COVENTRY ZONING BOARD OF APPEALS
MINUTES
SPECIAL MEETING OF TUESDAY, JANUARY 21, 2020

CALL TO ORDER:
By: Twerdy  Time: 7:01 p.m.  Place: Town Hall Conference Room B

ROLL CALL:

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<th>PRESENT</th>
<th>ABSENT</th>
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<td>REGULAR MEMBERS:</td>
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<td>Elizabeth Bauer</td>
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<td>Monika Debowska</td>
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<td>Frank Infante</td>
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<td>Courtney Rossignol</td>
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<td>Claire Twerdy</td>
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<td>ALTERNATE MEMBERS:</td>
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<td>Thomas Boudreau</td>
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<td>Valdis Vinkels</td>
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<td>VACANCY</td>
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<td>STAFF:</td>
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<td>Mark Landolina, ZEO</td>
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Motion: To move Agenda Item VI. 1. Election of Officers to the next item of business.

By: Bauer  Seconded: Rossignol

For: Bauer, Debowska, Infante, Rossignol and Twerdy
Against: None
Abstain: None
**Motion:** To nominate Monika Debowska as Chairperson.

By: Rossignol  Seconded: Infante

For: Bauer, Debowska, Infante, Rossignol and Twerdy
Against: None
Abstain: None

**Twerdy turned over control of the meeting to Chairperson Debowska.**

**Motion:** To nominate Courtney Rossignol as Vice-Chairperson.

By: Infante  Seconded: Bauer

For: Bauer, Debowska, Infante, Rossignol and Twerdy
Against: None
Abstain: None

**Motion:** To nominate Bauer as Secretary.

By: Infante  Seconded: Twerdy

For: Bauer, Debowska, Infante, Rossignol and Twerdy
Against: None
Abstain: None

**READING OF LEGAL NOTICE:**

Bauer, Secretary, read the legal notice into the record.

**EXPLANATION OF PROCEDURES:**

Twerdy and Bauer explained procedures for the benefit of the new ZBA members and those present for the Public Hearing.
PUBLIC HEARINGS:

1. **#19-09Z** – Application of Edwin Ledoyt, representing property owner Dennis Cady, requesting a variance of Table 4.04A Dimensional Requirements for a lot line modification to reduce conformity with the minimum lot frontage requirement at 67 School Street, Coventry CT 06238 (Assessor’s Map M, Block 61, Lot 25) VR Zone.

Edwin Ledoyt and Dennis Cady were present. Ledoyt explained that they are looking for approval of a land swap which would reduce the frontage of Cady’s property at 67 School Street and add it to the frontage of Ledoyt’s property at 63 School Street.

Ledoyt said 63 School Street has 53 feet of frontage and the swap would expand it by 11-12 feet but it would reduce the frontage of Cady’s property at 67 School Street. In doing this, the two lots would have a near-equal amount of frontage. It would be more of a natural split of the lots where there is an existing retaining wall down the property. Ledoyt said both sides of his property have right-of-ways on them that make that land not useful. At its current configuration, Cady can’t put up a fence on his property due to the right-of-way that straddles the line between his and Ledoyt’s property.

Ledoyt explained that in exchange for the frontage taken from 67 School Street, an equal-sized piece of land would be added to the rear of 63 School Street. These lots are in the Village area so they are already complicated. The existing 20-foot right-of-way goes back to what was previously Estelle Wood’s property, which is also now owned by Ledoyt. The rear property is steep and wet and there are other means of access to the property.

Cady said that the half of his driveway which is currently the right-of-way to Ledoyt is one fifth of the width of his land, which he can’t use. Swapping it for land in the back would give him useful land.

Twerdy asked how long has the wall been there? Cady thinks it’s original to the house which was built in 1918.

Infante asked if the right-of-way gives Ledoyt access to the rear property. Ledoyt said he is not sure if that was the intention but he likes the idea of having it for that reason. Land records in 1885/1910 transactions about right-of-ways probably had more purpose than that maybe to do with livestock or something. Cady said it is his opinion that if Ledoyt does go to sell the rear property in the future it will be better that the access right-of-way be on just one property.

Infante asked if this right-of-way allows ability to build on the rear property. Staff said you need a 25-foot right of way for a rear lot. Ledoyt said he has other access to the property but he has no intention to subdivide or build on the property. Ledoyt said there’s a 30-foot access on School Street plus access from Stonehouse Road and Main Street. He said it’s pretty wet back there.
Bauer asked if we were starting with two non-conforming lots and remaining as two non-conforming lots. Staff said that’s correct. Staff also said that conformity is something the ZBA can look at for variances. The variance in this case would go with Cady’s property, 67 School Street.

Rossignol said she was going to ask about the hardship. Staff said orientation of the right-of-way would be the hardship but he also said that substitution of land is established case law.

No members of the public were present.

Bauer asked if there were only three names on the abutters list. Staff said yes.

Chairperson Debowska closed the Public Hearing for #19-09Z at 7:28.

**Motion: To approve #19-09Z, application of Edwin Ledoyt, and property owner Dennis Cady, requesting a variance of Table 4.04A Dimensional Requirements for a lot line modification to reduce conformity with the minimum lot frontage therefore reducing the existing frontage on the southwestern portion of the property 10.75 feet for a total of 64.98 feet of frontage at 67 School Street, Coventry, CT 06238, VR Zone. As shown on the following A-2 survey: “BOUNDARY SURVEY PREPARED FOR DENNIS CADY SHOWING LAND SWAP 67 SCHOOL STREET, COVENTRY, CT BY ROB HELLSTROM LAND SURVEYING ON MARCH 24, 2009.”**

By: Rossignol  
Seconded: Twerdy

The hardship is the unusable right-of-way of Mr. Cady’s property.

**Condition of Approval:** An equal land swap must be completed to not reduce the total lot square footage, as shown on the abovementioned map.

For: Bauer, Debowska, Infante, Rossignol and Twerdy  
Against: None  
Abstain: None

Application approved with conditions.

2. **#19-10Z** – Application of Leonidha and Mariana Papa, representing owners 50 Lake Street LLC and Leonidha Papa, requesting a variance of Section 5.07.03 Expansion/Enlargement of a nonconforming use for the enlargement of a nonconforming single family home use at 50 Lake Street, Coventry CT 06238 (Assessor’s Map L, Block 35, Lot 4) VG Zone.
Leo and Mariana Papa were present to discuss their application. Ms. Papa explained that they want to expand the cottage which is on the property at 50 Lake Street with the Lakeview Restaurant. The previous owner lived in the cottage but given that they have two kids and future grandkids; the cottage doesn’t work for them the way it is.

Bauer asked Staff if the variance was for the regulation for expansion of over 50%. Staff said that the variance would be for expansion of a nonconforming single family home use. In the VG Zone single family homes are not allowed. This situation is also unique due to the mixed use of the property. Staff said that the variance would be to Section 5.07.03(c) for expansion of a nonconforming single family home. The Regulations only allow a 15% expansion. This does not require a Special Permit from the PZC.

Infante asked if the cottage is two stories. Ms. Papa said that there is a basement and a main floor. They are looking to add a first floor master bedroom addition and two kids’ bedrooms and a bathroom upstairs.

Infante asked if the decks were new. Ms. Papa said a new deck on the second floor only.

Rossignol asked how the patio would be impacted? Mr. Papa said that there will be signs saying private property. He also said that there will only be six piers of disturbance. Ms. Papa said that they are going to separate the second patio off from the restaurant patio.

Twerdy asked where the cottage is in relation to the patio. It’s up above the patio.

Infante asked if the upper patio would become private. Mr. and Ms. Papa said yes, it has been private for a few years now.

Twerdy said she drove into the parking lot and took a look. She asked if you can see the cottage from the parking lot. The Papas said no, it is not visible from the parking lot.

Infante asked how close the addition is from the cemetery retaining wall. Ms. Papa said the addition will be going in the opposite direction away from the cemetery.

Rossignol asked about access to the cottage. Can you drive there? The Papas said that if you open the gate you can drive a car up there.

Infante asked if a fire truck could drive up to the cottage.

Staff passed out copies of an email from Fire Marshal, Bud Meyers speaking to the concern about emergency access to the site. Zoning Regulations require access/movement for all Fire and Rescue vehicles. Meyers’ recommendation is to have this dealt with during the Building Permitting process. His preference would be to have a fire lane up to the house. Per Staff, this can be dealt with by the Fire Marshal, Building Official, and Zoning Agent during the permitting
process. This falls under the Zoning Regulations’ purview of Protection of public health, safety and welfare.

Infante asked if the Papas would use this house as their primary residence. Ms. Papa said yes, their house is on the other side of town and they use it more like a hotel. They are at the restaurant until late at night, come home just long enough to sleep and then they’re back at the restaurant in the morning. It would be so much better to be able to go home to the cottage between busy times.

Twerdy asked Staff for clarification on how much the variance request is for. The variance request is for a total percentage increase over the 15% increase allowed. Staff explained that the new square footage of the home would be 1,238 square feet. This is an approximately 131% increase in square footage. The variance would be for 116% over the 15% allowable increase for a total increase of 131%.

Twerdy stated that the hardship had not been addressed.

Staff said that the basis for the hardship is that it is a pre-existing, nonconforming use. Additionally, the property is very unique and obscure. There likely is not another property in town with these special circumstances.

Infante stated that the applicants want to change a cottage into a family home. The Papas said yes.

Rossignol said she has concerns about such a large increase and asked if there were other options. The Papas said that they don’t have any other options in mind.

Twerdy asked if the property is on sewer. Mr. Papa said yes, it is connected to sewer. The cottage has all of the utilities hooked up in the basement so nothing new has to be run.

Staff said that the WPCA does not need to approve this change since they use the number of dwelling units for approval and this isn’t an increase in dwelling units.

Bauer said the ZBA is looking at this application because it is a single family home in the VG zone. Staff said that’s correct.

Bauer asked if there were any setback issues. Staff said no, no setback or lot coverage issues. The VG zone allows 80% lot coverage and they are currently only at about 40%. Staff said that Wetlands will still have to review and approve the application. The proposal has a drain and raingarden. The patio is covered in pervious pavers.

Infante feels that it’s understandable that restaurant owners would want to live nearby and the cottage is not suitable.
No members of the public were present.

Chairperson Debowska closed the Public Hearing for application #19-10Z at 8:07.

**Motion** to approve application #19-10Z application of Leonidha and Mariana Papa, representing owner 50 Lake Street LLC, requesting a variance of Section 5.07.03(c) Expansion/Enlargement of Nonconforming Use to expand the existing nonconforming single family use by 116% over the allowable 15% expansion, thus allowing a total of 131% expansion of gross floor area at 50 Lake Street, Coventry CT 06238 VG Zone. As shown on “PLOT PLAN PREPARED FOR LEO AND MARIANA PAPAS AT 50 LAKE STREET, COVENTRY CT BY CREATIVE DESIGNS AND DRAFTING SERVICES ON JANUARY 18, 2019.”

By: Twerdy        Seconded: Infante

The hardship is the preexisting, nonconforming use of the unique property.

**Condition of Approval:** No permit shall be issued until the property owner provides for adequate access and movement of firefighting and other emergency vehicles, equipment and personnel to the satisfaction of the Coventry Fire Marshal and/or Building Official to comply with Section 4.13 Health and Environmental Standards in the Coventry Zoning Regulations. However, the property owner shall do so at his or her own risk and shall assume all responsibilities and liabilities for the design, construction, maintenance and repair of such project. Neither the Town, the ZBA, nor any Town official or employee shall be responsible or liable in any manner for emergency or fire travel ways.

For: Bauer, Debowska, Infante, Rossignol and Twerdy
Against: None
Abstain: None

**APPLICATION APPROVED WITH CONDITIONS**

**NEW BUSINESS/DISCUSSION**

Discussion of Duties and Processes of the ZBA

Staff asked ZBA members if they had any questions. Staff instructed members that there can be no discussion of applications outside of the public meetings. All discussion must be on the record.

Printed copies of Zoning Regulations and the Plan of Conservation and Development will be distributed to members who do not currently have one.
Bauer mentioned that at the Land Use Board Seminar with the Town Attorney, he mentioned that it is not legal for ZBA members to set foot on the property of applicants despite the wording on the ZBA application that states they grant permission to access the property. Per Staff, members generally can only look from publically accessible areas. The ZBA cannot have access to additional information not available to the public. This includes site access. Drive by inspections from public access areas are fine. The exception to this would be coordinated site walks open to ZBA members and the public. Staff said if there is ever a situation that needs clarification we can contact the Town Attorney for advice.

Staff distributed a copy of the ZBA Bylaws and other useful materials for serving on land use boards. Staff also mentioned that there is still one Alternate Member vacancy. The Republican Town Committee would need to appoint a member to fill the position.

**Approval of 2020 Meeting Schedule**

**Motion:** To approve 2020 Meeting Schedule.

By: Twerdy Seconded: Bauer

For: Bauer, Debowska, Infante, Rossignol and Twerdy
Against: None
Abstain: None

1. **Approval of Minutes – September 17, 2019**

**Motion:** Move to approve the minutes of the September 17, 2019, meeting with the following corrections:

Page 1 – Rossignol and Bonney were seated alternates, not Resha and Bonney.
Page 5&6 – Katherine Thurston lives at 123 Lakewood Drive, not 125.

By: Infante Seconded: Rossignol

For: Bauer, Debowska, Infante, Rossignol and Twerdy
Against: None
Abstain: None

The next ZBA Meeting will be TUESDAY, February 18, 2020 in Conference Room B.
**ADJOURNMENT:**

**Motion:** Move to adjourn at 8:31 p.m.

By: Rossignol  Seconded: Twerdy

For: Bauer, Debowska, Infante, Rossignol and Twerdy
Against: None
Abstain: None

Respectfully Submitted,

**Heidi A. Leech**

Heidi A. Leech, Substitute ZBA Clerk

PLEASE NOTE: These motions are not official until approved by the Zoning Board of Appeals at the next Board meeting. Please see the next Board meeting minutes for approval or changes to these minutes.