighting and agrees that the lights are not significantly affecting the apartments.

The Chair closed the public hearing portion of the meeting at 8:25 p.m.

I certify these minutes were adopted on the following date:

**NOTICE: THE CASSETTE TAPE RECORDING OF THIS PUBLIC HEARING CAN
BE HEARD IN THE PLANNING DEPARTMENT.**

OFFICIAL TAPE NO.: 476

gem

R:\Planning\ZBA\2007\January 24\Meeting Materials\1-24-07 Public Hearing.doc