

**COVENTRY ZONING BOARD OF APPEALS
MINUTES
REGULAR MEETING OF TUESDAY, OCTOBER 18, 2022
TOWN HALL ANNEX & ZOOM CONFERENCING**

CALL TO ORDER:

By: Twerdy

Time: 7:05 p.m.

Place: Hybrid

ROLL CALL:

| | | PRESENT | ABSENT |
|---------------------------|-------------------------------|----------------|---------------|
| REGULAR MEMBERS: | Elizabeth Bauer – Secretary | X | |
| | Thomas Delucco | | X |
| | Michael Gerrity | X | |
| | Cheryl Ann Resha – Vice Chair | X | |
| | Claire Twerdy - Chairperson | X | |
| ALTERNATE MEMBERS: | Patricia Hodge | X | |
| | Patricia Schneider | | X |
| | Bill Zenko | X | |
| STAFF: | Eric Trott, Town Planner | X | |

Twerdy seated Hodge for Delucco.

Twerdy: Said she wants to make a disclosure for the record - she knows Mr. Wells and used to rent office space at 16 Lake Street ten years ago. She does not feel that impairs her from making a decision on this public hearing. She does not feel that she has a conflict. However, the agent and owner can give this some thought until the hearing is open. She is comfortable in recusing herself if anyone so wishes.

READING OF LEGAL NOTICE:

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

EXPLANATION OF PROCEDURES

Twerdy, Chairperson, explained the procedures for the public.

PUBLIC HEARING:

- a. **#ZBA-22-7- Application of Attorney Stephen Penny, Agent for owners Thomas and Mercedes Welles, requesting a variance in the application of the Zoning Regulations, for a non-conforming use (Residential) in the Village Gateway Zone at 28 Lake Street (Assessor's ID # R05937) VG Zone.**

Twerdy: Would the agent or owner like her to recuse herself? Penny: We do not feel this is necessary.

Stephen Penny and Thomas Wells joined the ZBA at the table.

Penny: Andrew Bushnell is also present in the event the ZBA has questions of the engineer/land surveyor. Penny detailed the history and hardships of complying with the zoning regulations for this property. The owners are requesting variances of regulations sections 6.10.01.a.6. and 5.07.02.

Gerrity: It is not Mr. Wells intention to moving into the house. This would allow creation of two-family affordable housing rentals. Wells: The use of the house has been many things over the years. Businesses adapted to working out of a living room and kitchen. The chiropractor was able to do that also. Gerrity: Is Wells allowed to make such changes? Are there design constraints due to the historic nature of the building? Staff: This building in in the Historic District which provides tax credits. But there is nothing the owner must adhere to for the outside of the building other than the design guidelines saying it must harmonize with the neighborhood. Gerrity: How long have you owned the property? Welles: Since 1988. It had been used as a law office. Prior to that there were two families living there. There are two kitchens and two bathrooms. Gerrity: You must have known that zoning would prevent you from making an apartment on the ground floor. Welles: No, he did not know that.

Zenko: This was a duplex that is now being used for chiropractor. Welles: He uses the whole house. There is no one living there yet. The chiropractor does sublet some space to a counselor.

Resha: How will the apartments be configured? Both units would occupy both levels?

Welles: The wing of the house would be one unit and the cape part would be another unit at the street level. Resha: What size apartments? Welles: One would be a one-bedroom and the other a two-bedroom. Resha: There would be nothing to prevent an owner from tearing down the house completely if we approve the variance. Welles: You do not want to destroy a historic house. Staff: Granting the variances would not disallow it. But there would be a process that the applicant has to go through. A modern duplex seems possible if the

structure becomes unstable. Two-story multi-family units are allowed in the zone. There is a possibility.

Staff: In the structure in a condition to be used for two families with the necessary living space separations? Welles: There is not much work to create the separation. The walls in the hallway will be the separation point. The plan is an open one in what used to be three rooms.

Bauer: What is the motivation to move it out of a conforming use to a non-confirming one? Welles: The current conforming use presents a hardship.

Gerrity: Has this property been listed for sale? Welles: It has and there has been a lot of interest. When interested parties are told they could not live on the first floor, they go away. Penny: The property has been offered as a commercial property. Gerrity: You have had the property for 34 years and it has always been commercial. Welles: It has always been used commercially. The chiropractor has been there since 1988 who adapted to a unique way of doing business in the living room and dining room.

Hodge: It is old in there? She presumes this would be a gut job? Welles: It is a post and beam house. Restoration or preservation may be possible.

Gerrity: When Wells says this is to create affordable housing what does that mean? Welles: How do you interpret affordable? He would expect that to be less than \$3,000 per month. Penny: These are going to be small units. Staff: Smaller units that do not demand the higher rents; this is naturally occurring affordable housing.

Bauer: Her impression of the area is that this is exactly what is there. Staff: The area is looked for the nature of the neighborhood. This is in a mixed-use district. There are residential spaces on the first floor in that area.

Audience:
No one wished to speak.

Welles: It is a house, not an office building.

The hearing is closed.

Motion: I move that the Coventry ZBA approve application #ZBA-22-7- Application of Attorney Stephen Penny, Agent for owners Thomas and Mercedes Welles, requesting a variance in the application of the Zoning Regulations of Sections 6.10.01.a.6 and 5.07.02 for a non-conforming use (Residential) in the Village Gateway Zone at 28 Lake Street (Assessor's ID # R05937) VG Zone to allow for primary residence on the ground level.

The hardship being: The structure and age of the building makes a second-floor apartment not conducive to occupancy and at one point it was a 2-family residential property.

By: Resha

Seconded: Bauer

Discussion: Gerrity: The ZBA is here to work in the best interest of the town. But you own this property. This seems to be almost asking us to rewrite the regulations because it does not comply with what he wants to do. On the other hand, there is no one here protesting what he wants to do. Gerrity's concern is that once we do this there is nothing stopping anyone else from doing the same in that area. Staff: Gerrity is correct in his last point. However, each application is looked at for unique experiences. This use is incongruent with the zoning regulations. Staff has not seen a huge trend with use variances.

Resha: She is being candid saying that when she initially read the application material she did not think this was a great idea. She drove by the property and has listened to the arguments. The proposed use is somewhat in keeping with the neighborhood. And she thought about if the goal to have both commercial and housing in the building her concern was about access to the property. It seems these have separate access to the property.

Bauer: This is unique in the fact that the house is so old. It is not built for modern usage. Her dilemma is around the combination of the historical nature of the property with the reason for change and what the motivation is for the change.

Zenko: Historically this property has had a number of zone changes over the years. It seems it should be residential and it looks residential.

Twerdy: Purpose of the ZBA is to look at each application in and of themselves. Zoning regulations are meant to be applied across the board. If there is something in the regulations preventing a person from using their property a certain way they may come before the ZBA with the hardship of applying the regulations be stated. Twerdy finds Penny's statement of hardship very credible and very relevant. She does have a respect for historical homes. She never knew the history of this property. Regarding Gerrity's comments, this property sits in a particular zone but at a stone's throw there is a different zone. The house predates zoning regulations and predates changes to zoning regulations.

Voting:

For: Gerrity, Twerdy, Resha, Hodge, Bauer

Against: None

Abstain: None

The motion passes.

NEW BUSINESS/DISCUSSION:

Motion: I move that the Coventry ZBA add to the agenda item 6.b. Approval of July 22, 2022, Regular Meeting Minutes.

By: Twerdy

Seconded: Bauer

Voting:

For: Bauer, Twerdy, Hodge, Resha, Gerrity

Against: None

Abstain: None

a. Approval of August 16, 2022, Regular Meeting Minutes

Motion: I move that the Coventry ZBA approve the August 16, 2022, Regular Meeting Minutes.

By: Gerrity

Seconded: Resha

With the following corrections:

- Page 3, New Business/Discussion, item a., fifth bullet – add “set” between “would” and “regulations”.

Voting:

For: Bauer, Twerdy, Hodge, Resha, Gerrity

Against: None

Abstain: None

b. Approval of July 19, 2022, Regular Meeting Minutes

Motion: I move that the Coventry ZBA approve the July 19, 2022, Regular Meeting Minutes.

By: Resha

Seconded: Twerdy

Voting:

For: Bauer, Twerdy, Hodge, Resha, Gerrity

Against: None

Abstain: None

ADJOURNMENT:

Motion: I move to adjourn the meeting at 8:15 p.m.

By: Resha

Seconded: Twerdy

For: Bauer, Twerdy, Hodge, Resha, Gerrity

Against: None

Abstain: None

Respectfully Submitted,

Yvonne B. Filip

Yvonne B. Filip, ZBA Clerk

PLEASE NOTE: These minutes 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.