

133 Newport Road, New London Application and Criteria

Background and Timeline

In this building's inception, it was built to be near essential services. There were two residential houses across from the current pharmacy and Mary Messer's rooming house which provided lodging close to these essential services, in addition to the five or so units in this building. These properties no longer serve as housing for those needing to be within walking distance of essential services. This type of housing is desperately needed to maintain this historical and necessary residential need.

According to a recent conversation that I had with the current owner, Mr. William Griffiths, he purchased the building at 133 Newport Road in New London around 1985. At this time, there was an auto parts shop in the bottom units until about 1989. This auto parts shop became Curves from about 2003-2006.

Unit 7 was the former owner's office which Mr. Griffiths lived in with his family since his lake home was difficult to live in during the winter months. Mr. Griffiths changed the unit to accommodate his living arrangement.

Mr. Griffiths remembers the radio station recording in unit 5 and using unit 4 as an office. In about 1990, the radio station moved to Newport. After the radio station moved to Newport, a midwifery office and massage studio moved to unit 4 and has since left. Unit 5 was then a recording/broadcasting studio until last year.

In 2009, Mr. Griffiths added a fire escape because, as he recalls, the town asked for a second egress since the upstairs units only had one. The exterior egress provided a second egress for units 3 and 4.

Mr. Griffiths has added 2 living units where the auto parts shop and Curves used to be located, now known as units 8 and 9. Units 4 and 5 have been converted to apartments, also.

These units have always been living space: unit 1, unit 2, unit 3, and unit 6.

Currently, 7 units are occupied in the building. We have recently had a toilet supply line break and had damage to 3 units. This is mentioned because videos taken of the building reflect damage and work needed to be done. The result of this damage is that a tenant from unit 7 is staying in unit 4. Unit 4 has never been used residentially until this water damage situation. As a result, ADT has been alerted to install the appropriate strobes for the unit. See attached signed approval of work.

On file at the town office, is a parking plan that Harry Seidel drew in August of 1988. This parking plan allows for 20 parking places. The parking lot size has remained the same since this parking plan was drawn.

The map created by Harry Seidel in 1989, reflects the current interior walls and square footage. Mr. Griffiths acknowledges that the interior walls delineating each unit has not been changed since his ownership although a wall was extended to close off units 8 and 9 from each other.

When looking at the water use for the last five years, the residential units have lowered the water usage. When asked about this, Mr. Griffiths does not have a reason for this. The building's use has gone from 133,000 to 45,000. The water department has no issue with a 9-

residential unit and has accommodated for the usage. The sewer department is reviewing the usage and we are awaiting word back from them.

In 2003, the Planning Board acknowledges 5 residential units in the 2003 Curves site plan review. The current property card lists 6 apartments which likely stems from the 1988 Site Plan Review which acknowledges 6 1-bedroom apartments.

The abutters have all been notified of the building's appearance at the zoning board and not one has an issue with the building containing 9-residential units.

Allowing 9-residential units to exist at this location will not alter the essential character of the locality based upon the history of the area. Allowing this building to have 9-residential units will continue the historical and geographical importance of maintaining housing near essential services, a needed service for the area since this type of housing is currently very limited.

Allowing 9-residential units to exist at this location will create less traffic than businesses at the same location. The likelihood of any significant change in traffic by allowing two more residential units to exist is negligible, particularly as the apartments are small one-bedroom units. Having 9-residential units does not alter the essential character of the locality. The current 9 units existing today have not changed the footprint, aesthetic of the building, nor property, affirming that the character of the locality has not and will not be altered.

Variance Criteria:

1. The variance will not be contrary to the public interest and will not alter the essential character of the neighborhood as residential use is allowed in the commercial zone. The addition of 4 residential units, will not (a) alter the essential character (no exterior changes proposed) nor (b) threaten public safety, nor welfare.
2. The Spirit of the Ordinance is observed by conforming with all other environmental and dimensional requirements of the zoning ordinance. The change to allow for 9 residential units avoids negative impacts to the environment and maintains the character of the property and area.
3. The loss to the property owner is not out-weighted by the gain to the general public in strict conformity with the ordinance as the general public loses out on access to 4 affordable housing units. Granting of the variance, provides that substantial justice will be done by granting more access to affordable housing to the general public.
4. Values to surrounding properties will not be diminished. Please see attached letters from 3 local Realtors.
5. Unnecessary Hardship.
Special condition of the built-in environment: This building was built in 1950 to a mostly residential standard that no longer meets the basic needs of a commercial entity today and is better suited for residential occupants. This is not a building that has been built nor renovated to fit the needs of the current commercial market.

In order to lay out the apartments within the existing floor area and the meet market demands, the building is most reasonably divided into nine spaces from 386-661 square feet.

No fair and substantial relationship between the density requirement of the ordinance and its application given that we could have 5- 5-bedroom units which would be 25-plus people potentially. The proposed 9-1-bedroom units have an average of 1.5 people per unit, allowing 14 people per building. As such, the proposed use is reasonable. The real-life implication is less.

The building is no longer suited to the commercial market and conforming is a greater detriment to the Spirit of the Ordinance.

9-1-bedroom units is reasonable use of the property considering the setting of the property in it's unique environment.

By granting a variance, it will not injure the public nor private rights of others.

No fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on the property.

The 9-1-bedroom units will result in less activity, less traffic congestion than commercial or a mixed-use property.