

LAND USE, PLANNING AND ZONING COMMITTEE

Minutes of the Meeting of June 3, 2021

Members Present

<u> </u>	Jean McCoubrey, Co-chair	<u> ✓ </u>	Larry McEwen
<u> ✓ </u>	Steve Gendler, Co-Chair	<u> </u>	Ned Mitinger
<u> ✓ </u>	John Landis	<u> </u>	Andrew Moroz
<u> ✓ </u>	Joyce Lenhardt	<u> ✓ </u>	Jason Friedland
<u> ✓ </u>	Chris Linn	<u> </u>	Kathi Clayton, Pres, CHCA (ex-officio)
		<u> </u>	Tony Banks, VP Physical (interim)

Others Attending:

Graciela Vargas and Richard Corkery, owners 215 E Evergreen
Vern Anastasio, attorney for 215 E Evergreen and 540 W Moreland
Ian Toner, architect for 540 W Moreland
Don Ratchford, neighbor 540 W Moreland
Walt Sommers, neighbor 540 W Moreland
Brad Bank, neighbor 540 W Moreland
Gingi Wingard, neighbor 540 W Moreland
Darin Steinberg, neighbor 540 W Moreland
Charles Block, neighbor 540 W Moreland
Judy Berkman, neighbor 540 W Moreland
Walter McGuire, *Local*
Anne Mc Niff, Executive Director CHCA
Melissa Nash, recorder

The meeting was opened at 8:04 pm by Steve Gendler, co-chair. This meeting was conducted remotely using Zoom. Intros were made. There are two action Items on the agenda: 215 E Evergreen and 540 W Moreland.

Minutes May

- The minutes from May 6 were introduced. It was noted that Celeste Hardester was not at that meeting as indicated. It was moved to approve the minutes with that correction. The motion was seconded and approved.

215 E Evergreen

- Presentation: Vern Anastasio, attorney for the variance, stated that the structure existed when the current owners purchased the property and that they lived in it while the main house was being refurbished. They would like to have the building legalized. Nothing new is proposed except legalization. The refusal is based on the code that states 2 family structures are not allowed in RSA3. It was asked why the refusal states that the second building is called semi-detached. It was noted that that is a mistake by the examiner.

- Committee Discussion: John Landis noted that a certificate of occupancy would be needed. S Gendler asked what triggered this action by L&I. V Anastasio stated that the owner instigated the process as they want to legalize the structure. J Landis noted that the DRC had asked that this not be used for short term rentals. A 12 month lease was suggested. S Gendler noted that short term is not allowed in the

Historic District. J Landis asked about parking. There is space in the alleyway for parking. The rear unit meets ADA requirements. S Gendler asked about the entrance for the rear property. It is from the alleyway. V Anastasio noted that the Certificate of Occupancy follows the granting of the variance. Richard Corkery noted that the end of his property aligns with the end of the alleyway. Questions followed about the ownership of the alley. The alley belongs to the properties that abut it.

•Committee Action: There were no neighbor comments. S Gendler called for a motion. Jason Friedland made a motion to support the application for a variance. J Landis suggested provisos that the property be rented for no less than 180 days (the code defines 180 as long term rental and that the alley not be blocked. J Friedland explained his basis for the motion that the use of the house is consistent with the neighborhood and that the City supports the use of accessory dwelling units. The motion was seconded and supported unanimously. The project should return to DRC.

540 W Moreland

•Presentation: Vern Anastasio, attorney for the project, presented. There is currently one lot with a historic structure on it. The project is to divide the one lot into two. Parcel B with the historic structure would be a flag lot and Parcel C would be the larger street frontage lot. The variance is needed as Lot B would not have a large enough street frontage. There is no proposed structure for the street lot. The project at the moment is only for the lot subdivision. J Friedland asked about the area of the lots. Lot B would have 11,536 sq ft and lot C would have 13,777 sq ft. No addition variance is needed except the street frontage for lot B. L McEwen noted that 50 feet of street frontage for lot B would be sufficient. He further asked why the flag pole is only 15' wide and why the choice was not made to make a legal split. J Landis noted that there is not enough info presented to make a recommendation. There are 3 pieces to the issue: 15' flag width, new lot is zoned same as the old and new lot use or footprint unknown. Anastasio stated that the 15' width is the owner's preference, the zoning would not change and the new use is a development opportunity. It could be single family or multi-family (subject to review).

•Neighbor Discussion: Don Ratchford stated that neighbors support the rehab of the older building and are opposed to anything on the second parcel that is not allowed by right. Neighbors have an attorney, Darin Steinberg. They have a conditions chart for the Keewaydin Staff Quarters (the historic building). This property was sub-divided from the original estate in 1948. A fire caused the present condition. The original plan presented to the neighbors included creating 4 units in the older building and 9 new units on the front lot. There has been no consequential renovation on the older building. The scale of the subdivision does not fit the neighborhood setback and areas. Darin Steinberg noted that the neighbors are not anti-development. D Ratchford enumerated three points: financial hardship cannot be used, no more variances would be granted and the hardship is self-inflicted. In addition, some idea of how the new lot will be used and a plan for the old building are needed. S Gendler asked about the state of the old building. V Anastasio stated that he will speak to the owner about those 2 additional needs. S Gendler asked to hear from others. L McEwen stated that the need for a plan for the property is necessary to gain the trust and support of the neighbors. J Lenhardt asked why the owner did not apply for the lot split after plans had been made. V Anastasio noted that the present action would allow the property to be conveyed to others. J Friedland noted that a future plan is needed in a historic district. J Landis suggested the application for a variance be withdrawn until the issues could be better addressed. Gingi Wingard, a neighbor, stated that the neighbors oppose the split and that the property is viable as is. Other concerns include the watershed, parking, density, and sewerage. S Gendler asked about how the septic system would be handled, possibly tied into the existing or brought to the city system. This would be to be tied to Cherokee Street. Charles Block, a neighbor, stated that the view of the old building would be blocked. Judy Berkman, a neighbor, stated that there is no hardship and that the views would be lost. She is opposed. Brad Bank, a neighbor, stated that the historic building should be

restored. The owner should consider selling the property. A letter of support from Ellen Goodwin, a near neighbor supported his view and suggested keeping the property as is.

•Committee Action: J Landis moved that the committee oppose the application for a variance. He iterated the reasoning as there is a need for detail including the impacts on the area, which should be minimized, the status of the rehab and the new use and the applicant has not been forthcoming with information. He added that the committee could endorse the project if a scheme for the reconstruction of the existing building is presented and the impact of the new is also presented. The motion was seconded. V Anastasio noted that the applicant is not hiding anything; there is no proposed use. J Lenhardt noted that effort should be shown in the rehab of the old building. S Gendler added that details of the reconstruction are needed. The vote unanimously supported the motion.

Adjournment

•The meeting was adjourned at 9:29 PM.