

**CITY OF NORWICH ZONING BOARD OF APPEALS**

**April 12, 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  
Gregory Schlough  
Peter Cuprak

ABSENT: None

OTHERS: Richard Shuck, Zoning Enforcement Officer, and Katherine Rose, Recording Secretary

Marc Benjamin called the meeting to order at 7:08 p.m. Marc Benjamin stated Peter Cuprak would serve as the alternate vote.

**A. COMMUNICATIONS:** None.

**B. ACCEPTANCE OF MINUTES:** Robert Phoenix made a motion to accept the January 11, 2022 minutes. Gregory Schlough seconded. All voted in favor. The motion passed unanimously.

**C. OLD BUSINESS:** None.

**D. NEW BUSINESS:**

1. **V# 22-01 – Application of David Richardson, for property located at 120 Williams St. Assessor’s Map# 084, Block# 001, Lot# 011, MF Zoning District, Owner: Lafayette Dental Group Properties LLC., Request relief of ZR Sec. 1.1 Residential Bulk Requirements:**

1. **Reduce the lot area from 4,609 sf. to 2,857 sf. where 10,000 is required;**
2. **Reduce the lot width from 62.8 ft. to 54.69 ft. where 60 ft. is required;**
3. **Increase the lot coverage from 21% to 35% where 25% is required;**
4. **Reduce the side yard setback from 18.8 ft. to 1.5 ft. where 10 ft. is required;**
5. **Reduce the rear yard setback from 25.6 ft. to 3.1 ft. where 25 ft. is required;**

Richard Shuck read Exhibits A - K into the record.

Attorney Kevin Wickless of 114 Main Street Norwich spoke on behalf of the

applicant, Doctor David Richardson. Attorney Wickless stated the applicant is looking to redraw the property line at 120 Williams Street so that a portion of the existing property can be included into the property of Doctor Richardson's dental practice, located at 67 Lafayette Street, for additional parking spaces. Attorney Wickless discussed Connecticut general statutes and the city zoning plan, which he felt would allow the board to grant the variance. Attorney Wickless stated the hardship was the lack of parking for dental practice at 67 Lafayette Street and a lack of on street parking on Lafayette Street and Williams Street in the vicinity of the dental practice property. Attorney Wickless stated an additional hardship was the lack of handicap parking. Attorney Wickless added that in the winter month there was a lack of appropriate area to push snow without infringing on existing parking spaces. Attorney Wickless stated if the board were to grant the grant application it is their position that the proposed work would not affect or impact the comprehensive zoning plan overall for Norwich. Attorney Wickless referenced the philosophy outlined in the City of Norwich Zoning Regulations made effective in 2015.

Chairman Mark Bettencourt noted the recording was not started at the beginning of the meeting and started the recording at 7:19PM. Robert Phoenix provided a recap of what occurred thus far.

Attorney Wickless explained that the property at 67 Lafayette street was an established dental practice dating back to the early 1970's and had been operated by David Richardson for the past 30 years. Attorney Wickless stated that due to the practice's operating hours, from 8AM to 5PM on weekdays, the proposed parking would not affect the overall city comprehensive zoning plan. Attorney Wickless read that Connecticut Statute 8.6 states that the powers and duties of the zoning board of appeals gives authority to exclude specific types of activities or variances for protection of the citywide comprehensive zoning plan. Attorney Wickless noted the benefit of having Doctor Richardson's type of practice within the community and that the lack of one would cause an impact. Attorney Wickless stated the approval of the viance would allow the applicant to overcome his hardships as well as benefit the welfare of the public.

Susan Mattern of DJT Associates at 148 Route 2 in Preston, stated she was also representing Lafayette Dental Group Properties LLC. Susan Mattern stated the property at 67 Lafayette Street was a two story wood frame building built in 1810 and had housed a dental office since the 1960's. Susan Mattern continued that the property at 120 Williams Street was a residential home built in 1922. Susan Mattern discussed the history of the area. Susan Mattern explained that as more practices populated the area and grew in size, the need for parking spaces increased. Susan Mattern noted that the neighborhood commercial property had to be made to work with the existing landscape. Susan Matten stated that 45% of Doctor Richardson's patients were senior citizens or elderly with 5% of them utilizing a wheelchair, walker or cane. Susan Mattern stated there was no on-street parking in front of the dental practice. Susan Mattern stated that 120 Williams Street, also owned by Doctor Richardson, had been rented as a residential property since the late 1990's. Susan Mattern explained that overtime predecessors of 67 Lafayette Street had begun using parking spaces belonging to 120 William Street for parking and snow removal. Susan Mattern explained that the applicant would like to take 1,752 feet of parking spaces belonging to 120 Williams Street and combine the space with 67 Lafayette Street. Susan Mattern explained that the portion of the property was not utilized by the residents of 120 William Streets as there was an existing fence that separates

the home from the area. Susan Mattern stated the proposal would reduce the lot from 4,609 to 2,857 square feet and reduce the lot width from 62.8 feet to 54.69 feet, both less than what is required. Susan Mattern continued that lot coverage would be increased from 25% required to 35% provided and that the side yard setback would be reduced from 10 feet required to 1.5 feet provided to the existing home. Susan Mattern stated the rear yard setback would be reduced to 3.1 feet where 25 is required. Susan Mattern stated the hardship is uniqueness of the property of 67 Lafayette Street and that in the past 30 years parking has been unofficially utilized at 120 Williams Street. Susan Mattern stated that parking is a necessity pertinent to the dental office. Susan Mattern stated the small size of the existing lot of 67 Lafayette Street creates hardship imposed outside of the applicant's control.

Robert Phoenix questioned if allowing the encroachment of a neighborhood commercial property onto a residential property would set a future precedent. Richard Shuck stated that the variance would be an encroachment of commercial activity into a multi-family zone, which did not typically permit that type of use. Richard Shuck noted there may be a possible avenue to add additional parking spaces without encroaching on the residential property. Robert Phoenix stated the board was being asked to consider a variance for 120 Williams Street to reduce setback and that although both properties discussed were owned by the same individual, the board needed to review the properties individually, as they are on the city record. Robert Phoenix suggested the properties be unified as one, since the parcel was not changing, and asked if both the residential property and neighborhood commercial property could exist on the same unified parcel. Richard Shuck explained that the lots are in two different zones and unifying the properties would take two existing conforming use properties and have a single non-conforming use parcel straddling two separate zones. Richard Shuck noted the applicant's goal is to sell the property located at 120 Williams Street. Richard Shuck added that the parking spaces in question had been used for a period by the applicant who had also paved the area to combine it with the lot at 67 Lafayette Street, however the site plan was never revised. Susan Mattern stated that if the application was approved a deed of consolidation would be drafted to include the request area in the neighborhood commercial zone. Richard Shuck explained that the site plan for the dental office needed to be modified to allow for the inclusion but it needed to be determined what vehicle can be used for the modification. Gregory Schlough stated he understood the need for parking but had concerns for the future owners of the residential property. Robert Phoenix discussed concerns on when the paving of the area came to fruition. Attorney Wickless noted that the residential lot would be smaller but had additional parking options. Gregory Schlough discussed with Susan Mattern the distance between the buildings and proposed property lines. Marc Benjamin asked if it could be demonstrated in the hardship why the property at 120 Williams Street, which the application was for, required the property line to be reduced, opposed to 67 Lafayette Street. Attorney Wickless stated he understood the presentation would have been more appropriately applied to an application for 67 Lafayette Street.

BJ Lee of 86 Town Street in Norwich stated she was the managing real estate agent for the property at 120 Williams Street. BJ Lee noted that the property is a 'postage stamp' but that most residential properties in the area were the same and the residents had never posed an issue to the parking setup. BJ Lee noted that the

residential property had its own garage and driveway and did not feel that 67 Lafayette Street taking the rear parking area would affect the residential property.

Doctor David Richardson of 67 Lafayette Street in Norwich explained his current financial hardships associated with his practice. Doctor Richardson noted he recently acquired a large influx of patients including those that are elderly. Doctor Richardson stated he also did not feel acquiring the parking area would affect the residential property.

Susan Mattern stated the property at 120 Williams Street may not have a hardship in relation to the application, but the resulting property would be in harmony with the neighborhood. Gregory Schlough asked if the 15 foot-corridor of space would hold future parking space. Susan Mattern stated it would potentially hold parallel parking spaces, but the plan was currently showing existing conditions.

Robert Phoenix made a motion to close the public hearing at 8:05 PM. Gregory Schlough seconded. All voted in favor. The motion passed unanimously.

#### **E. DISCUSSION AND POSSIBLE DECISIONS:**

- 1. V# 22-01 – Application of David Richardson, for property located at 120 Williams St. Assessor’s Map# 084, Block# 001, Lot# 011, MF Zoning District, Owner: Lafayette Dental Group Properties LLC., Request relief of ZR Sec. 1.1 Residential Bulk Requirements:**

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Gregory Schlough made a motion to approve the application. Robert Phoenix seconded. Gregory Schlough stated he understood the plight of the small business and the unique situation of the applicant owning both properties discussed, but hesitated to see the hardship applied to 120 Williams Street. Gregory Schlough noted he also was unsure that the area would increase parking for 67 Lafayette Street to the desired degree. Gregory Schlough discussed the parking constraints and availability. Dorothy Travers stated she understood the hardship presented but felt the proposed end result left something to be desired. David Martin stated that no hardship had been presented for 120 Williams Street which was named in the application, so he did not feel the board had the authority to grant a variance based on the hardships of adjoining properties. Richard Shuck agreed that the board had not heard a viable hardship for 120 Williams Street and had only heard pleas for additional space required for 67 Lafayette Street, which is where the zoning application should have been based as the board is dealing with two different pieces of property that need to be viewed separately. Marc Benjamin stated the board must

have a hardship specific to the property within the application in order to grant a variance and cannot take financial obligations as a hardship, which is clearly stated within the law. Marc Benjamin continued that board decisions must be based on case law specific to the property with evidence presented. Marc Benjamin stated he did not see how the board could legally grant the variance based on the information within the presentation. Gregory Schlough, Dorothy Travers, David Martin, Robert Phoenix and Marc Benjamin voted in opposition. The motion failed.

**F. OTHER MATTERS:** Discussion ensued regarding options for the applicant of V#22-01 to take. Gregory Schlough stated that while the board cannot interject in finding a solution for the applicant he felt there was no harm in the zoning enforcement officer working with the applicant to determine a better plan moving forward.

**G. ADJOURNMENT:** A motion was made by Robert Phoenix to adjourn at 8:21 PM. Gregory Schlough seconded. All voted in favor. The motion passed unanimously.

Respectfully submitted,  
Katherine Rose  
Recording Secretary

DRAFT