



## **AGENDA**

Zoning Board of Appeals  
Regular Meeting  
Monday, August 8, 2016 at 7:30 p.m.  
Community Center, Room B  
40 Dyer Avenue, Canton, Connecticut

### **CALL TO ORDER:**

### **ROLL CALL:**

### **NEW BUSINESS:**

1. **File #2016-5;** 272 Albany Turnpike; Assessor's Map 31; Parcel 1010272; Zone B; Section 9.7, Motor Vehicle Location Approval, Used Car Dealer and General Repairer License; Jeffrey Welch, applicant; RGC Properties, LLC, owner

### **OTHER BUSINESS:**

1. Approval of Meeting Minutes from June 13, 2016
2. Applications Received After Agenda Posted
3. Staff Report

### **ADJOURNMENT:**

#### **NOTE TO PERSONS WITH SPECIAL NEEDS:**

The Town of Canton does not discriminate on the basis of disability. Individuals who need auxiliary aids or an interpreter at a Town meeting must notify the appropriate department in advance of the meeting as soon as they are able.



**TOWN OF CANTON**  
 4 Market Street  
 P.O. Box 168  
 Canton, CT 06019

**CANTON TOWN HALL  
 LAND USE OFFICE**

JUL 22 2016

Land Use Department  
 (860) 693-7856  
 (860) 693-7884 (fax)

**DATE OF RECEIPT IN OFFICE**

OFFICE USE ONLY		
FILE #: <u>2016-5</u>	FEE AMOUNT: <u>\$135.00</u>	CASH / <input checked="" type="checkbox"/> CHECK <u>36963</u>
DATE SUBMITTED: <u>7/22/16</u>		

**ZONING BOARD OF APPEALS APPLICATION**

**APPLICATION FEES:** (Includes \$60.00 State Surcharge) Please make checks payable to "Town of Canton"

- ~ Variance: \$210.00
- ~ Appeal: \$135.00
- ~ Suitability of Motor Vehicle Location: \$135.00

**THIS APPLICATION CANNOT BE APPROVED UNTIL ALL REQUIRED INFORMATION IS PROVIDED AND ANY ADDITIONAL REQUIRED APPROVALS ARE OBTAINED.**

**PLEASE PRINT LEGIBLY**

Property Address: 274-276 Albany Turnpike  
 Assessor's Map: 31 Parcel: 1010272 Zone: B Lot Size: .84 acres  
 Land Record Reference to Deed Description: Volume: 341 Page: 503  
 Property Owner: RGC Properties, LLC Phone: 860-693-6383  
 Applicant/Agent: Jeffrey C Welch Phone: 860-693-6383  
 Mailing Address: P.O. Box 496 Canton, CT 06019  
 Email Address: theeurocar@aol.com

**ACTION REQUESTED:**

- Variance from Section \_\_\_\_\_ of the Zoning Regulations
- Appeal from decision of the Zoning Enforcement Officer
- Approval of Motor Vehicle Department  
 License/Location:  New Car  Used Car  Repairer  Limited Repairer

**VARIANCE INFORMATION:**

The variance relates to: \_\_\_\_\_ yard dimension \_\_\_\_\_ height \_\_\_\_\_ number of family units  
 \_\_\_\_\_ street frontage \_\_\_\_\_ area \_\_\_\_\_ other

Describe briefly: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

JIAN MAO TOWN  
JIAN MAO TOWN  
(a) Strict application of the regulations would produce undue hardship because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BOHBO W/0 010000 000000  
(b) The hardship created is unique and not shared by all properties alike in the neighborhood because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(c) The variance would not change the character of the neighborhood because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**APPEAL INFORMATION:**

The decision of the Zoning Enforcement Officer dated \_\_\_\_\_ is APPEALED because:  
\_\_\_\_\_  
\_\_\_\_\_

**APPROVAL OF MOTOR VEHICLE DEPARTMENT INFORMATION:**

Describe briefly: Change in Corporate officer from Robert G Coffin  
to Jeffrey C Welch  
\_\_\_\_\_  
\_\_\_\_\_

Previous applications have been filed with respect to these premises as follows: \_\_\_\_\_  
The European car has been in business at this location since  
July of 1990  
\_\_\_\_\_

Owner Name: Robert G Coffin

Owner Signature: \_\_\_\_\_

Date: 7/21/2016

Applicant Name: Jeffrey C Welch

Applicant Signature: \_\_\_\_\_

Date: 7/21/2016

**PLEASE NOTE:**

Application will not be accepted unless:

- A. It is signed by the applicant or agent.
- B. It is accompanied by the proper filing fee.
- C. It is accompanied by three copies of certified plot plan if required.
- D. It is accompanied by Motor Vehicle Department forms if applicable.
- E. Requirement for abutter notices and land use sign for items requiring a public hearing.

36963

BANK OF AMERICA, NA  
AVON, CT 06001  
51-57/119

COFFIN ENTERPRISES, INC.  
DBA THE EUROPEAN CAR  
274 ALBANY TURNPIKE, P.O. BOX 496  
CANTON, CT 06019-0496  
860-693-6383

7/22/2016

PAY TO THE ORDER OF "Tow of Canton"

\$ \*\*135.00

One Hundred Thirty-Five and 00/100\*\*\*\*\* DOLLARS

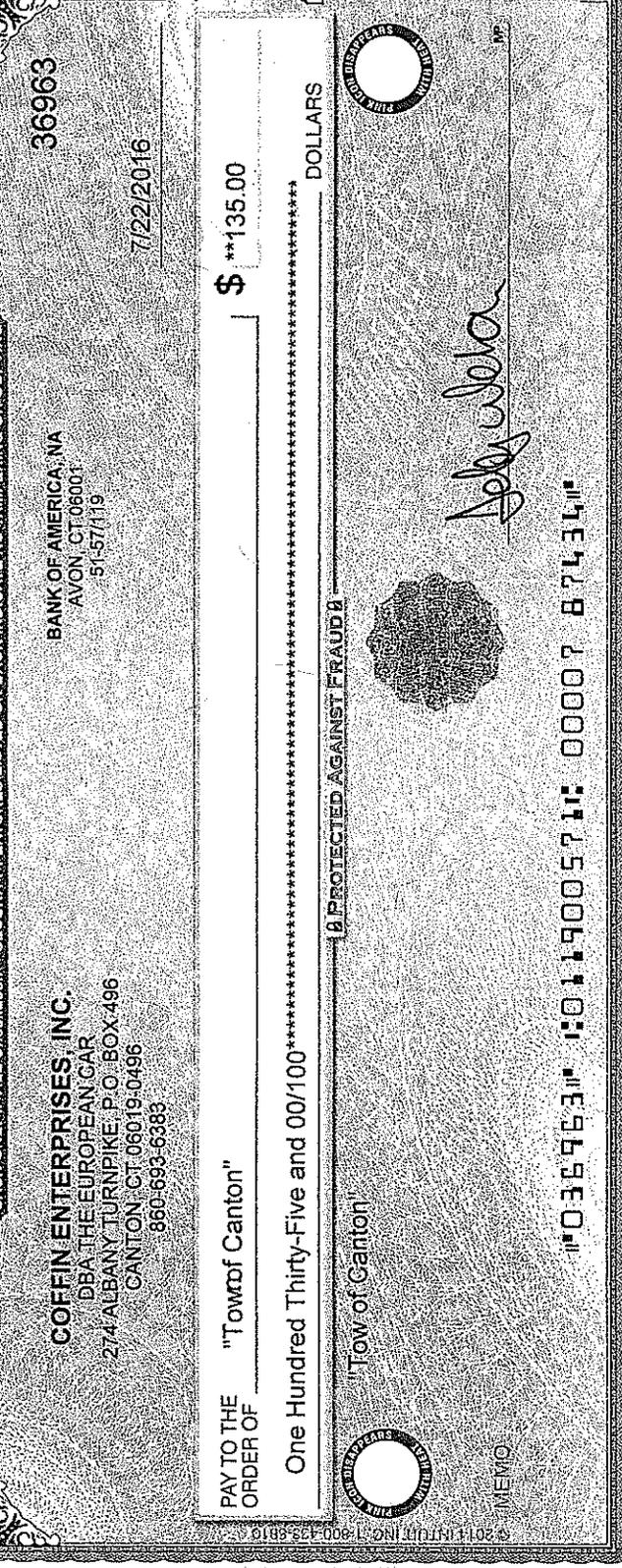
PROTECTED AGAINST FRAUD

Tow of Canton

*Jody Weber*

⑆036963⑆ ⑆011900571⑆ 00007 87434⑆

MEMO



Property at 00272 ALBANY TURNPIKE 276 Account 1010272 Printed 27-FEB-14 4:14 PM Design and Layout (C) Right/Angles

Administrative Information  
 Owner name: RGC PROPERTIES LLC  
 Second name: BOX 496  
 Address: CANTON CT  
 City/state: CANTON CT Zip: 06019

Lot: 1010272	Map: 31	Neigh.:	Zone: SB	Callback?	Vol: 341	Page: 503
Assessments			Exemptions			
Assmt category	Qty	Amount	Exempt	Cat	Amount	Last sale
Commerc Land	.84	176,400				Sale date: 28-JUL-06
Commerc Building	2.00	216,800				Sale price: 586,666
Commerc Outbldg	1.00	1,180				Sale valid: Y
Summary			Utilities			
Total assessments		394,380	Water	Well		Sales ratios
Total exemptions		394,380	Sewer	Public sewer		Cost/sale: .9603
Net assessment			Gas	None		Mkt/sale: .6722
						Assmt/sale:

Commercial Valuation Summary  
 Main Area: 3,200 Construction Type: Light Steel  
 Subject Code: Description Perc AdjSF AdjRate Net Value

Basement					
1st Floor	47	Auto Service	100.00	3,200	70.99
2nd Floor					
3rd Floor					
4th Floor					
Other Features					
Size				Rate	Qty
Rate					Value

Sub-Total					227,170
Grade	C	Factor	1.0000		227,170
CDU		C&D Factor	1.00		227,170
Depreciation			25 %		170,380
Cost value admin record				Computed cost value @ 70%	119,270

Commercial Building Information

Subject Code	Description	Use	Description	Perc
Primary Use	47	Auto Service		
Exterior Walls	01	Wood Frame		
Roof Material	06	Metal		
Roof Type	01	Gable		
Foundation	01	Poured Concrete		
Interior Walls				
Floors	01	Concrete		
Heating System	02	Forced Hot Air		
Fuel Type	01	Oil		
Construct Type	04	Light Steel		
Grade	30	C		
Garage	99	None		
Basement	99	None		
Bsmt Finish				
Air Cond	99	None		
Interior Cond	04	Average		
External Cond	04	Average		
CDU	04	Average		
Other Features			Size	Qty
Year Built: 1989			Eff	Year Built:



**APPLICATION FOR AUTOMOBILE DEALER'S OR REPAIRER'S LICENSE**  
K-7 REV. 7-2016

STATE OF CONNECTICUT  
**DEPARTMENT OF MOTOR VEHICLES**  
DEALERS AND REPAIRERS SECTION  
On The Web At ct.gov/dmv

DMV USE ONLY	LICENSE NUMBER	EXAMINER INITIALS
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**INSTRUCTIONS:**

- SECTION 1 must be completed by APPLICANT
- SECTION 2 must be completed and signed by local authorities of the city or town in which the location is proposed.
- Submit application and supporting documents to: DEPARTMENT OF MOTOR VEHICLES, DEALERS AND REPAIRERS SECTION, 60 STATE STREET, WETHERSFIELD, CT 06161-2011.

**SECTION 1: BUSINESS INFORMATION**

TYPE OF LICENSE  NEW CAR DEALER  USED CAR DEALER  GENERAL REPAIRER  LIMITED REPAIRER

NAME UNDER WHICH BUSINESS OF APPLICANT IS TO BE CONDUCTED

Coffin Enterprises, Inc dba/The European Car

E-MAIL ADDRESS

theeurocar@aol.com

FULL ADDRESS OF LOCATION FOR WHICH LICENSE IS REQUESTED (Use separate application for each location)

274-276 Albany Turnpike, Canton, CT 06019

MAILING ADDRESS, IF DIFFERENT FROM ABOVE

P.O. Box 496, Canton, CT 06019

TYPE OF OWNERSHIP

INDIVIDUAL  PARTNERSHIP  CORPORATION  LLC

IF INCORPORATED OR LLC, UNDER LAWS OF WHICH STATE

Connecticut

DEEP PERMIT IF APPLICABLE

THE BUSINESS HOLDS A FACTORY FRANCHISE TO SELL THE FOLLOWING MAKE(S) OF VEHICLE(S) AT THE ABOVE LOCATION

N/A

If applicant firm is owned by individual or partnership, enter data below for all owners. If owned by a corporation enter data for principal officers or major stockholders. If LLC, enter members and managers.

TITLE	NAME	HOME ADDRESS	DATE OF BIRTH	SEX
Pres, Sec, Treas	Jeffrey C Welch	26 Knollwood Road Farmington, CT 06032	7/27/76	M

Place a check mark in the box below, stating that you have no intention to apply for, nor have applied for a Manufacturer's license. Failure to check the box, will result in a Dealer's or Repairer's license NOT being issued.

I have not applied and do not intend to apply for a Manufacturer's license.

**CERTIFICATION (To be signed by Owner, Partner, Managing Member, or Authorized Officer in presence of Notary)**

Pursuant to CGS 53a-157b, I declare that the statements made by me in this application or in any documents attached hereto are true and complete to the best of my knowledge and belief.

SIGNED (Owner, partner, firm or stockholder or authorized officer)

X *Jeffrey C Welch*

TITLE

President

Subscribed and sworn to before me:

DATE

July 21, 2016

SIGNED (Notary Public, Justice of the Peace, or Commissioner of Superior Court)

X *Angela Capenta*

**SECTION 2: CERTIFICATE OF LOCAL APPROVAL FOR PROPOSED LOCATION**

Pursuant to CGS 14-54, local approval is hereby granted for the above named firm or individual to conduct a business of the type checked below at the location specified in this application.

Signatures of Building Official and Fire Marshal indicate compliance with applicable laws and regulations.

Are there any restrictions placed on the licensee's use of the property?  NO  YES (If "YES", a copy of the restrictions MUST be attached to this application.)

SIGNATURE OF AUTHORIZED OFFICIAL	PRINT	TITLE	DATE
X			
TYPE OF BUSINESS APPROVED		PROPOSED LOCATION ADJOINS	
<input type="checkbox"/> NEW CAR DEALER	<input type="checkbox"/> USED CAR DEALER	<input type="checkbox"/> STATE HIGHWAY	<input type="checkbox"/> LOCAL ROAD
<input type="checkbox"/> GENERAL REPAIRER	<input type="checkbox"/> LIMITED REPAIRER	PAGE 1 OF	
SIGNATURE OF BUILDING OFFICIAL	PRINT	DATE	
X			
SIGNATURE OF LOCAL FIRE MARSHAL	PRINT	DATE	
X			







**Zoning Board of Appeals**  
**Canton, Connecticut Inc. 1806**  
4 Market Street, Collinsville, Connecticut 06022

March 15, 2007

Mr. Robert Coffin  
RGC Properties  
274 Albany Turnpike  
Canton, CT 06019

CERTIFIED/REGISTERED  
7005 3110 0004 3989 9689

Re: Application 2007-2; 272 Albany Turnpike; Assessor's Map 9-4; Parcel 10; Zone SB; for Approval of Motor Vehicle Dept. Repairer's license; George Christensen, applicant; Robert Coffin, owner.

Dear Mr. Coffin:

The Zoning Board of Appeals, at its meeting on Monday, March 12, 2007, voted to:

- Approve 272 Albany Turnpike for a motor vehicle repairers license

As required in Section 8-3d of the Connecticut General Statutes, notice of the approval of this license is to be filed in the Land Records of the Town to be effective.

The action of the Commission is not effective until 15 days after publication of the decision in the Hartford Courant on Friday, March 16, 2007.

Please call this office if you need any further assistance, 693-7856.

Sincerely,

*Sarajene S. Pickett*  
Sarajene S. Pickett, AICP  
Director of Planning and Community Development

C: George Christiansen

RECEIVED FOR RECORD AT CANTON, CT.  
ON 3/22/07 AT 10:01 AM  
ATTEST: LINDA SMITH, TOWN CLERK



**SCHEDULE A  
DESCRIPTION****272-276 ALBANY TURNPIKE**

A certain piece or parcel of land situated in the Town of Canton, County of Hartford and State of Connecticut on the south side of Albany Turnpike, also known as Route No. 44 in said Canton, and more particularly bounded and described as follows, to wit:

**NORTH:** by Albany Turnpike a/k/a Route No. 44, 99.9 feet;  
**EAST:** by land now or formerly of Kenneth C. Shenton, 350.50 feet;  
**SOUTH:** by land now or formerly of said Shenton, 101.56 feet; and  
**WEST:** by land now or formerly of Ralph Ellsworth, et al, 366.38 feet.

And being a part of the third piece acquired by Howard W. Bahre and Anna A. Bahre from Margaret A. Fuller by Warranty Deed dated October 23, 1942 which is recorded in Volume 38 at Page 170 of the Canton Land Records, to which reference may be made.

Said lot is marked by iron stakes at all four corners.

Reference may also be had to a map entitled, "Site Plan of the Finney Property 274 Albany Turnpike Canton, Connecticut Shannon Engineering Associates, Inc. Date August 1, 1988 Scale 1"=20' Sheet 1 of 2 and 2 of 2 Revised 18 Aug. 1988", which map is on file in the Canton Town Clerk's Office in said Town of Canton.

**SCHEDULE B**  
**ENCUMBRANCES**

1. Taxes to the Town/City of Canton on the Grand List of October 1, 2005 and thereafter, which the Grantee assumes and agrees to pay as part consideration for this deed.
2. Notes, facts, and conditions shown on Maps Nos. 1876 and 1876A.
3. Sewer Caveat in favor of the Town of Canton Water Pollution Control Authority, recorded October 24, 1985 in Volume 133 at Page 1037 and sewer assessment dated May 27, 1986 and recorded in Volume 138 at page 130.
4. Electric Distribution Easement from Joan B. Finney to The Connecticut Light and Power Company, dated February 8, 1989 and recorded February 15, 1989 in Volume 162 at Page 917 (Map no. 1900).
5. Approval for a three-inch variance in side line requirements by the Canton Zoning Board of Appeals, recorded June 22, 1981 in Volume 115 at Page 893.
6. Conditions of a Special Exception for expansion of operation of Canton Motor Car Works, by Town of Canton Zoning Commission, dated May 13, 1981 and recorded May 21, 1981 in Volume 115 at Page 490 of the Canton Land Records.
7. Conditions of a Certificate of Action for Special Exception and Site Plan Modification by Canton Zoning Commission, dated October 24, 1988 and recorded October 27, 1988 in Volume 160 at Page 944.
8. Conditions of a Certificate of Action for Approval by Canton Zoning Commission, dated November 28, 1990 and recorded August 26, 1991 in Volume 178 at Page 278 (Maps Nos. 1876 and 1876A).

RECEIVED FOR RECORD AT CANTON, CT  
ON 7-28-06 AT 9:57am  
ATTENT: JUDAS SMITH, TOWN CLERK



## **DRAFT MINUTES**

Zoning Board of Appeals  
Regular Meeting  
Monday, June, 13 2016 at 7:30 p.m.  
Community Center, Room F  
40 Dyer Avenue, Canton, Connecticut

**CALL TO ORDER:** Chairman Brainard called the Regular Meeting of June 13, 2016 to order at 7:30 p.m.

**PRESENT:** Robert Brainard, Gary Adajian, Guerry Dotson, Christopher Kerr, Walter LeGeyt, and Lucien Rucci (Alternate)

**ABSENT:** Bob Celmer (Alternate)

**ALSO PRESENT:** Zoning Enforcement Officer Emily Anyzeski and Recording Secretary Jennifer Scott

A quorum of the Commission is present.

### **MODIFICATION TO THE AGENDA:**

**MOTION:** Mr. Adajian moved to add an agenda item under Other Business entitled "Application Process." Mr. Dotson seconded the motion, which passed unanimously, 5-0-0.

**MOTION:** Mr. Brainard moved that File #2016-4; 15 North Street under New Business be addressed prior to opening the Public Hearing. Mr. Dotson seconded the motion, which passed unanimously, 5-0-0.

**REMARKS BY CHAIR:** None

## **PUBLIC HEARING**

**READING OF THE LEGAL NOTICE:** Read by Mr. Brainard

1. **File #2016-3;** 13-15 High Street; Assessor's Map 38; Parcel 2960013; Zone R-1; Variance from Section 3.4.E.2, Minimum Yard Setbacks for Accessory Structures; Reduction of front yard setback by 14.3 feet for a 672 +/- square foot detached garage; Charles Arrasate, applicant/owner

**Commissioners Seated: Robert Brainard, Gary Adajian, Guerry Dotson, Christopher Kerr, and Walter LeGeyt**

Applicant/ Owner, Charles Arrasate stood before the Commission to present his application. Mr. Arrasate stated that he wishes to build a garage on his property to house his '67 GTO. Due to it being a corner lot, there are two 40 ft front yard setbacks on his property (High Street and Cemetery Road). Mr. Arrasate is requesting a 14.3 foot reduction be made to the front yard setback located on Cemetery Road. He also noted that his lot is irregularly shape and inclines from the where his house is located up to the back of his property. Mr. Arrasate said there is a flat area at the back of the

property where the garage would fit but that requires a variance. He added that his request would be in keeping with the neighborhood as the accessory structures on the neighboring lots are not setback 40 feet from the road. Mr. Julius Fiackiewicz of 11 East Hill Road who accompanied Mr. Arrasate said that the grave sites on Cemetery Road are located less than 40 feet from the road too. Mr. Arrasate said that the proposed location of the garage is the only place on his property where he can put it.

Mr. Brainard said that while the applicant is seeking a large variance, the Commission must keep in mind the unique design and configuration of the lots in this subdivision. Mr. Fiackiewicz noted that the other thing to consider is that Mr. Arrasate's property is a rare lot with two front yard setbacks. These elements limit Mr. Arrasate's options in locating his garage.

Mr. Fiackiewicz, speaking as a member of the public, said he supports a variance approval in this case. Mr. Alan Weiner of 9 High Street and abutting property owner to Mr. Arrasate also spoke in favor of granting the variance. Mr. Weiner said that he and Mr. Arrasate's properties were created in the 1960's as part of a subdivision when the Collins Company started selling off the properties that they owned. He said the two lots are very oddly shaped because that is the way the Collins Company was able to create two lots that met the subdivision regulations at the time. Mr. Weiner said that because of the property's odd shape, steep topography, corner lot, and drainage ditch, the only place to build a garage would be in the flat area being proposed by Mr. Arrasate. He added that the hardship in this case is not self created or financial, but a hardship created by the property and the road.

Mr. Dotson offered the possibility of constructing the garage where Mr. Arrasate currently has a shed. Mr. Arrasate said that that would require excavation of the land and existing stone wall and would also not allow enough room between the garage and his home. Mr. Dotson mentioned his concern with the size of the variance being requested and commented that homeowner's have a certain responsibility to educate themselves on any limitations associated a property before purchasing it.

**MOTION:** Mr. Brainard moved to close the Public Hearing for File #2016-3; 13-15 High Street. Mr. Dotson seconded the motion, which passed unanimously, 5-0-0.

## **REGULAR MEETING**

### **PUBLIC HEARING ACTIONS:**

1. **File #2016-3;** 13-15 High Street; Assessor's Map 38; Parcel 2960013; Zone R-1; Variance from Section 3.4.E.2, Minimum Yard Setbacks for Accessory Structures; Reduction of front yard setback by 14.3 feet for a 672 +/- square foot detached garage; Charles Arrasate, applicant/owner

**Commissioners Seated: Robert Brainard, Gary Adajian, Guerry Dotson, Christopher Kerr, and Walter LeGeyt**

Mr. Brainard said the major hardships in this case are the irregularly shaped lot and the two 40 ft front yard setbacks in this subdivision that was not meant to have setbacks that large. The members discussed how there is no place on the property to build a garage where you would not run into a setback. Mr. Brainard said that the regulations in this case are so restrictive that the owner can not make reasonable use of his property.

**MOTION:** Mr. Dotson moved that for File #2016-3; 13-15 High Street a front yard setback variance in the amount of 14.3 feet be granted for the purpose of constructing a 672 +/- square foot detached garage in the location as shown on the Map provided by the applicant/owner, Charles Arrasate, dated April 6, 2016. The variance is being granted for the property's front yard setback located on Cemetery Road (corner lot). The hardship in this case is the irregularly shaped and undersized lot. Mr. Adajian seconded the motion. The motion passed by a vote of, 4-1-0 with Mr. Dotson objecting.

Mr. Dotson reiterated his opinion that owners should understand the limitations of a property before purchasing it.

## **NEW BUSINESS**

1. **File #2016-4;** 15 North Street; Assessor's Map 38; Parcel 3890015; Zone B; Section 9.7, Motor Vehicle Location Approval, Used Car and Repairer License; Ron Llewellyn, applicant; TABCO Properties, LLC, owner

Mr. Llewellyn was in attendance for the hearing of his application. Mr. Brainard advised Mr. Llewellyn that he was overcharged for the Certificate of Location fee he paid and is owed a refund of \$85. Mr. Llewellyn, owner of Ron's Automotive, LLC, advised the members of his intent to move his business to 15 North Street. Mr. Llewellyn said that the nature of his business will include automotive repair and the possibility of some used car sales. His operation at this location will be nothing beyond the business that was conducted by the former occupant, Collinsville Auto Repair. The members voted unanimously in favor of certifying the location at 15 North Street for a DMV license to be used by Ron's Automotive, LLC.

## **OTHER BUSINESS**

1. Approval of Meeting Minutes from May 9, 2016

**MOTION:** Mr. Adajian moved to approve the minutes from the May 9, 2016 Regular Meeting as presented. Mr. LeGeyt seconded the motion, which passed unanimously, 5-0-0.

2. Staff Report
3. Application Process

The group discussed the idea of changing the way in which ZBA applications are processed. Currently, the timeframe between when the Commission members are receiving the application packets and when the Public Hearing for that application is opened is not allowing the members enough time to adequately review and research each case. They believe that this is unfair to the applicants who deserve a well informed Board and could also potentially have an affect on the rulings. The members agreed that the best course of action would be to follow the process currently adopted by the Planning & Zoning Commission. Applications would be considered officially received 35 days after their submission to the Land Use office or at the next Regular Meeting of the ZBA, whichever comes first. A Public Hearing must then be opened within 65 days after the application is received. It was agreed that Mr. Brainard would draft a letter addressed to the First Selectman, the Chief Administrative Officer, and the Town Planner indicating the Commission's intent to change the application process effective immediately. Mr. Brainard will also draft a second letter to the same individuals regarding an issue with the monthly meeting agendas not being received by the Commission members who do not have email access.

## **AJOURNMENT:**

**MOTION:** Mr. Adajian moved to adjourn the Regular Meeting of the Zoning Board of Appeals at 8:58 p.m. Mr. LeGeyt seconded the motion. The motion passed unanimously, 5-0-0.