

AGENDA
ZONING BOARD OF APPEALS
MAY 24, 2017 - 7:00 P.M.
TOWN HALL ANNEX - 134 GROTON LONG POINT ROAD
COMMUNITY ROOM 1

I. ROLL CALL

II. PUBLIC HEARING

1. ZBA#17-04 - 33 Kings Highway-Olio Restaurant; Henry M. Garza Trustee c/o Joann L. Cearley, Owner; Carol Kanabis & Greg Powelzyk, Applicant; for variances of Section 5.2 to allow a roof to a deck 1 foot from the side (southwest) property line where there is a 30 foot setback and 6 feet from the front (southeast) property line where there is a 50 foot setback; to allow a roof to a patio 6 feet from the side (southwest) property line where there is a 30 foot setback; to allow a 14'x 24' addition 0 feet from the front (southeast) property line where there is a 50 foot setback; and of Section 8.6-4A to enlarge an existing non-conforming building. The variances are requested to add a roof to a deck, a roof to a patio, and a take-out station. PIN# 168915733765, CB-15 Zone*
2. ZBA#17-07 - 1352 North Road - Luxury Cat Condo; David Arnold, Owner; Renee Ceil, Applicant; for variances of Section 7.1-14B to allow and existing building that is 45 feet from the south side property line to be used as a commercial kennel where 100 feet is required; and Section 7.3-6B to allow a sign 0 feet from the front property line where 10 feet is required. PIN# 179016737633, RU-40 Zone*

III. MEETING FOLLOWING PUBLIC HEARING

1. ZBA#17-04 - OLIO, 33 Kings Highway, Henry M. Garza Trustee c/o Joann L. Cearley, Owner; Carol Kanabis and Greg Powelzyk, Applicants*
2. ZBA#17-07 - Luxury Cat Condo, 1352 North Road; David Arnold, Owner, Renee Ceil, Applicant*

3. CORRESPONDENCE

4. APPROVAL OF MINUTES

1. April 26, 2017*

5. OLD BUSINESS

6. NEW BUSINESS

1. New Applications

7. REPORT OF STAFF

8. ADJOURNMENT

* Enclosed

Next meeting: June 14, 2017

MINUTES
TOWN OF GROTON
ZONING BOARD OF APPEALS
APRIL 26, 2017 - 7:00 P.M.
TOWN HALL ANNEX - 134 GROTON LONG POINT ROAD
COMMUNITY ROOM 1

Chairman Stebbins called the meeting to order at 7:00 p.m.

I. ROLL CALL

Regular members present: Russotto, Stebbins, Manning, Mencer
Absent: Kravits
Staff present: Zanarini, Gilot

Public hearing procedures were reviewed. Chairman Stebbins explained that since only four members were present, there would have to be four affirmative votes. He gave the applicants the option to wait until the May 10, 2017 meeting. Both applicants chose to go forward tonight.

II. PUBLIC HEARING

1. ZBA#17-02 - 182 Fort Hill Road, Fort Hill Citgo, LLC - Owner; Clinton Brown - Applicant; for variances to Section 4.13-1 to allow the fuel pump islands 13-feet from the front property line in lieu of 19-feet; Section 4.13-2 to allow a new fuel pump canopy 3-feet from the front property line in lieu of 10-feet; Section 5.2 to allow 32% building coverage in lieu of 20%; and Section 7.3-6.B to allow a free-standing sign of 60 square feet in lieu of 24 square feet, a height of 18-feet in lieu of 8-feet, and a setback of 5-feet in lieu of 10-feet from the west property line; to allow a canopy sign of 60 square feet in lieu of 0 square feet and to allow 3 fuel pump topper signs in lieu of 0 permitted topper signs. PIN#169808989133, R-12 Zone

Secretary Manning read the call of the hearing and stated that the mailings were in order.

Clint Brown, Loureiro Engineers, 100 Fort Hill Road, Groton, represented the applicant. Mr. Brown reviewed the site plan (Exhibit 1) and the location of the site. The site is an existing gas station/convenience store. It is a commercial, existing non-conforming use. The applicants will be replacing the underground gas tanks and propose to bring the layout of the facility up to current standards while they are replacing the tanks. Mr. Brown submitted a Google map photo of the site and conditions (Exhibit 2). The canopy at the pump island would need to be expanded to accommodate three cars at the three existing pumps so they propose to make the layout more efficient with three separate pump islands with a pump at each island and the canopy expanded over the entire area. The proposed signage was reviewed. The existing sign (Google map Exhibit 3) is covered by deciduous and evergreen vegetation overhanging the road and the sign is not visible. They would relocate the sign to the opposite side of the property to make it more visible.

Mr. Brown explained each of five variances requested. The first variance request was for building coverage. The existing coverage allowed is 20%, 32% would be required to accommodate the new canopy. The existing site is

at 26% due to an error in the engineering plan from 2007 when the convenience store was developed. The site is currently non-conforming; they are requesting an additional 6% to accommodate the new canopy. The second variance requested is for the front setback for the pump islands from the right-of-way to allow 13 feet instead of the required 19 feet for the islands; the existing island is at 16 feet. The third variance requested is to allow 3 feet instead of the required 10 feet setback requirement from the front property line for the new canopy; the existing canopy is 5 feet from the front property line. The signage is governed by residential sign regulations; no commercial signs are allowed. The applicant requests to relocate the existing free-standing sign from the eastern side of the site to western side. The maximum size sign allowed in a residential zone is 24 square feet; the applicant requests 60 square feet. The existing sign is 70 square feet. A sketch of the proposed sign was provided in the application package and shown to the Board. Two variances were requested to allow 60 square feet of signage on the canopy (the length of the façade) (Exhibit 4, sheets 1 and 2), and three topper signs, one on top of each of the pumps, for pricing. In 2003, a variance was granted to enlarge the existing structure, and in 2007 a variance was granted for the expansion to allow the convenience store, gas and repair. Mr. Brown stated that the hardship was due to the non-conformance of the commercial use. The business is located at an intersection on Route 1, and there are no residential properties on Route 1.

The variance granted in 2007 was detailed for the Board. The Board asked about the error of 6 feet in engineering from the previous application. Mr. Brown said the plan should have been at 26%, and they are asking for another 6%, therefore requesting 32% to correct that previous error. Mr. Brown said the existing vegetation is in the state right-of-way and buffers the residential neighbor. The applicant has not approached the state regarding the trees; some are also on private property. He noted that the canopy is not required but is a standard of the industry. The existing canopy will extend out closer to Route 1; the pump assemblies will allow better vehicular movement around the pumps. A new sign would be 18 feet high in lieu of the existing 8 ft. high sign. The building has been in existence in 1970. No records are available on how it became a commercial site. No canopy was shown on the 2007 site plan; three pumps were shown on an island, and Mr. Brown believes it is more "graphic" than realistic.

The Chair asked for comments from the public in favor or against the application, and there was none.

Secretary Manning read the Planning Commission referral into the record, which recommending site lighting. Mr. Brown explained there is overhead lighting built into the canopy; no light trespasses with the newer design.

The public hearing closed at 7:42 p.m.

2. ZBA#17-05 – 200 Sandy Hollow Road; Mystic Professional Associates – Owner; Thomas Blum, MD – Applicant; for a variance to Section 8.6.2A to allow the extension/enlargement of a legal non-conforming use. The variance is requested to expand the parking by 20 parking spaces from the existing 33 spaces to 53 spaces where 36 parking spaces are required for the legal non-conforming use. PIN#261909162611, RS-20 Zone

Secretary Manning read the call of the hearing and noted that the mailings were in order. Mr. Manning disclosed that he is a patient of the Thames Eye Group, also located in the building.

Dr. Thomas Blum, 200 Sandy Hollow Road, a principal of Mystic Professional Associates, Mystic Medical Group, presented the variance request. Dr. Blum reviewed the location, the history of the site and building, and detailed the site plan and two existing parking lots. The building was constructed in the 1960's in a residential neighborhood; an addition was built in 1986. There are two separate medical offices in the building. The proposal is to expand the existing parking for the site to provide enough parking for their patients and to eliminate the impact on the neighbors when patients have to park offsite. The existing leaching field would be abandoned and a new leaching field would be built in or near the wooded area, and buffer areas would be relocated. There are 33 existing spaces, 36 are required.

The Chair asked for comments from the public.

Susan Eastman, 450 Pequot Avenue, an owner of the abutting property, said they have no objections to the expansion of the parking area, but would request large plants such as arborvitae in the buffer area between their property and the proposed parking area in the event their residential property is sold. The Chair said the Planning Commission would address that at the site plan review.

The Planning Commission had no comment and their memo was read into the record.

The public hearing closed at 8:00 p.m.

III. MEETING FOLLOWING PUBLIC HEARING

1. ZBA#17-02 - 182 Fort Hill Road; Fort Hill Citgo, LLC - Owner; Clinton Brown - Applicant

Staff said Mr. Brown submitted a letter to the Board withdrawing their application ZBA#17-02 without prejudice. Mr. Manning read the letter into the record.

2. ZBA#17-05 - 200 Sandy Hollow Road; Mystic Professional Associates - Owner; Thomas Blum, MD - Applicant

MOTION: To approve the application as presented.

Motion made by Mencer, seconded by Russotto, so voted unanimously

IV. CORRESPONDENCE - None

V. APPROVAL OF MINUTES

1. April 12, 2017

MOTION: To adopt the minutes of April 12, 2017, as written.

Motion made by Russotto, seconded by Mencer, so voted unanimously

VI. OLD BUSINESS

The Chair asked staff to be sure that when the hearing is scheduled for the Potter appeal, that hearing is the only item on the agenda for that meeting.

VII. NEW BUSINESS

1. New Applications

Staff said a new application was received today for a proposed cat kennel. A public hearing will be scheduled for May 24, 2017.

VIII. REPORT OF STAFF - None

IX. ADJOURNMENT

Motion to adjourn at 8:25 pm made by Russotto, seconded by Mencer, so voted unanimously.

Thomas Manning, Secretary
Zoning Board of Appeals

Prepared by Debra L. Gilot
Office Assistant III

NOT APPROVED