

**ACTIONS OF THE ZONING BOARD OF APPEALS**  
**DATE: FEBRUARY 22, 2012**

**MEMBERS PRESENT:** James Stevenson, Chair  
Albert Gionet, Vice Chair  
Robert Haley, Secretary  
Edward Slegeski

**ALTERNATES PRESENT:** Sandra Stough  
Michael Stebe  
Armando Darna (sitting)

**ABSENT:** Donna Roberto

**STAFF PRESENT:** James Davis, Zoning Enforcement Officer; Renata Bertotti,  
Senior Planner; and Ginger MacHattie, Recording Secretary

The following actions were taken by the ZBA at its meeting of February 22, 2012:

**AMERICAN GROUP, LLC** – application #2011-150– request a variance to Article IV Section 5.03.03 to reduce the southern side yard setback to 2.4’ (25’ req.) for an existing building and the northern side yard setback to 24.3’ (25’ req.) for an existing canopy at 266 West Middle Turnpike, General Business zone.

**MOTION:** Mr. Gionet moved to approve the request for a variance. Mr. Darna seconded the motion and all members voted in favor.

The hardship was the building and canopy were existing structures and no changes would be made to the site.

**AMERICAN GROUP, LLC** – application #2011-151 –request a special exception under Article II Section 24.02.02(a) and Article IV Section 5.01.02 to allow automobile sales at 266 West Middle Turnpike, General Business zone.

**MOTION:** Mr. Slegeski moved to approve the special exception with the following conditions: (1) the site will remain free and clear of all banners, flags, streamers or similar items, unless a permit has been applied for and approved prior to display by the Town of Manchester’s Zoning Enforcement Officer; (2) the site will be limited to a maximum of four autos offered for sale as requested by the applicant and as shown on the plans provided; (3) there shall be no parking of autos on this site in excess to those demarcated on this plan; (4) there shall be no storage of auto related materials, parts, fluids or other items outside of the building; and (5) the owner/operator shall ensure that a clear unobstructed path is provided for access to the building from the provided handicap parking space, and

with the modification that the applicant revise the plans to provide for one handicap parking space to the left of the one shown on the current plan. Mr. Darna seconded the motion and Mr. Stevenson voted in favor of the motion. Mr. Haley and Mr. Gionet voted against the motion. The motion failed due to a lack of four affirmative votes.

The reason for the denial was the handicap parking space should be as close as possible to the entrance of the building and no consideration had been given to unregistered vehicles.

**MUHAMMADU N. BELLY**– application #2012-002 – request a variance to Article II Section 1.03.04(c) to reduce the rear yard setback to 20 inches +/- (3' req.) for placement of a shed at 48-50 Wadsworth Street, Residence B zone.

**MOTION:** Mr. Haley moved to deny the request for a variance. Mr. Gionet seconded the motion and all members voted in favor.

The reason for the denial was the applicant provided false information on the building permit application and no hardship was shown because the structure can be moved to be in compliance with setback requirements.

**JAMES S. & CYNTHIA L. ORFITELLI** – application #2012-004 – request a variance to Article IV Sections 7.00.02, 7.01.01, and 7.03.02 to permit the removal of a legal nonconforming structure devoted to a nonconforming use, and replacement with a smaller such structure at 18 Warren Street and 1 Village Street, Residence B zone.

**MOTION:** Mr. Haley moved to approve the request for a variance with the condition that all outside storage containers be removed. Mr. Gionet seconded the motion and all members voted in favor.

The hardship was the proposal will lessen the nonconforming use of the property, the size of the nonconforming structure will decrease and the removal of outdoor storage will improve the appearance of the neighborhood.

**APPROVAL OF MINUTES** – of public hearing and business meeting of January 25, 2012

**MOTION:** Mr. Gionet moved to approve the minutes as written. Mr. Haley seconded the motion and all members voted in favor.