

Town of Windham
ZONING BOARD OF APPEALS

DATE: **Thursday April 3, 2008**

TIME: **7:00 P.M.**

PLACE: **Windham Town Hall, 979 Main St., Willimantic**

A G E N D A

I. **Call to Order**

Introduction of Town's Code Enforcement Director

II. **New Business - Public Hearings** - DISCUSSION/POSSIBLE ACTION

1. **K+M Housing/Gregory + Natalie Roy – 1009 Main St.**, seeking variance from 3.10.4 to re-establish a residential use in the existing building located in a B-2 Zone where dwellings are prohibited on the first floor;
2. **Paul R. St. Marie/Linda J. Boucher 161 North Windham Rd. Ext.**
Seeking a variance from Section 21.2.7s –2 acre min. required lot area to allow for Poultry on property with 1.37 acres
3. **Wayne & Karen Beaudry 101 Wadsworth Lane** seeking a Special Exception – Sec. 3.9.5 for mobile home as in-law/accessory dwelling;

IV. **Routine Business** - DISCUSSION/POSSIBLE ACTION

1. Approval of Minutes
2. Correspondence
3. Miscellaneous

V. **Adjourn**

Robert Coutu, Chair

Town of Windham

MEMORANDUM

TO: Windham Zoning Board of Appeals
FROM: James Finger, Town Planner
DATE: June 16, 2008
SUBJ: Planner's Report for next meeting

K+M Housing/Gregory + Natalie Roy – 1009 Main St. This applicant is seeking a variance from 3.10.4 to re-establish a residential use in the existing building located in a B-2 Zone where dwellings are prohibited on the first floor. In 2000, the Town was pursuing legal action against the previous owner for illegal conversion of the three family dwelling, not maintaining the property, and leaving it in a deteriorated condition.

Five years ago, when the current owner acquired the building, the doors and windows were out of it, and he was determined to clean it up, and gutted the building to bring it up to code. At that time, he had an interest from a Social Service agency that wanted to use the space for alcohol and drug counseling. This required a variance to build a handicapped ramp on the rear of the building.

Now there is less demand for commercial use, and a greater demand for better residential accommodations. However, the regulations restrict the establishment of residential uses on the first floor, unless there is 40,000 square feet of land, and the subject property is only ¼ of that amount. So, if the property were to be considered non-conforming, Section 3.10.4 says that once a change is made to make the property conform, then it is not permitted to revert; and this is the section of the regulations for which a variance is sought.

Among the practical difficulties are that the first floor is not at grade level, and was not built as a commercial building in 1900. Further, the site has limited access - sharing a common driveway with the neighboring building. Reverting to residential on the first floor will also reduce the amount of parking needed on the site, as commercial uses require more than is available, and there is no way to increase the amount of parking on the site.

Paul R. St. Marie/Linda J. Boucher 161 North Windham Rd. Ext. This applicant is seeking a variance from Section 21.2.7s –2-acre min. required lot area to allow for Poultry on property with only 1.37 acres, and using an existing shed

for the chicken coop that is close to the street. And alternative to the building close to the street, is to use the existing barn on the property, but the applicant says its not as convenient to use. The property is located in a semi-rural area, and may be suitable for this use

Wayne & Karen Beaudry 101 Wadsworth Lane this is an application for a Special Exception in accordance with Sec. 3.9.5 to allow for the location of a mobile home as in-law/accessory dwelling. The property is uses as a farm, and is accessed off of a private road extending off of Wadsworth Lane – so it's not visible from any public street.

Sylvie M. Genier 73 Wesley Circle, Willimantic Camp Meeting Association property. This application was withdrawn