

**Zoning Board of Appeals
Meeting Minutes
One Court Plaza
August 26, 2024**

Present: A. Coates, K. Kucinski, B. McCracken, B. Natoli, D. DuFour

Absent: M. Hepfer
Staff: Amy Donnison

I. Call to Order

Andrew Coates called the meeting to order at 7:01pm. Andrew Coates 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 is 1 case before the Zoning Board this evening: Area Variance request.

A. Coates stated that he has a professional relationship with the applicant and will be recusing himself from voting on this case.

II. Public Hearing: James Flanagan – 88 Elm Street

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

1. Application from James Flanagan dated 07/15/2024
2. Community Development report dated 08/19/2024
3. Photographs of property
4. Copy of tax map of property – current
5. No phone calls received in opposition or support.
6. No letters received in opposition or support
7. Contractors drawings of proposed addition
8. Survey map of the property
9. 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 nor in support.

K. Kucinski stated the requirements to issue an area variance so that everyone was on the same page as to what was needed to approve or deny.

James Flanagan stated he has a need due to a health issue that has caused the amputation of a leg so that he has no easy access to his bedroom or bathroom – both of which are on the 2nd floor. He has looked at other options and even went so far as to purchase a vacant lot on Wales Drive but the cost of new construction or even a modular home was so high it was staggering, and he could not afford them. He even looked at other 1 story homes which are difficult to find in the city, and he wants to stay in the City of Norwich limits. When he first came home from Lourdes Hospital he couldn't even get up his house steps. An addition would be ideal as even now once he gets to the second floor shower is not handicap accessible so he has to crawl into it because his prosthetic can not get wet which also makes this dangerous.

J. Flanagan states that currently his living room looks like his bedroom. This addition would give him a bedroom and handicap accessible bathroom with plenty of room to navigate his wheelchair. He has lived in the house for 35 years and if the request is denied he will have no other option but to move out of the city to find a home with better accessibility. J. Flanagan stated it would break his heart if he had to relocate. He also stated that he will hire a reputable contractor and that all construction codes will be met.

B. McCracken asked if the deck walkway was 4 feet from the property line. A. Donnison stated that upon visiting the property and measuring it will be approximately 6 feet from the property line.

K. Kucinski stated that since 10 feet is the required setback that he would not consider this a substantial request.

D. DuFour asked if he had spoke with any of the neighbors. J. Flanagan stated yes and that those he spoke to did not have any objections to the proposed addition at the rear of the house.

B. Natoli stated he appreciated the contractors' drawings as it helped to envision exactly what was applied for and to better understand that applicant's needs. K. Kucinski asked if any members felt this case should have conditions imposed. All stated no.

A. Coates asked if anyone had any further questions or comments. There were none. The public hearing was closed at 7:26 pm.

III.. Findings & Determinations for James Flanagan – 88 Elm Street

- No opposition to the proposal received
- No support for the proposal was received
- Property is in an R-1 zone
- House is currently 1 foot 6 inches from the property line
- Addition proposal will be approximately 6 feet from the property line
- Owner has resided in this home for 35 years
- An undesirable change would not be created in the neighborhood
- Proposal would not be a detriment to nearby properties
- Applicant had already researched other means to reach his goals of bedroom and bathroom on 1st floor
- Requested variance is not substantial as the lot is also substandard
- Addition will not be visible from the public way
- Hardship was not self created – leg amputation was recent and he has resided in this house for 35 years.
- A substantial investment will be made to the home
- The neighborhood s primarily residential

*Motion made by B. McCracken to approve the area variance as requested.
Seconded by D. DuFour.*

Motion Approved: 5 ayes; 0 nay.

Ayes – K. Kucinski, B. Natoli, A. Coates, D. DuFour, B. McCracken

III. Adjournment:

There being no further discussion, the meeting was adjourned at 7:45 pm on a motion made by D.DuFour. Seconded by B. McCracken. Ayes All. Carried.