

Neighborhood Density: Notes on WECA Zoning Committee Meeting 10.29.09

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To: Distribution

Hi, everybody!

Last night I attended the Zoning Committee meeting and here is a brief recap. More detailed notes will be provided by John Gale.

John started with a history of how zoning has been handled in the city. Basically, prior to 1968 there were no zoning regulations in place. After that time, the city put zoning restrictions in and grandfathered in anything that was out of compliance. The official rule is that any structure that abandons its non-compliant use (i.e., a three-family house in a single-family zone burns down and is not immediately rebuilt as a three-family) loses its de facto variance and, when rebuilt, must conform to zoning going forward.

This has led to many properties scattered throughout the West End that don't conform to the official zoning. Further complicating matters is the fact that many houses do not conform to their zoning AND do not fall into the category mentioned above. Typical of this situation are the single family homes with apartments on the third floor, or two-family homes being used as three families or student "dorms."

In the past, WECA has gotten involved in zoning issues when someone actually sought a variance and appeared before the Zoning Board of Appeals. WECA would review the request, ask that the petitioner present to the group, and then submit an opinion to the ZBA. An example of this would be Scott Broder's request to build condos on the empty lot at the end of our street.

Additionally, WECA would intervene on behalf of the neighbors when a "problem" property (most usually involving students in a non-owner occupied home) was being used in a way inconsistent with its zoning. At the request of the city and the neighbors, WECA would alert the city to the violation, the city would send out an inspector and, usually, issue a cease and desist order to the homeowner. This is what happened at 111 Elizabeth Street a few years ago.

The reality is that if someone is using a home in a non-compliant manner, but not causing any problems (parking, noise, etc.), it is very unlikely that they will be turned in and/or cited. And there are plenty of properties that fall into that category. The vast majority are owner-occupied.

The discussion last night centered on the following:

1. Pros and cons of increased density
2. Are increased density and degradation in the of quality of life inextricably linked?
3. Is zoning enforcement the best tool to use in dealing with quality of life issues, or are there other ways to address these problems?
4. Should WECA have a formal policy on this, especially in light of the upcoming ten-year Plan of Development that the city will be working on?

As a side note, it was pointed out that what the city's assessor's office says a property "is" and what the zoning department says it "is" are two different things, and homeowners should NOT use the assessor's "opinion." The assessor simply reports what is and taxes you accordingly. The zoning department is where the truth lies. At least two homeowners present had run afoul of this discrepancy when pulling permits to improve what they thought were legal three-family homes. It turned out that they were zoned two-family. They will either need to get a variance or prove that the properties were being used as three-families prior to 1968.

Some in the room were in favor of increased density on the grounds that it is the right thing to do environmentally, that it will lead to better mass transit options, and that it will help the vitality of local businesses ("the best thing about being in the West End is being able to walk to Monte Alban for dinner, and wouldn't it be great to have a grocery store in the neighborhood...both of which depend upon a certain number of residents in the immediate vicinity to make it economically viable"). Toni's argument for increased density is that it returns the neighborhood (at least north of Farmington) to a density level it originally had back in the early 1900's when these big old houses were filled with children and servants. She also notes that the cost of maintaining these houses is too steep for most modern families to handle on their own, and leads to deteriorating structures (due to deferred maintenance) and investors who illegally put the homes to use as multi-families.

Others in the room were opposed to any increase in density given the problems of parking, noise, and trash that seem to accompany so many of the multi-family homes (though the common link here was whether they were owner-occupied). The city has a hard time enforcing these quality of life violations since there are so many other problems to deal with.

And others saw the uneven enforcement of zoning as discriminatory, confusing, and unnecessary.

Nothing was resolved at last night's meeting, and another meeting will be scheduled to continue the discussion. Among other things, the group will be looking at New Haven's use of neighborhood mediation in resolving disputes.

Hope this was helpful:)

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