

CITY OF NORWICH ZONING BOARD OF APPEALS
January 11, 2022
Regular Meeting Minutes

The regular meeting of the City of Norwich Zoning Board of Appeals was called to order at 7:07 p.m. Roll call was taken.

PRESENT: Marc Benjamin, Chairman
David Martin
Robert Phoenix
Dorothy Travers
Peter Cuprak
Gregory Schlough

ABSENT: None

OTHERS: 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 he would serve as the alternate vote.

A. COMMUNICATIONS: None.

B. ACCEPTANCE OF MINUTES: Robert Phoenix made a motion to accept the November 9, 2021 and December 3, 2021 minutes. Dorothy Travers seconded. All voted in favor. The motion passed unanimously.

C. OLD BUSINESS: None.

D. NEW BUSINESS:

- V# 21-12: 63 Baltic Road;** Request for Variance to ZR Sec. 1.1 Residential Bulk Requirements 1) to reduce Lot Frontage from 150 ft. to 57.52 ft., 2) Reduce Lot Area from 40,000 to 10,198 sq. ft., and 3) Reduce Side Yard setback from 30 ft. to 15 ft.-3 in. Also request relief from Sec. 4.3.11 to reduce the minimum lot area to be serviced by private well and septic to 10, 198 sq. ft.; for the Construction of a single family home. Property of: Mark C. Coen, Application of Marc Coen Map # 13, Block # 1 Lot # 63, R-40 Zone

Richard Shuck read into record Exhibits A - D.

Richard Shuck stated that the property owner had revised the site plan earlier that day to move the proposed driveway from Lafayette Street to Baltic Road. Mark Colon of 5 Library Lane, Gales Ferry stated he purchased the lot from the city years prior and after discussing his project with the current ZEO he decided to put the driveway straight into the property, opposed to off of Lafayette Street, which will allow the use of city water opposed to a private well. Mark Colon stated he is looking

to build a two story 16-foot-wide home on the property and noted that similar constructions existed in Norwich. Mark Colon stated that a fire Hydrant and city water were located on the property. Mark Colon read a document drafted by his counsel, Attorney Mark Branch, into the record stating that the hardship arises from the fact that the lot predates the adoption of current zoning regulations and that it has and cannot be merged with any abutting property due to one side of the property in the south being a paper street, Lafayette Street, and the applicant does not own the property to the north. Mark Colon continued reading that the lot width is 57.52 feet and the side yard setbacks are 30 feet, leaving zero feet in which the dwelling can be built and no usable house can be that narrow, rendering the property unusable for any purpose permitted in the zone. Mark Colon continued that the variance sought is a 15.3-foot setback for each side yard to allow a modest 16 by 38-foot home and the hardship was not self-created as the lot was created in 1906 and has remained the same size ever since. Richard Shuck discussed the history of the paper street. Robert Phoenix asked if the subdivision itself was previously approved. Richard Shuck responded that zoning did not exist at time of the subdivision's creation and that the law regarding old property states if there is a paper road on a map it is considered a road until proven otherwise by proper documentation. Robert Phoenix asked if the applicant would live in the property once constructed. Mark Colon responded that he would not but a family member would be and he was not intending to sell the property. Richard Shuck added that the land itself had existed conceptually with five lots since the site plan was developed in 1906 but an existing lot of record was never created for the subdivision. Marc Benjamin discussed the property and history regarding applications with similar characteristics.

Gregory Schlough made a motion to close the public hearing at 7:27PM. Robert Phoenix seconded. All voted in favor. The motion passed unanimously.

E. DISCUSSION AND POSSIBLE DECISIONS:

- 1. V# 21-12: 63 Baltic Road;** Request for Variance to ZR Sec. 1.1 Residential Bulk Requirements 1) to reduce Lot Frontage from 150 ft. to 57.52 ft., 2) Reduce Lot Area from 40,000 to 10,198 sq. ft., and 3) Reduce Side Yard setback from 30 ft. to 15 ft.-3 in. Also request relief from Sec. 4.3.11 to reduce the minimum lot area to be serviced by private well and septic to 10, 198 sq. ft.; for the Construction of a single family home. Property of: Mark C. Coen, Application of Marc Coen Map # 13, Block # 1 Lot # 63, R-40 Zone

Gregory Schlough motion to approve the application due to the hardship of the lot size and inability to use the lot for other uses. Dorothy Travers seconded. Gregory Schlough stated he felt as though if the application was not approved the land would sit dormant due to the layout and size of the property, and noted that the project had approval from the health department and other city agencies. Dorothy Travers

agreed with Gregory Schlough and felt the proposed home was appropriate for the property. Robert Phoenix was in agreement and stated whomever was in favor with the city selling the property must have thought ahead to its useability. All voted in favor. The motion passed unanimously.

- F. **OTHER MATTERS:** Richard Shuck stated he would send out an email to members regarding Public Act 19-29 about new statutes effective January 1st regarding marijuana dispensaries and accessory apartments as of right in any single family residential property. Richard Shuck discussed details of the act and opt out options regarding the residential neighborhood portion.
- G. **ADJOURNMENT:** A motion was made by Robert Phoenix to adjourn at 7:39 PM. Peter Cuprak seconded. All voted in favor. The motion passed unanimously.

Respectfully submitted,
Katherine Rose
Recording Secretary

DRAFT