

TO: Zoning Board of Adjustment
FROM: Peter Stith, AICP, Planning Department
DATE: October 14, 2021
RE: Zoning Board of Adjustment October 26, 2021

NEW BUSINESS

1. 134 Fairview Avenue
2. 52 Prospect Street
3. 93 Pleasant Street

NEW BUSINESS

1.

Request of **C. P. Schoff & T. C. Revocable Trust, (Owner)**, for the property located at **134 Fairview Avenue** whereas relief is needed from the Zoning Ordinance to demolish existing dwelling and construct a new single-family dwelling which requires the following: 1) Variances from Section 10.521 to allow a) a lot area of 14,226 square feet where 15,000 is required; and b) a lot area per dwelling unit of 14,226 square feet where 15,000 is required. Said property is show on Assessor Map 220 Lot 63 and lies within the Single Residence B (SRB) District.

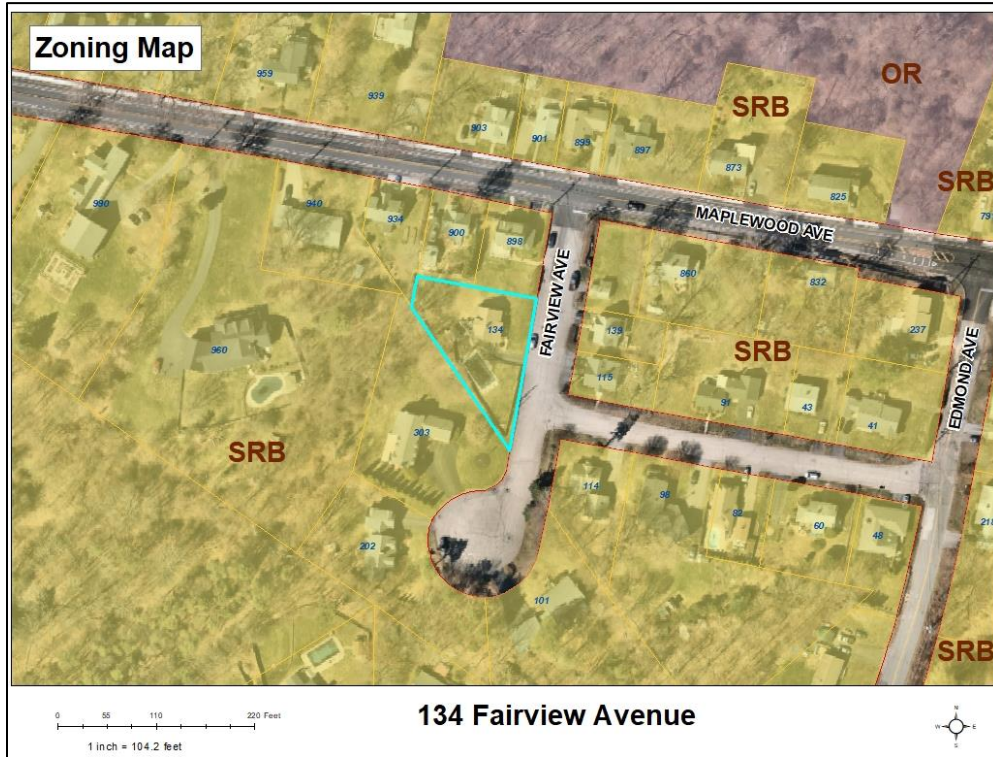
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Demo existing/construct new single family	Primarily residential uses
<u>Lot area (sq. ft.):</u>	14,226	14,226	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	14,226	14,226	15,000 min.
<u>Street Frontage (ft.):</u>	169	169	100 min.
<u>Lot depth (ft.):</u>	166	166	100 min.
<u>Front Yard (ft.):</u>	27	20*	30 (11 per averaging) min.
<u>Left Yard (ft.):</u>	50		10 min.
<u>Right Yard (ft.):</u>	24	15	10 min.
<u>Rear Yard (ft.):</u>	74	74	30 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%)</u>	<20	15	20 max.
<u>Open Space Coverage (%)</u>	>40	>40	40 min.
<u>Parking</u>	2	4	2
<u>Estimated Age of Structure:</u>	1954	Variance request(s) shown in red. *per Section 10.516.10 average front yard is 11 feet	

Other Permits/Approvals Required

None.

Neighborhood Context



Previous Board of Adjustment Actions

No prior BOA history found.

Planning Department Comments

The applicant is proposing to demolish the existing house and pool and construct a new single family dwelling. The existing lot is less than the 15,000 required for the SRB district, thus the need for variances for lot area and lot area per dwelling unit.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*

AND

 - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

2.

Request of **Malloy Revocable Trust, (Owner)**, for the property located at **52 Prospect Street** whereas relief is needed from the Zoning Ordinance to demolish existing rear addition and construct a 2-story rear addition which requires the following: 1) Variances from Section 10.521 to allow a) a 1.5' left side yard where 10' is required; and b) 30.5% building coverage where 25% is the maximum allowed. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is show on Assessor Map 141 Lot 13 and lies within the General Residence A (GRA) and Historic Districts.

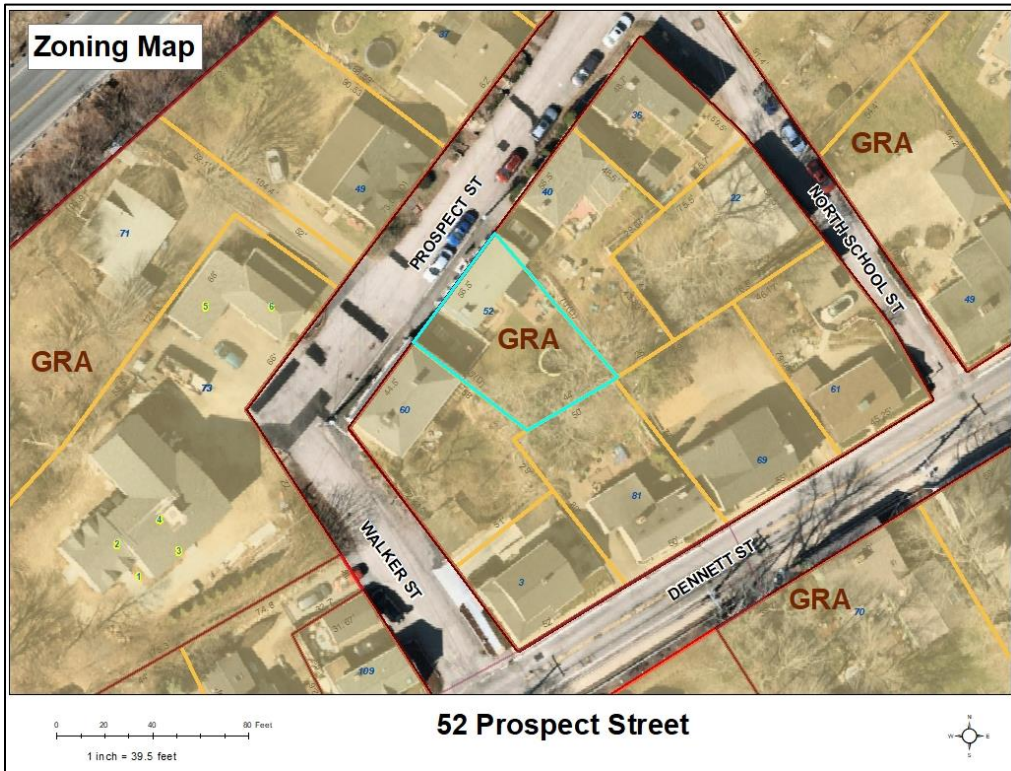
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	2-story rear addition	Primarily residential uses
<u>Lot area (sq. ft.):</u>	2,980	2,980	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	2,980	2,980	7,500 min.
<u>Street Frontage (ft.):</u>	56.5'	56.5'	100 min.
<u>Lot depth (ft.):</u>	60	60	70 min.
<u>Front Yard (ft.):</u>	0	0	15 min.
<u>Left Yard (ft.):</u>	0	1.5'	10 min.
<u>Right Yard (ft.):</u>	16	16	10 min.
<u>Rear Yard (ft.):</u>	44	37	20 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	26	30.5	25 max.
<u>Open Space Coverage (%):</u>	58	53	30 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1830	Variance request(s) shown in red.	

Other Permits/Approvals Required

Historic District Commission

Neighborhood Context



Previous Board of Adjustment Actions

No prior BOA history found.

Planning Department Comments

The applicant is proposing demolish a one story rear addition and construct a new, two-story addition. The existing rear left corner of the house sits on the property line and the stoop and stairs extend over the left side property line onto the adjacent property. The elements that extend over the lot line will be removed and the new addition will be constructed towards the interior of the lot and will result in an increase of 4.5% from the existing building coverage.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*

AND

 - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

3.

Request of **Dagny Taggart, LLC, (Owner)**, for the property located at **93 Pleasant Street** whereas relief is needed from the Zoning Ordinance for the redevelopment of existing 4-story structure and construction of new structure totaling 52 living units which requires the following: 1) Variances from Section 10.5A41.10C to allow a) a finished floor surface of the ground floor to be 60" where 36" is the maximum allowed; b) a ground story height of 10'6" where 12' is the minimum required; and c) to allow entrance spacing greater than 50' where 50' is the maximum. 2) A Variance from Section 10.5A41.10C & 10.642 (1) to allow residential uses on the ground floor where it is prohibited in the Downtown Overlay District. 3) A Variance from Section 10.5A44.35 to allow an above-ground portion of a parking structure without a liner building. Said property is show on Assessor Map 107 Lot 74 and lies within the Character District 4 (CD4), Historic and Downtown Overlay Districts.

Existing & Proposed Conditions

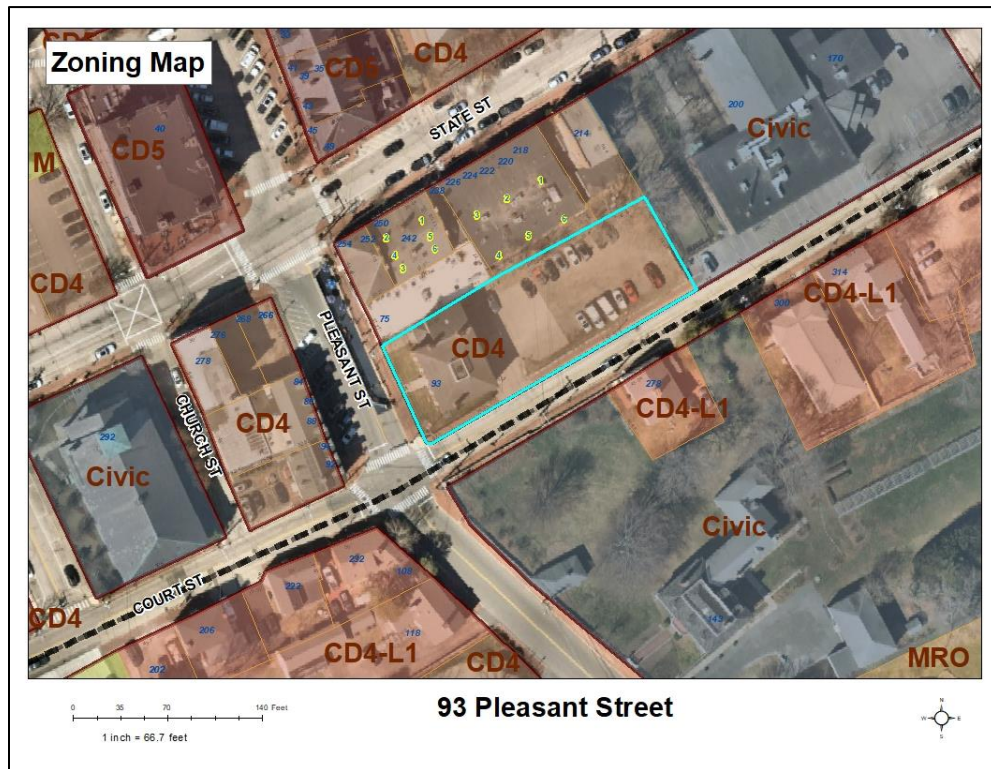
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	office	Mixed-use development	Primarily mixed uses
<u>Lot area (sq. ft.):</u>	17,498	17,498	NR min.
<u>Front Yard (ft.):</u>	19	19	10 max.
<u>Left Yard (ft.):</u>	6"	5	NR max.
<u>Secondary Front Yard (ft.):</u>	9	6	15 max.
<u>Rear Yard (ft.):</u>	158	9	5 min.
<u>Height (ft.):</u>	35'9"	32'9"	35 max.
<u>Building Coverage (%)</u>	19	66	90 max.
<u>Open Space Coverage (%)</u>	14	27	10 min.
<u>Finished floor above sidewalk</u>	54	60"	36" max.
<u>Ground story height (ft):</u>	11'6"	10'8"	12 min.
<u>Entrance spacing (ft):</u>	—	95'	50 max.
<u>Parking</u>		18*	35
<u>Estimated Age of Structure:</u>	1818	Variance request(s) shown in red. *Applying CUP for reduced parking	

Other Permits/Approvals Required
Planning Board/TAC – Site Review
Historic District Commission

Neighborhood Context

Aerial Map





Previous Board of Adjustment Actions

April 25, 1995 - The Board granted a Special Exception to erect a 40' x 100' temporary tent on May 25th – May 30th and August 17th – August 22nd to be used for an art and furniture auction with a stipulation that a \$500 bond be posted to the City for which event in May 1995 and again in August 1995 to ensure removal of the tents.

May 17, 1994 - The Board granted a Special Exception to erect a 40' x 100' tent on August 20 – August 27th to be used for an art and furniture auction with a stipulation that a \$500 bond be posted to the City to ensure the removal of the tents.

June 28, 1988 – The Board denied an appeal of the Historic District Commission decision pursuant to Article X, Section 10-1008 for the construction of a 9,000 square foot building on a lot 10,952 s.f.

Planning Department Comments

The applicant is proposing to redevelop the property which includes adding on an 8,150 square foot addition to the Treadwell Mansion to accommodate 44 micro unit apartments. The existing structure will have office space on the ground floor and 8 apartments in the upper floors for a total of 52 units when complete. The addition along Court Street will consist of residential units, including on the ground floor level, which is

not allowed in the Downtown Overlay District (DOD). The applicant is seeking a parking conditional use permit to allow 18 spaces where 35 are required. One of the parking spaces is located on the ground floor and the Ordinance requires a liner building along that portion, which is not proposed, thus the need for a variance. The applicant has been to the HDC for several work sessions and is currently before TAC for site review and the parking CUP.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*

AND

- (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.