

**Zoning Board of Appeals
Meeting Minutes
One Court Plaza
May 24, 2021**

Present: J. Wright, K. Kucinski, B. Natoli, R. Genung

Absent: L. Natoli, C. Burch, Jr
Staff: Amy Donnison

I. Call to Order

- II. J. Wright called the meeting to order at 7:03 PM. J. Wright nominated K. Kucinski as co-chair for this evenings meeting. R. Genung seconded the nomination. Ayes all. K. Kucinski stated that the Zoning Board of Appeals is made up of volunteer members. In order to approve a request, 4 yes votes are required. The ZBA has up to 62 days to make a decision. All evidence must be presented during the hearing, don't assume the board knows anything. The ZBA does not write nor can it change the Zoning or Sign Ordinance requirements. The Common Council has the authority to change the Zoning and Sign Ordinance requirements. In the granting or denying of variances and special permits, the ZBA must substantiate the reasons for such granting or denial. A decision by the ZBA may be appealed to the court by filing an Article 78 appeal. There are 3 cases before the Zoning Board this evening: 2 Use Variance requests and 1 Area Variance request.

III. Public Hearing: Norwich Studios – 125 East Main Street

The public hearing was opened at 7:04 PM. The following exhibits were entered into evidence:

1. Application from Dan O'Reilly dated 2/26/2021
2. Community Development report dated 5/18/2021
3. Photographs of property
4. Drawing of proposed layout and use
5. Copy of tax map of property – current
6. No phone calls received in opposition or support.
7. No letters received in opposition or support
8. Public Hearing Notice (mailed by the City to all property owners within 500 feet of the applicant).

A. Donnison read the Community Development report and noted that there had been no phone calls or letters received in opposition,

Dan O'Reilly stated he purchased and renovated the property in 2018 and the building currently has 5 units on the 2nd floor and 5 units on the 3rd floor. The reason for only utilizing the 2nd and 3rd floors for dwelling units at the time was because this parcel is located in a B-1 zone and dwelling units are not permitted by right on the 1st floor – which in this case is a basement but the 2nd floor is considered 2nd floor because of the height above grad to the 2nd floor. The area is primarily residential and would like to now have permission to put 2 additional dwelling units on what is considered the 1st floor as well as a couple of storage areas as indicated on the building floor plans submitted. Each unit will be approximately 1,000 square feet.

R. Genung understands the desire to keep the use of this unoccupied space consistent with the rest of the building. D. O'Reilly agreed and stated that a mixed use building often has a lower resale value. Also noted that he believes if the lower floor is used as a commercial space as the zoning ordinance requires that it would potentially be a turn off for future tenants.

Ald. D. Zieno has no idea why this is zoned B-1 or why this zone extends this far down East Main Street. Ald. Zieno has seen some of the existing units and can confirm they are beautiful units and the property is well maintained. Ald. D. Zieno supports the proposal.

K. Kucinski asked if they have handicap access to the building. D. O'Reilly stated yes, at the rear of the building – however there is no handicap access to the 1st floor or to the 3rd floor. K. Kucinski also inquired if there would be any change to the character of the neighborhood – D. O'Reilly stated that there would be no physical changes noticeable from the exterior of the property.

K. Kucinski asked if anyone present had any further questions or comments. There were none. The public hearing was closed at 7:22 pm.

IV. Findings & Determinations for Norwich Studios – 125-127 East Main Street

- Building sat empty for many years until the purchase in 2018 and renovations to the upper floors for 10 apartments
- The building is handicap accessible
- No opposition to the proposal received
- Support for the proposal was received
- Property exceeds open space requirements
- Property is in a B-1 zone

- The character of the neighborhood will not be changed
- Hardship is unique due to the size of the structure – previously was a school
- Parking requirements will be met – approx. 30 spaces on site.
- Hardship due to the use imposed based on the district the building is located in
- The request is for 2 additional units on the first floor as well as storage space
- Area is primarily residential with commercial businesses nearby
- Building is easily accessible for emergency vehicles
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Motion made by K. Kucinski to accept the proposal as requested. Seconded by B. Natoli.

Motion Approved: 4 ayes; 0 nay.

Ayes – J. Wright, K. Kucinski, B. Natoli, R. Genung

V. Public Hearing: Jackie Christophersen – 6 Walnut Street

The public hearing was opened at 7:28 PM. The following exhibits were entered into evidence:

1. Application from Jackie Christophersen dated April 16, 2021
2. Community Development report dated 5/18/2021
3. Photographs of property
4. Copy of tax map of property - current
5. No phone calls received in opposition
6. No letters received in opposition
7. Petition with 10 signatures submitted by applicant of support
8. Public Hearing Notice (mailed by the City to all property owners within 500 feet of the applicant).

A. Donnison read the Community Development report and noted that there had been no phone calls received in opposition to the proposal. A copy of a page of signatures from residents in the neighborhood stating they had no concerns with the proposed fence variance request.

Jackie Christophersen stated she wanted to keep the addition to the fence along the street line at 8 feet because people were often jumping over the 3 foot high fence and cutting through her backyard. 2 sex offenders live 2 houses away and the police are there weekly. J. Christophersen stated she has called the police often to check her property and

garage for squatters. This height addition is to keep people from entering her yard when her small children are outside playing.

J. Wright asked if the fence was finished? J. Christophersen stated pretty much and the reason it is not is because codes stopped work until permission was given to proceed.

K. Kucinski asked what material the lattice extension was made of. She stated vinyl. K. Kucinski wanted to make sure all understood the requirement for a lower fence by the street was for safety concerns such as cars backing out of neighboring driveways but also understands that the reason for the request centers around safety as well.

Ald. D. Zieno stated he has received several calls about the proposal from people in the neighborhood that have no objections. Ald. D. Zieno states he also is in support of the proposal.

R. Genung thanked J. Christophersen for addressing the concerns of sex crimes as his business is to protect children. Ald. L. Kays Biviano stated she is in support of the proposal

K. Kucinski asked if anyone present had any further questions or comments. There were none. The public hearing was closed at 7:42pm.

VI. Findings & Determinations for Jackie Christophersen – 6 Walnut Street

- Property is in a R-1A zone
- No opposition received for the proposal
- Petition of 10 residents in the neighborhood signed showing support of proposal
- Verbal support received from those at the meeting.
- Purpose of request is for the safety of her children
- Proposed use would not change the character of the neighborhood
- Neighborhood is a mix of residential with the school nearby and other multi family dwellings
- No other method to pursue of keeping people from jumping her fence and crossing her lot
- Hardship is not self created
- Requested variance is not considered to be substantial
- Proposal will not have an adverse effect on the physical environment

Motion made by J. Wright to accept the proposal as submitted. Seconded by B. Natoli.

Motion Approved: 4 ayes; 0 nay.
Ayes – J. Wright, K. Kucinski, B. Natoli, R. Genung

VII. Public Hearing: Daniel Dewey – 28 Berry Street

The public hearing was opened at 8:00 PM. The following exhibits were entered into evidence:

1. Application from Daniel Dewey dated 4/28/2021
2. Community Development report dated 5/18/2021
3. Photographs of property
4. Copy of tax map of property - current
5. Phone calls and letter received in opposition
6. No calls or letters in support of the proposal
7. Public Hearing Notice (mailed by the City to all property owners within 500 feet of the applicant).

A. Donnison read the Community Development report and noted that there had been a couple of phone calls received in opposition to the proposal as well as a letter of opposition from someone in the neighborhood that has been presented to the ZBA.

D. Dewey stated that he works for Comcast and is on the road often. The reason he is request this variance is not for retail sales, there will be no “store” hours. All visits will be by appointment only. The primary business will be for FFL pickup of guns ordered online and they can not be shipped directly to the purchaser – they must be shipped to a business that has an FFL license which can only be obtained if the municipality approves the use.

D. Dewey stated the premises will be used for the storage of guns that are being transferred from one owner to another for pickup. The premises will have both audio and visual security system that exceeds the requirements by the ATF. There will be no signage or exterior modifications to the structure to indicate this use.

K. Kucinski stated there is always a concern with land use and also inquired what the typical markup is. D. Dewey stated markup is minimal and wanted to be firm that it is understood that this is not a retail business. Ammunition may even need back ground checks soon.

R. Genung inquired about surveillance. D. Dewey stated yes surveillance cameras would exceed AFT requirements and that his job with Comcast is installing security systems. D. Dewey stated a NVR security system will be installed which is kind of like the Ring system and all recordings go to the cloud. ATF does not require an NVR system.

B.Natoli asked about the storage area for the guns. D. Dewey stated they will be kept in a 700 pound safe that will also meet ATF requirements. This safe is kept in a locked room and his home is also locked.

J. Wright asked if there was any signage plans for the future. D. Dewey stated no signage at all as this is not a gun store, the retail portion is ordered and picked up after background checks are approved type of business so there are no regular hours – appointment only.

Ald. D. Zieno Asked if anyone is present when guns are delivered. D. Dewey stated yes because it is a requirement that they be signed for. D. Dewey also noted that he walked his neighborhood and spoke to many of them about his proposal and the ones he spoke to did not express any concerns.

K. Kucinski asked if anyone present had any further questions or comments. There were none. The public hearing was closed at 8:30pm.

VIII. Findings & Determinations for Daniel Dewey – 28 Berry Street

- Property is in an R-2 zone
- Opposition received for the proposal
- No support received for the proposal
- Proposed use would not change the character of the neighborhood
- Neighborhood is primarily residential
- A reasonable return is not expected to be gained by this proposal
- The hardship is not unique the requested variance will not alter the essential character of the neighborhood
- Hardship is not self created
- Requested variance is not considered to be substantial
- Proposal will not have an adverse effect on the physical environment

Motion made by B. Natoli to accept the proposal as submitted. Seconded by J. Wright.

Motion Approved: 4 ayes; 0 nay.
Ayes – J. Wright, K. Kucinski, B. Natoli, R. Genung

IX. Adjournment:

There being no further discussion, the meeting was adjourned at 8:40pm on a motion made by K. Kucinski. Seconded by B. Natoli. Ayes All. Carried.