

**MEMBERS PRESENT:** Chairman Laurie Robinson; Patrick Reading, Michael Solis, Bob Setschinsky and Jason Radachy; Stan Soby, Board of Selectmen Liaison; Staff: Randy Benson, Gail Therian, Clerk

**MEMBERS ABSENT** - None

1. **CALL MEETING TO ORDER.**

Chairman Robinson called this meeting to order at 7:00 p.m.

2. **ADDITIONS TO AGENDA** None

3. **PUBLIC HEARINGS** - None

4. **PENDING APPLICATIONS**

- A. **ZBA#14-002, Karin Knabel Graphik Identities, Applicant; Michael O'Brien/Owner,** for property located at Keystone Shoppes, LLC of 179 Linwood Avenue, Tax Map # 11, Lot #028, Commercial Zone. Applicant is requesting a variance to § 16.6.7 to install a sign on the side of the building. (Public Hearing closed on 11/18/14)

Voting members on this application: P. Reading, M. Solis, B. Setschinsky, J. Radachy and L. Robinson

Board members reviewed the information regarding the definition of "hardship", and the powers and duties of the Zoning Board of Appeals provided by mail by Staff. The discussion focused on if there was a hardship due to the visibility of the building where the "PhysicianOne Urgent Care" is located. Board members discussed if the variance could be approved based on the public's health, safety and welfare because this is an urgent care facility.

Chairman Robinson suggested a five (5) minute break.

**Motion by:** J. Radachy  
to take a five (5) minute break at 8:33 p.m.;;  
**Second by:** P. Reading  
**Vote:** **Motion carried unanimously**

Chairman Robinson called the meeting back to order at 8:37 p.m.

**Motion by:** J. Radachy  
to **DENY** ZBA#14-002, PhysicianOne Urgent Care, applicant, for property located 179 Linwood Avenue, Assessors Map # 11, Lot #028, Commercial Zone; for a variance to Sections 16.6.7 of the Town of Colchester Zoning Regulations to allow a second building mounted sign on the side of the building for the following reasons:  
A. The applicant has not shown whether a hardship exists with the installation of the one permitted sign on the side of the building where the entrance is located. .  
B. A Zoning Regulation is not confiscatory when it allows some use of the property. The ordinance does allow for a building mounted sign but it would not be in an ideal visual location.  
C. The site does have a ground mounted sign designed to accommodate all of the tenants on the property. It is located at the entrance from Linwood Avenue.

**Motion was not seconded. Motion fails.**

M. Solis asked J. Radachy to rewrite Item B. Discussion followed.

**Motion by:** J. Radachy  
to **DENY** ZBA#14-002, PhysicianOne Urgent Care, applicant, for property located 179 Linwood Avenue, Assessors Map # 11, Lot #028, Commercial Zone; for a variance to Sections 16.6.7 of the Town of Colchester Zoning Regulations to allow a second building mounted sign on the side of the building for the following reasons:  
A. The applicant has not shown whether a hardship exists with the installation of the one permitted sign on the side of the building where the entrance is located. .  
B. The ordinance does allow for a building mounted sign but it would not be in an ideal visual location.  
C. The site does have a ground mounted sign designed to accommodate all of the tenants on the property. It is located at the entrance from Linwood Avenue.

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D. There are substantial uses and development of the property that can be achieved without granting this variance.

**Second by:** M. Solis

**Vote:** In Favor: J. Radachy and M. Solis Opposed: P. Reading, B. Setchinsky and L. Robinson **Motion fails**

A discussion followed regarding the wording of a motion to approve and the proper procedure to amend a motion.

**Motion by:** P. Reading

to **APPROVE** ZBA#14-002, PhysicianOne Urgent Care, applicant, for property located 179 Linwood Avenue, Assessors Map # 11, Lot #028, Commercial Zone; for a variance to Sections 16.6.7 of the Town of Colchester Zoning Regulations to allow a second building mounted sign on the side of the building that is not in the permitted location over the entrance. Only one building mounted sign over the entrance of the business is permitted by Zoning in a multi-tenant building; as shown on the plans submitted (Exhibit Item B) with conditions and for the following reasons:

A. A hardship exists due to the lack of signage visibility to the building from the right-of-way as a function of the property in question;

B. Installation of signage for an Urgent Care is in the interest of the health, safety and welfare of the Town and its residents;

C. Granting the variance will not substantially affect the general purpose and intent of the Zoning Regulations.

**Conditions:**

1. The applicant will apply for a sign permit before installing the sign.

2. The sign will be in conformance with Exhibit B that is attached to the application

**Second by:** B. Setchinsky

**Vote:** In Favor: P. Reading, B. Setchinsky and L. Robinson Opposed: J. Radachy and M. Solis **Motion fails**

Chairman Robinson explained that the motion failed and the application was denied because there was no concurring vote of four members to vary the application of the Zoning Regulation.

**5. Minutes of Previous Meeting – Minutes Special Meeting January 13, 2015**

M. Solis noted that in the first sentence of the second paragraph under Item 4 “Pending Applications”, it should read that ...” in case the **January 20, 2015** meeting could not be held...”

**Motion by:** P. Reading

to approve the minutes of the Special Meeting of January 13, 2015 as modified.

**Second by:** B. Setchinsky

**Vote:** Abstentions: B. Setchinsky All others in favor **Motion carried**

**6. Applications Received: - None**

**7. Old Business – None**

**8. New Business/Applications Received None**

**9. Zoning Enforcement Officer’s Report - None**

**10. Correspondence -- None**

**11. Adjournment**

**Motion by:** J. Radachy

to adjourn the meeting at 9:02 p.m.

**Second by:** P. Reading

**Vote:** **Motion carried unanimously**