

MINUTES
TOWN OF GROTON
ZONING BOARD OF APPEALS
JUNE 14, 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: Stebbins, Manning, Mencer, Russotto
Absent Kravits
Staff present: Zanarini, Silsby

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 June 28, 2017 meeting. The applicants chose to go forward tonight.

II. PUBLIC HEARINGS

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 patio 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 deck 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

The public hearing continued from June 14, 2017. The mailings were reviewed and found to be in order.

Attorney George Kanabis, New London, withdrew two (2) of the variance requests. He explained that the remaining request is to allow a roof to a patio, 1 foot from the side property line where there is a 30 foot setback and 6 feet from the front property line where there is a 50 foot setback. The amended variance request was read into the record (shown below). Attorney Kanabis read the amended variance requests and initialed the changes.

ZBA#17-04 – 33 Kings Highway-Olio Restaurant; Henry M. Garza Trustee c/o Joann L. Cearley, Owner; Coral Kanabis & Greg Powelzyk, Applicant; for variances of Section 5.2 to allow a roof to a patio 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; and of Section 8.6-4A to enlarge an existing non-conforming building. The variances are requested to add a roof to a deck. PIN# 168915733765, CB-15 Zone

Attorney Kanabis stated that his wife Carol Kanabis has owned the business since 2001. The lot has existed since 1928 and zoning regulations were adopted in Groton in 1957. The property is a non-conforming lot in the

CB-zone but is permitted to use as a restaurant that includes outdoor dining. Information was given about the location, building, patio, and the front yards. Kanabis referred to zoning regulations and believes that “area” regulations contribute to the hardship of this application, as well as limitations of the lot. He referred to a couple of court cases, which were read into the record. Kanabis stated that there will be no outdoor dining.

Greg Powelcyk, G & M Construction, 311 Hazelnut Hill Road, presented a sketch and gave information about the roof overhang. Staff noted that a one-foot overhang is permitted. An inquiry was made about lot coverage and the roof exceeding the edge of the patio. The approved site plan filed in 2001 was discussed and submitted. It was noted that there is an existing fence around the patio. Discussion ensued about the requirement for a variance and whether putting a roof over the patio would make it into a legal structure. The Board asked for more clarification. Staff noted that if the applicant wanted to install sides, it would be a use change because it is non-conforming.

The Planning Commission memo dated May 31, 2017 was read into the record. The Planning Commission had concerns about the impact the proposed 14' X 24' addition will have on pedestrian traffic on site.

The Chair asked for comments from the public and there were none. The Public Hearing closed at 8:15 p.m.

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 an 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

The public hearing continued from June 14, 2017. Manning read the Call of the Hearing and noted that the mailings were reviewed on May 9th and found to be in order.

Renee Ceil and Paul Campbell, 702 Cow Hill Road, were present for this application. The plans to open a Luxury Cat Condo were reviewed and submitted. Information was given about the irregular shape of the property and how this contributes to the hardship. Two letters of support were submitted. History was given about the building, which dates back to approximately 1901. Ms. Ceil reviewed the 2nd variance to install a sign within the setback area. The company will be offering pick-up services to minimize customer parking on site.

The Chair asked for comments from the public and there were none. Manning referred to the two letters of support that were read into the record earlier. Manning read a memo from the Planning Commission dated May 10th, whereby the Planning commission had no comment. The Public Hearing closed at 8:32 p.m.

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 Powelcyk, Applicants

Manning stated that he would have preferred to see the amended proposal prior to the public hearing. Members agreed that the non-conformity of the lot creates a hardship. A concern was raised about sides being installed in the future without permission from the Town.

MOTION: To approve the variance as requested

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

2. ZBA#17-07 – Luxury Cat Condo, 1352 North Road; David Arnold, Owner, Renee Ceil, Applicant

Members noted that the shape of the property creates the hardship. They had no issues with the sign location. It was noted that the building predates zoning. The importance of the sign aiding customers in determining the location was supported by the Board.

Motion: To approve the variance as requested

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

IV. CORRESPONDENCE – None

V. APPROVAL OF MINUTES

1. May 24, 2017

MOTION: To adopt the minutes of May 24, 2017, as written.

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

VI. OLD BUSINESS - None

VII. NEW BUSINESS - None

VIII. REPORT OF STAFF - None

IX. ADJOURNMENT

Motion to adjourn at 8:49 pm made by Mencer, seconded by Russotto, so voted unanimously.

Thomas Manning, Secretary
Zoning Board of Appeals

Prepared by Robin M. Silsby
Office Assistant II