TOWN OF VERNON

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OFFICE OF THE
ZONING BOARD OF APPEALS

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DRAFT Minutes May 19, 2010

Attendees: Michael Murray, Jim Ferguson, Bill Francis, Bruce Skivington and Carl Slusarczyk.

Also present: Abraham Ford, Jr., Zoning Enforcement Officer and Jennifer Roy, Zoning Asst.

The meeting was called to order at 6:30 p.m., and the opening statement was read.

Jim Ferguson, Secretary, read the agenda.

1. PHAP HOA BUDDHIST TEMPLE, 85 PROSPECT STREET, seeking a variance from section 4.15.1.3, front yard requirement of 30 feet, to allow a 4 foot 2 inch overhang to protect the entry door and front steps, in the Historic District Planned Neighborhood Development Zoning District.

Abraham Ford explained the application; variance needed for front yard setback.

Anh Ly, Secretary for the temple, 85 Prospect Street, present to speak on the application. They need the roof for protection over doorway.

Jennifer Wheeler, 162 Filley Road, Haddam, CT present to speak as well. Ms. Wheeler explained that they have already had to replace the door twice due to the elements of rain and snow. There will be 54" from the end of the overhang to the front property line.

Tom Vu of TM Construction also present to speak on the application. He will be the contractor building the overhang. They will construct a 5ft overhang with a cooper roof.

No one present to speak in favor or opposition.
The hearing was closed and discussion held.

Mike Murray made a motion to grant the variance due to the need for protection from the elements, Bill Francis seconded the motion, and the variance was approved by unanimous vote.

2. ELLINGTON PROSPECT, LLC, 1 ELLINGTON AVENUE, seeking a variance from section 4.7.5, multi-family dwelling unit/area ratio requirements, to allow the reduction of area required for seventeen (17) one-bedroom apartment units from 58,500 square feet to 44,911 square feet, in the Historic District Planned Neighborhood Development Zoning District.

Abraham Ford gave a brief explanation of the application. This is a new application from the original application in March. The applicant has changed the variance being requested; originally they were requesting 12 apartments and a parking variance. Now they are requesting 10 apartments and no need for parking variance.

Attorney Leonard Jacobs 146 Main Street, Manchester, present to speak for the applicant. Atty Jacobs explained that they are now requesting 10 units for this front building, aka "the mansion". The plan calls for 8 on the 1st and 2nd floor total, and 2 on the 3rd floor that already exist. The intention is to restore the building to its original appearance.

Atty Jacobs reminded the board that they will still need to go to Planning and Zoning Commission, should they be approved for the variance. The PZC would be where the use would be approved. The property is unique in size, and the 10 units will work. They do intend on have Veteran's living there, but this will not change the character of the neighborhood.

Atty Jacobs points out, as mentioned in the letter from Bob Hurd & the Historical Commission, that this is in fact a very mixed neighborhood. Also, that in 1957 there was an application to the ZBA to convert the single family dwelling into business offices. The motion was approved back then, due to hardship of the building being too large for a single family, and it was not economical.

Atty Jacobs further mentioned that the size of the building will not change; they won't be making anything any larger.

Atty Jacobs referred to the letter from the Town Attorney Hal Cummings, quoting some court decisions. He also referred to the 2nd to last paragraph and item #5 and #6 in the "Variances" letter; regarding economic hardship such as financial loss by itself could not be grounds for granting a variance; but when the regulations greatly decrease or practically destroy its value, could be considered.

Bill Bellock's resume showing his experience as a developer was submitted for the record, marked Exhibit 1; an estimate of cost to renovate as a single family was submitted and marked Exhibit 2; and a copy of the 1957 ZBA decision was submitted and marked Exhibit 3.

Atty Jacobs brought to the board's attention that Mr. Hurd's letter stating they have failed to show conformance with zoning regulation 4.7.6; this does not apply to this location.

Mike Murray questioned the appellant as to why they started in the rear building rather than the front.

Atty Jacobs responded that is was the most financially feasible.

Bill Bellock explained further that he did have a contract to fulfill as the purchase of the property and the contract went "hand in hand". That and certain conditions in the rear building needed immediate attention.

A discussion was held.

Mike Murray requested a 5 minute recess at 8:02p.m.
The meeting reconvened at 8:10p.m.

Paul Thompson, 124 Prospect Street, present to speak in favor of the application. He is glad to see the property being restored. He feels it's appropriate for the neighborhood, with 1 bedroom units there's less children and congestion. He also feels that our veterans should be welcomed.

Attorney Bruce Fader present to represent several neighbors who are opposed to the application. He does not feel that there is a valid hardship. Their main opposition is that the regulations of the Town should be upheld.

Atty Fader presented 3 items to be submitted for record, Exhibit 4, Vernon Zoning Regulation 17.2.2.2; Exhibit 5, a summary of property use in the abutting neighborhood; and Exhibit 6, a copy of the Vernon Plan of Conservation with letters to Atty Hal Cummings and Len Tundermann, and a copy of a court case where the court overturned a ZBA decision of such a variance.

A discussion was held.

Barry Rimler, 74 Prospect Street, to speak in opposition. Mr. Rimler submitted a commentary he prepared; Exhibit 7. His concern is density in the area. The commentary was discussed.

Greta Lampkin, 5 Talcott Avenue, present to speak in opposition. Ms. Lampkin is opposed due to density as well.

Christopher Crowne, 21 Ellington Avenue, present to speak in opposition. Mr. Crowne feels that this would diminish their property values.

Attorney Jacobs spoke in closing, referring back to the letters again from Atty Cummings. He restated their hardship being claimed; lot size and existing buildings, as well as decrease in value.

Hearing was closed, and discussion was held.

Bruce Skivington made a motion to grant the variance, due to the hardship of existing structures/lot size and a decrease in value of the property. Bill Francis seconded the motion, the motion failed by 3-2 vote.

Approval of April 21, 2010 minutes. Bruce Skivington made a motion to approve the April meeting minutes. Carl Slusarczyk seconded the motion; the minutes were approved by unanimous vote.

Carl Slusarczyk made a motion to adjourn the meeting, Bill Francis seconded the motion; the meeting was adjourned at 10:05 p.m.

Submitted by: Jennifer Roy

Jennifer Roy