

CITY OF NORWICH
ZONING BOARD OF APPEALS
June 9, 2020

Regular Meeting Minutes

The regular meeting of the City of Norwich Zoning Board of Appeals was called to order at 7:07 p.m. Roll call was taken.

PRESENT: Marc Benjamin, Chairman
 Robert Phoenix
 Dorothy Travers
 David Martin
 Peter Cuprak
 Gregory Schlough, Alternate

ABSENT: None

OTHERS: Dan Daniska Richard Shuck, Zoning Enforcement Officer, and
 Katherine Rose, Recording Secretary

Marc Benjamin called the meeting to order at 7:17 p.m. Marc Benjamin stated all seated members would be voting on all matters with rotating alternates.

A. COMMUNICATIONS: None.

B. ACCEPTANCE OF MINUTES: Robert Phoenix made a motion to continue approval minutes to the next regularly scheduled in-person meeting. Gregory Schlough seconded. The motion passed unanimously.

C. OLD BUSINESS: None.

D. NEW BUSINESS:

1. **V# 20-03 – 108 Oneco St.** Request for a variance of Sec. 4.8, Nonconforming Building and Uses to expand a nonconforming use by constructing a 22 ft. x 14 ft. dormer on the rear of a nonconforming residential home in the Neighborhood Commercial Zoning district. Application of Isabel Rentas, Assessor's Map# 84, Block# 1, Lot# 3, NC Zoning District, Owner: Isabel Rentas

Richard Shuck read into record Exhibits A - I.

Isbael Pentas of 108 Oneco Street introduced herself and stated she is seeking to expand the ceiling height of her home to better accommodate its residents and because the existing home is non-conforming a variance is required. Robert Phoenix asked staff what the rear and front yard setbacks of the home are to which Richard Shuck answered that the front, side and year yard all have a ten-foot setback. Richard Shuck clarified that the setbacks are not an issue whereas the residential home is located

within a commercial zone therefore it is non-conforming. David Martin confirmed if the only need for the variance was due to the commercial zone which Richard Shuck stated was correct.

Robert Phoenix made a motion to close the public hearing. Dorothy Travers seconded.

Robert Phoenix made a motion to go out of agenda in order to vote on V# 20-03. Peter Cuprak seconded. The motion passed unanimously.

2. **V# 20-04 – 159 Dunham St.** Application of Alexander Gebbie, Member of Westledge Apartments, LLC, Assessor's Map# 117, Block# 1, Lot# 15, R-20 Zoning District, Owner: Elfrieda Harvey, Request relief of ZR Sec. 4.1.1 to permit the use of the existing single family home as a rental office, with a conference room, and parking, all to be ancillary to the Westledge Apartments.

Richard Shuck read into record Exhibits A - H.

Richard Shuck read into the record section 7.10.2 sub section 5 which reads for any use variance application the Zoning Board of Appeals shall refer the application to the Commission on the City Plan and The Zoning Board shall provide the application to the Commission on the City Plan within 35 days to review comments. Richard Shuck notified the ZBA that the next Commission on the City Plan meeting would be on June 16, 2020 with the variance on their agenda.

Mark Block of 138 Main Street introduced himself as the attorney for the applicant and stated they are seeking a variance to permit an existing single family home to be utilized as an office and conference room for the Westledge Apartments. Attorney Block stated the 159 Dunham Street home would be an essential use to the Westledge property to which it sits adjacent to. Attorney Block described the home as a 996 square foot single family property with a 420 square foot single car garage and explained the layout of the property in regards to the submitted maps. Attorney Block explained the proposed variance would convert the existing home into office and a conference room with 10 parking spots which complies with zoning regulations. Attorney Mark Block stated due to size of home the property is conducive as family home and better serves as an office. Attorney Block stated Zoning Regulation 4.1.1 gives the ZBA power to grant the variance as it reads as the general requirements the conformity of buildings and land use, location and occupancy, no building or lot shall be used or occupied and no building or part thereof shall be erected, raised, moved, placed, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which its located; no building shall be occupied by more than

one dwelling unit or persons than prescribed for such building or lot for the district in which it is located. Attorney Block stated they felt the Board has the power to vary this section and permit the use of the property at 159 Dunham Street restricted to the rental connected with the Westledge Apartment and propose if the variance is passed that it be subject to the use of the property in support of the Westledge Apartments so that the home cannot later be sold and opened as an unrelated office. Attorney Block explained their proposal would ensure that if property ceased to operate in connection with Westledge Apartments it would convert back to a single family home. Attorney Mark Block stated the parking and the handicap usage associated with the property shown on the submitted plan is permitted within the zone with access off of Dunham Street. Marc Benjamin asked staff if the variance requires a change of use to commercial and in turn changing the taxability of the property. Richard Shuck responded that the property would likely change to commercial assessment due to the use of the property but the decision would be left to the assessor's office. Attorney Mark Block explained their goal is to have the home operate similarly to a real estate or insurance office while removing the residency requirement for the property. Marc Benjamin asked if there would be a through-way from the parking for the potential office to the Westledge Apartment complex to which Attorney Block responded there would be no connection to the Westledge parking area. Robert Phoenix questioned staff if within the home occupation requirements there called for a limited percentage of how much the home occupation can be taxed. Richard Shuck explained the different tax tiers for home occupations and discussion ensued on home occupation regulations in regards to the proposed variance. Robert Phoenix asked if any idea was put forth to utilize an existing rental unit as a leasing office. Alex Gebby of 122 Lakewood Road, South Glastonbury introduced himself as part-owner of the project and stated there were no plans to make a leasing office out of any of the units as they are typically filled. Alex Gebby stated the home would help facilitate leasing and other office tasks. Robert Phoenix asked if a separate maintenance garage or shop would be located on the property opposed to elsewhere in the City. Alex Gebby stated several carports would be built onsite for residents but one may be delegated for storage along with potential storage in a pool house located on site. Alex Gebby stated as far as lawn and garden maintenance outside contractors are used so storage is not required. Dorothy Travers questioned the change in zoning from residential to commercial to which Attorney Mark Block clarified they are not seeking to change the zoning regulation but are seeking to remove the residential occupancy requirement while keeping the home within the residential zone. Marc Benjamin asked if the exterior character of the home would change to while Attorney Block responded no plans had been put in place yet. Robert Phoenix asked if any signage was planned for the home instructing that it is a leasing office. Alex Gebby responded that any signage would

be approved through the City but they would like for people to be directed properly. Richard Shuck stated any signage would require a permit, not an additional variance, as it falls within the residential district for the home; unless otherwise specified one sign per lot shall be allowed at least 20 feet back from the street line.

E. DISCUSSION AND POSSIBLE DECISIONS:

- 1. V# 20-03 – 108 Oneco St.** Request for a variance of Sec. 4.8, Nonconforming Building and Uses to expand a nonconforming use by constructing a 22 ft. x 14 ft. dormer on the rear of a nonconforming residential home in the Neighborhood Commercial Zoning district. Application of Isabel Rentas, Assessor's Map# 84, Block# 1, Lot# 3, NC Zoning District, Owner: Isabel Rentas

Robert Phoenix made a motion to approve V# 20-03 as the second floor is barely habitable due to the current conditions and the location of the residential home within a commercial district presents a hardship for the applicant to remain the property as a residential structure. Peter Cuprak seconded. Robert Phoenix, Peter Cuprak, David Martin, Dorothy Travers and Marc Benjamin voted in favor. The motion passed unanimously.

- 2. V# 20-04 – 159 Dunham St.** Application of Alexander Gebbie, Member of Westledge Apartments, LLC, Assessor's Map# 117, Block# 1, Lot# 15, R-20 Zoning District, Owner: Elfrieda Harvey, Request relief of ZR Sec. 4.1.1 to permit the use of the existing single family home as a rental office, with a conference room, and parking, all to be ancillary to the Westledge Apartments.

Robert Phoenix made a motion to continue the application to the next regular scheduled meeting pending the decision from the Commission on City Plan. Dorothy Travers seconded. Robert Phoenix, Dorothy Travers, Peter Cuprak, David Martin, and Marc Benjamin voted in favor. The motion passed unanimously

F. OTHER MATTERS: Resignation of Joanne Philbrick.

G. ADJOURNMENT: A motion was made by Robert Phoenix to adjourn at 8:14 PM. Dorothy Travers seconded. The motion carried unanimously.

Respectfully submitted,
Katherine Rose
Recording Secretary