

MINUTES
REGULAR MEETING
ZONING BOARD OF APPEALS
LISBON TOWN HALL
TUESDAY, NOVEMBER 22, 2016
7:15 P.M.

1. Call to Order

The Regular Meeting of the Zoning Board of Appeals was called to order by Steven Beck, Chairman, at 7:41 pm.

MEMBERS PRESENT: Steven Beck, Leo MacDonald, Robert Jencks, Ronald Babbitt
Robert Chubka (Alt), Kirk Miles (Alt)

MEMBERS ABSENT: Frederick Kral, III

Kirk Miles was seated for Frederick Kral, III by Chairman S. Beck.

2. Reading of previous minutes:

A motion was made by L. MacDonald second by R. Jencks to accept previous minutes.

VOTE: UNANIMOUS, MOTION CARRIED

Motion by L. MacDonald second by K. Miles to digress from normal order of business and go to agenda item 5.a.

VOTE: UNANIMOUS, MOTION CARRIED

3. Correspondence

a. Profit & Loss Statement – October

4. Bills and action thereon

a. The Bulletin, \$423.16 re: #16-03 Public Hearing Notice. Motion by L. MacDonald second by R. Jencks to pay.

VOTE: UNANIMOUS, MOTION CARRIED

b. Motion by R. Jencks second by L. MacDonald to approve the purchase of envelopes for \$79.27.

VOTE: UNANIMOUS, MOTION CARRIED

5. Old Business

a. Application #16-03: Savin Gasoline Properties, LLC, 107 River Road – Motion by K. Miles second by R. Jencks to overturn ZEO's Cease & Desist Order for 107 River Road.

VOTE:

R. Jencks: YES, Existing sign was internally lit, and all they did was put LED lights in it and nothing has changed.

K. Miles: YES, the only change is from one form of internal light to the other, and they had a permit for the original sign. Also, based on CT Federation of Planning and Zoning Agencies Newsletter (Fall 2016), citing a case where the judge ruled that ambiguous terms in zoning regulations depriving land owners of use of land, should be avoided and should be interpreted in such a way as to be a benefit of the property owner.

R. Babbitt: YES, based on what was just read (newsletter) there is a lot of ambiguity in the regulation.

L. MacDonald: YES, does not increase non-conformance, and ordinance should be updated by P&Z.

S. Beck: YES, for the same reasons as demonstrated by the whole Board, regulation is antiquated and does not show new technologies.

MOTION CARRIED

TOWN OF LISBON

**PLANNING AND ZONING COMMISSION
ZONING BOARD OF APPEALS**

**CERTIFICATE OF APPROVAL: GRANTING OF VARIANCE, SPECIAL PERMIT OR
SPECIAL EXCEPTION**

Owner of Records: Savin Gasoline Properties, LLC

Applicant(s): Savin Gasoline Properties, LLC, 107 River Road, Lisbon CT 06351

Regulation(s)

Varied/cited: Appeal of Cease and Desist Order dated August 3, 2016

Variance/Special Permit GRANTED: APPROVED 11/22/2016

Date Adopted: November 22, 2016 **Petition Number:** 16-03

The Connecticut General Statutes require that this certificate be recorded in the land records in the office of the Town Clerk and the statutory recording fee be paid before the variance or special permit shall be lawfully effective.

Certified



Steven M. Beck, Chairman

Received for Record: _____ **at** _____

Attest _____

**Laurie J. Tirocchi Town Clerk
Town of Lisbon**

APPLICATION
ZONING BOARD OF APPEALS
Town of Lisbon

APPEAL NUMBER: _____

DATE FILED: _____

1. I/We hereby appeal to the Town of Lisbon Zoning Board of Appeals from the decision of the Planning and Zoning Commission and/or the Zoning Enforcement Officer whereby it X he granted denied an application to issued a Cease and Desist Order for an allegedly illegal sign on premises at 107 River Road, Lisbon, Connecticut dated August 3, 2016
- A. USE ERECT ALTER ADD TO OCCUPY X OTHER
- B. LAND ONLY STRUCTURE OR BUILDING OTHER
- C. FOR USE AS: FAMILY RESIDENCE X BUSINESS INDUSTRY
ACCESSORY BUILDING OTHER

2. Location of affected premises: LOT NUMBER 32
TITLE OF SUBDIVISION MAP NA R- 40 60 80 ZONE - BV-2
ASSESSOR'S MAP NUMBER 15 LOCATED ON THE westerly side SIDE
OF River Road (Route 12) STREET 200 FEET DISTANT FROM
THE INTERSECTION OF River Road with Interstate 395

Owner Savin Gasoline Properties, LLC Address 77 Sterling Road, P.O. Box 8405, East Hartford, CT 06108
Applicant Savin Gasoline Properties, LLC Address 77 Sterling Road, P.O. Box 8405, East Hartford, CT 06108
Lessee NA Address _____
Agent Harry B. Heller, Esquire Address 736 Norwich-New London Turnpike, Uncasville, CT 06382

3. PREVIOUS APPEALS have been made with respect to this property as follows:
Application Number(s) unknown Date(s) _____
4. This appeal relates to: X USE AREA YARD DIMENSIONS HEIGHT
STREET FRONTAGE NUMBER OF FAMILY UNITS OTHER
DESCRIBE BRIEFLY Zoning Enforcement Officer alleges that Section 15.3(d) of the Zoning Regulations have been
violated by a change in certain internal components of a sign on the premises and that no permit was obtained for this work.
5. VARIANCE of the following Section of the Zoning Regulations is requested:

A. Strict application of the regulations would produce UNDUE HARDSHIP because:

B. The hardship created is UNIQUE and not shared by all properties alike in the neighborhood because:

C. The variance would change the CHARACTER OF THE NEIGHBORHOOD because:

Cease and Desist Order dated August 3, 2016

6. The ISSUANCE OF PERMIT NO. _____ for the above named premises by the Building Inspector is
APPEALED because: (i) a Permit for the work in question was obtained on August 3, 2015 (Permit Number 15-2132) and (ii)

the internal modifications made to the sign on the commercial premises do not violate the provisions of
Section 15.3(d) of the Lisbon Zoning Regulations.

SAVIN GASOLINE PROPERTIES, LLC

By: _____

(APPLICANT/AGENT)

John MacNeil, Its Authorized Agent

(ZONING ENFORCEMENT OFFICER or P&Z CHAIR)

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Motion by L. MacDonald second by R. Babbitt to return to normal order of business.

VOTE: UNANIMOUS, MOTION CARRIED

6. New Business –

- a. Application, Savin Gasoline Properties, LLC, 107 River Road – Motion by R. Jencks second by L. MacDonald to accept application for review.

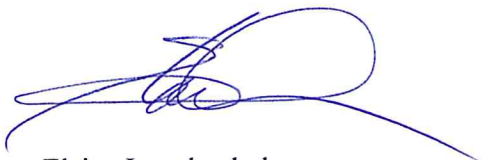
VOTE: F. Kral NO, because it should be before Planning and Zoning as a Text Amendment Application instead; MOTION CARRIED

Motion by R. Jencks second by F. Kral to set the Public Hearing for application #16-03 for Tuesday, November 22, 2016 at 7:00 PM. VOTE: UNANIMOUS MOTION CARRIED

7. Any other business which may come before the Board

8. Adjournment - Motion was made by L. MacDonald second by K. Miles to adjourn at 7:54 PM.

VOTE: UNANIMOUS MOTION CARRIED



Elaine Joseph, clerk

APPROVED: _____

Steven Beck, Chairman

RECEIVED FOR RECORD AT LISBON
CT ON 11/23/16 AT 9:50am
ATTEST. LAURIE TIROCCHI, TOWN CLERK
Laurie Tirocchi



TOWN OF LISBON

INCORPORATED 1786

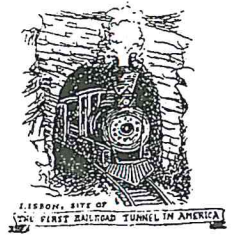
ZONING BOARD OF APPEALS

1 NEWENT ROAD
LISBON, CONNECTICUT 06351

TEL. 860-376-3400

FAX 860-376-6545

NOTICE OF DECISION



Town of Lisbon
Zoning Board of Appeals

At the regular meeting of the Town of Lisbon Zoning Board of Appeals held on Tuesday, November 22, 2016 the commission took the following action:

1. Application 16-03: Savin Gasoline Properties, LLC, 107 River Road, for appeal of a Cease and Desist Order issued by the Zoning Enforcement Officer, with respect to modifications of existing signage APPROVED

Dated at Lisbon, Connecticut this 28th day of November, 2016.

Steven Beck, Chairman
Lisbon Zoning Board of Appeals

RECEIVED FOR RECORD AT LISBON
CT ON 11/28/2016 AT 9:48am
ATTEST. LAURIE TIROCCHI, TOWN CLERK
Laurie Tirocchi