

November 25, 2013

MINUTES: THE ZONING BOARD OF APPEALS, Town of Hamden, held a Public Hearing and Regular Meeting on Thursday, November 21, 2013, 2013 at 7:00 p.m. in the 3rd Floor Conference Room, Hamden Government Center, 2750 Dixwell Avenue, Hamden, CT. with the following actions:

Commissioners in attendance:

Wayne Chorney, Acting Chair
 Fran Nelson
 Elaine Dove
 Suzanne Carroll sitting for vacancy
 Andrew Houlding, sitting for Jeff Vita

Staff in attendance:

Dan Kops, Assistant Town Planner
 Tim Lee, Assistant Town Attorney
 Holly Masi, Zoning Enforcement Officer
 Stacy Shellard, Commission Clerk
 Genovieve Bertolini, Stenographer

Mr. Chorney called the meeting to order at 7:00 p.m., reviewed the agenda and meeting procedures, and the panel introduced themselves.

A. Public Hearing

- 1) **13-6513** 2165 Dixwell Avenue-Requesting a variance: Section 550.2.7.a, to permit a second free standing sign where only one is allowed, T-5 zone, ASAP Urgent Care, LLC

Mr. Traver Hutchins, CEO, ASAP Urgent Care, addressed the Commission and reviewed the application. He submitted a picture of the proposed sign and the existing signage on the site. Mr. Hutchins stated that the same sign had been approved for safety reasons at a location in North Haven. The sign will be 36 inches in height and five feet wide.

Mr. Houlding asked what the hardship is. Mr. Chorney feels that the additional sign would allow for people who are sick to find the site. Mr. Hutchins stated that the additional sign would be in the interest of safety.

Mr. Houlding asked if the landlord would permit the existing sign to be placed higher. Mr. Hutchins explained that the location of his business on the sign is based on the size of the space he is renting.

Ms. Carroll asked if the type of care at this facility will be considered a higher level of care and Mr. Hutchins replied yes. Ms. Dove stated that the business is not in a good location because of the parking lot. There may be accidents on the site if someone is in need of urgent care and moving quickly to get there. Ms. Dove feels there are a lot of medical care facilities available in Hamden. Mr. Hutchins stated that the reason the location was picked was because of the retail located in the area.

The Commission discussed with Mr. Hutchins the type of care that will be available and the need for an additional sign on the site. Ms. Holly Masi, Zoning Enforcement Officer reviewed the zoning regulations for free standing signs. She does not feel that the proposed sign will impede visibility at the intersection.

Ms. Dove asked if the urgent care facility leaves the site would the next business be able to use the sign. Mr. Tim Lee, Assistant Town Attorney suggested that if the application is approved there be a condition that the sign be allowed for urgent medical care only. Mr. Houlding asked if the sign will have the business's name on it. Mr. Hutchins replied that it will be a lighted sign that says "Urgent Care" only. Ms. Dove is concerned that if this is approved all the other medical services in the Town will want a sign.

Mr. Chorney closed the Public Hearing.

B. Regular Meeting

a. Discussion and voting on Public Hearing items.

13-6513

Mr. Nelson made the motion to approve Application 13-6513 for discussion purposes. Mr. Houlding seconded the motion.

Mr. Nelson stated that the need for the sign is to advise people of the urgent care location. A condition of approval should be: Signage is for urgent care facility only. Mr. Houlding said a condition of approval should be: The sign should not designate a brand name of any particular entity.

The Commission discussed with the Planning Staff, the level of care at the site and the need for an additional sign.

Mr. Nelson and Mr. Houlding voted in favor of the motion. Ms. Dove, Ms. Carroll and Mr. Chorney voted against the motion. Therefore, the motion did not pass.

Ms. Dove made the motion to deny Application 13-6513. Mr. Nelson seconded the motion. The motion passed unanimously.

The Commission discussed having the Planning staff review the zoning regulations for signs to see if they needed to be amended.

b. Approve Minutes of October 17, 2013

Mr. Chorney asked that the motion for application 13-6511 be amended to read: *The variance was granted for chiropractic use only. It cannot be used for residential use at the same time.*

Mr. Chorney made the motion to approve the Minutes of October 17, 2013 as amended. Ms. Dove seconded the motion. The motion passed unanimously.

c. Old Business

Mr. Chorney advised Ms. Masi that there is a sign located in the Town's right of way for the International Market located at the corner of Dixwell Avenue and Mather Street.

d. New Business

2014 Meeting Calendar

Mr. Nelson made the motion to approve the 2014 Meeting Calendar. Ms. Carroll seconded the motion. The motion passed unanimously.

Mr. Chorney discussed with Ms. Masi the flashing sign for Keatings on Whitney Avenue.

e. Adjournment

Mr. Nelson made the motion to adjourn. Mr. Houlding seconded the motion. Therefore, the motion passed unanimously.

The meeting adjourned at 7:50 p.m.

Submitted by: _____
Stacy Shellard, Clerk of the Commission