

**CITY OF NORWICH ZONING BOARD OF APPEALS**  
**August 8, 2023**  
**Regular Meeting Minutes**  
**Hybrid Meeting**  
**ZOOM & Room 335, City Hall, Norwich**

The regular meeting of the City of Norwich Zoning Board of Appeals was called to order at 7:00 p.m. Roll call was taken.

PRESENT: Marc Benjamin, Chairman  
David Martin  
Dorothy Travers  
Gregory Schlough

ABSENT: Robert Phoenix

OTHERS: Attorney Santo Mendoza; Tony Gauthier; Nancy Rafuse; Steven Rafuse; Angelo Zaharatos; Richard Shuck, Zoning Enforcement Officer; and Katherine Rose, Recording Secretary

Marc Benjamin called the meeting to order at 7:00 p.m. Marc Benjamin stated all members would be voting on all matters.

**A. COMMUNICATIONS:** Richard Shuck stated that one communication was received in regards to the variance for 91 North Cliff Street, which was included in the application packet.

**B. ACCEPTANCE OF MINUTES:** Gregory Schlough made a motion to accept the June 13, 2023 regular meeting minutes. David Martin seconded. All voted in favor. The motion passed unanimously.

**C. OLD BUSINESS:** None.

**D. NEW BUSINESS:**

- 1. V# 23-05: 91 North Cliff Street: Request Variance to ZR Sec. 1.1, Residential Bulk Requirements; to reduce the rear yard setback from 25 ft. to 12 ft. to construct a 10 x 12 deck. Property of Tony Gauthier Application of Tony Gauthier. Assessors Map # 093, Block # 007 Lots # 010, Multi-Family Zone 4**

Richard Shuck read Exhibits A - E into the record.

Tony Gauthier of 91 North Cliff Street stated he was requesting a variance to build a 10 foot by 12 foot deck within an existing non-conforming lot. Tony Gauthier stated the lot size limited where the deck could be placed. Marc Benjamin asked if there was a deck in place previously. Tony

Gauthier responded not to his knowledge and that he purchased the property from the city earlier that year. Tony Gauthier stated there was an existing door leading out from the kitchen that did not have stairs or anything in place on the exterior side. Tony Gauthier stated the property was left abandoned so any work that had been planned was left unfinished. David Martin asked how high the door sat from the ground. Tony Gauthier responded the door was about three-and-a-half feet from the ground. Richard Shuck explained that one end of the home sat 25 feet away from the setback line, the other end was about 20 feet from the setback and the proposed deck would be 12 feet from the setback line. Tony Gauthier noted the existing detached garage sat very close to the property line. Richard Shuck noted on the property map where neighboring homes were situated in relation to the proposed deck. Tony Gauthier stated his hardship was the property was non-conforming and there was no location the deck could be placed where it would be conforming.

Steve Rafuse of 37 North Cliff Street stated he submitted a letter containing various discrepancies with the property owner and that he would like to maintain the distance between the properties. Nancy Drew Refuse of the same address and 94 Roath Street stated their garage may appear to be facing towards the proposed deck, but the deck would be in view of their backyard. Nancy Rafuse stated the peace of the backyard would be affected by the deck encroaching on the property distance. Nancy Rafuse continued that there was previously a porch on the front of the home that had burnt down years prior, and felt there were other locations on the property for a deck or porch. Marc Benjamin noted that the measurements presented were directly from the city GIS maps, which are typically accurate within a foot or so. Nancy Rafuse discussed various existing measurements and previous occurrences on the property, as well as the property history. Marc Benjamin clarified their concern was that the deck location was an infringement of privacy and possible safety. Nancy Rafuse agreed and added she felt the 10 foot by 12 foot deck was a large size to request for the area.

Gregory Schlough made a motion to close the application. Dorothy Travers seconded. All voted in favor. The motion passed unanimously.

- 2. V# 23-06: 145-147 Franklin Street: Request Variance to ZR Sec. 4.8, Nonconforming Buildings and Uses; to expand the parking area of an existing non-conforming automotive sales and repair use, previously approved under SP-99-12. Property of Alirio Gaitan Application of Alirio Gaitan. Assessors Map #102, Block # 004 Lots # 086, CC Zone**

Richard Shuck read Exhibits A - G into the record.

Attorney Santo Mendoza of 111 Huntington Street, New London presented on behalf of the applicant. Attorney Mendoza submitted photographs of the property to the board and discussed the various vantage points. Attorney Mendoza noted the property was surrounded by abutting neighbors and a rock ledge in the rear. Attorney Mendoza also noted that one of the abutters, Diamond Auto Sales, were allowed to park vehicles very close to the roadway. Attorney Mendoza stated the property at 147 Franklin Street was currently operating a repair shop under special permit 99-12 for dealing and/or repairing motor vehicles which was approved on October 2, 1999. Attorney Mendoza stated at the time of the special permit approval there was a building located on the property where the gravel is currently located, as shown in the provided photos. Attorney Mendoza stated in 2019 the building was examined by an engineer and determined to be irreparably uninhabitable. Attorney Mendoza stated her client demolished the building, which had been previously referred to as an automotive store, as a safety precaution. Attorney Mendoza stated the area of the former store building was only 50 feet by 40 feet. Attorney Mendoza clarified that the property has always been considered one lot. Attorney Mendoza stated her client is requesting a variance that was recommended by Richard Shuck in a letter dated September 26, 2019 that would expand the non-conforming use of the property to permit additional parking spaces on a portion of the gravel area where the building was previously located. Attorney Mendoza stated their proposal included six additional parking spaces. Attorney Mendoza stated the expansion would allow the property owner to make some use of the open space where the gravel is located. Attorney Mendoza stated the hardship presented is what can be done with the gravel area and what could be built within the Chelsea Commercial District (CCD). Attorney Mendoza noted that businesses within the CCD required a certain number of parking spaces. Attorney Mendoza stated the hardship is unique due to the previous building being on site when the special permit was originally approved. Attorney Mendoza continued that the small gravel area was not large enough to accommodate a second business and the required parking spaces by the city. Attorney Mendoza stated her client was limited by the strict literal application of the city zoning regulations and the variance is necessary for a reasonable use of the property. Attorney Mendoza stated the proposed work would not alter the essential character of the neighborhood. Attorney Mendoza stated the approval of the variance by the Zoning Board of Appeals was only the first step in the process of getting the proposed parking spaces put in place. Attorney Mendoza stated that if the variance is approved her client will need to present a new site plan to the city planning office for approval and the Department of Motor Vehicles. Attorney Mendoza added her client was open to putting a fence in front of the proposed parking spaces if required by the city.

Dorothy Travers asked what the additional parking spaces would be used for. Attorney Mendoza responded the spaces would be utilized for the repair garage business. Attorney Mendoza explained the property owner currently had a three-bay garage which accounted for the already approved nine parking spaces. Attorney Mendoza stated if her client were to be approved an additional bay, he would require the six additional parking spaces that had been proposed.

Gregory Schlough questioned if parking was permitted on the gravel portion due to oil possibly leaking from vehicles. Attorney Mendoza stated that if the parking spaces were permitted the area would be paved. Attorney Mendoza added her client was flexible on the layout and number of parking spaces if they were allowed use of the gravel area in some capacity. Attorney Mendoza reiterated that if the variance is approved her client would attain the services of a surveyor and a professional to draw a new site plan that can be brought to the city planner for approval. Attorney Mendoza stated the plan presented to the ZBA was a draft mockup.

Richard Shuck stated the parking regulations require 10 parking spaces plus five in an excess of two, which makes five spaces per bay. Richard Shuck stated the application was written to request seven to eight additional parking spaces. Richard Shucks stated if the board was inclined to approve the variance, he recommended proceeding with how the application was written, to allow the applicant the most potential spaces available. Discussion ensued. Richard Shuck stated the use of the property that was previously permitted is no longer a permitted use in the CCD, which is why the request for the expansion of the non-conforming use was required. Richard Shuck noted that the amount and configuration of the parking spaces may change once the site plan is revised.

Nancy Rafuse of 94 Roath Street spoke in favor of the request and stated that any additional parking is a benefit to the area.

Architect Angelo Zaharatos of 7 Silverspring Park, Ridgefield, CT stated he represented a client located at 169 Franklin Street. Angelo Zaharatos stated he felt the request was completely reasonable given that the property once had a building and no longer does, yet zoning regulations were applied to the former. Angelo Zaharatos stated it was a reasonable request for use of the space. Angelo Zaharatos stated that as long as the parking area is able to conform to regulations, he felt it was a reasonable request.

Dorothy Travers made a motion to close the application. Gregory Schlough seconded. All voted in favor. The motion passed unanimously

## **E. DISCUSSION AND POSSIBLE DECISIONS:**

- 1. V# 23-05: 91 North Cliff Street: Request Variance to ZR Sec. 1.1, Residential Bulk Requirements; to reduce the rear yard setback from 25 ft. to 12 ft. to construct a 10 x 12 deck. Property of Tony Gauthier Application of Tony Gauthier. Assessors Map # 093, Block # 007 Lots # 010, Multi-Family Zone 4**

Dorothy Travers made a motion to approve the application. Gregory Schlough seconded. Dorothy Travers stated she saw no reason why the applicant could not put in the deck in the requested location and felt the existing door was built for a reason, whether it be for a deck or stairs. Dorothy Travers stated the applicant should be permitted to have the deck to make use of property and seemed willing to compromise with their neighbors. David Martin noted the property was non-conforming and that the deck size requested was reasonable. David Martin stated that while he understood the concerns from the abutter he noted the deck would only be about three-and-a-half feet in height so there would be a minimal difference between that and putting in a ground-level patio. David Martin noted a variance would be required for anything put in that location and something needed to be put in place for the safety aspect. Gregory Schlough stated he did not dispute the concerns of the abutter but agreed with David Martin regarding the size of the requested deck. Marc Benjamin stated he agreed with the comments made by other members and noted that the property was located in downtown Norwich where all lots are situated closely. Marc Benjamin stated the variance would grant reasonable use of the property as the hardship of the pre-existing non-conforming lot left no place to expand a deck without requiring a variance. All voted in favor. The motion passed unanimously.

- 2. V# 23-06: 145-147 Franklin Street: Request Variance to ZR Sec. 4.8, Nonconforming Buildings and Uses; to expand the parking area of an existing non-conforming automotive sales and repair use, previously approved under SP-99-12. Property of Alirio Gaitan Application of Alirio Gaitan. Assessors Map #102, Block # 004 Lots # 086, CC Zone**

Gregory Schlough made a motion to approve the application, to include a maximum of eight additional parking spaces. Dorothy Travers seconded. Gregory Schlough stated that so long as the plans are approved by the city engineer he was comfortable with the variance. David Martin stated the additional spots are consistent with the area and neighboring businesses. David Martin added that there was little else that could be done with the area for use of the property. Marc Benjamin stated he believed the planning commission would be able to properly design a space that would be more attractive and a better use. All voted in favor. The motion passed unanimously.

**F. STAFF UPDATES:** Richard Shuck introduced the new assistant Zoning & Blight Enforcement Officer Tanice Doman.

**G. ADJOURNMENT:** A motion was made by Gregory Schlough to adjourn at 8:32 PM. Dorothy Travers seconded. All voted in favor. The motion passed unanimously.

Respectfully submitted,  
Katherine Rose  
Recording Secretary

DRAFT