

MINUTES OF THE NEW CASTLE ZONING BOARD OF ADJUSTMENT
Tuesday, April 20th, 2021 – 7:00 p.m. (via Zoom)

Members Present: Todd Baker, Chair; John Fitzpatrick; Ben Lannon; Margaret Sofio; Alyson Tanguay; Matt Taylor.

Members Absent: Mark Gardner; Rebecca Goldberg.

Others Present: David and Amy Kovick; Andrew Moore.

Chair Baker called the meeting to order at 7:03 p.m. Voting members of the Board are Mr. Fitzpatrick, Mr. Lannon, Mr. Taylor, Ms. Sofio and Chair Baker. Ms. Tanguay recused herself, as she is the architect for Applicants David and Amy Kovick.

1. Overview of Zoom Meeting checklist.

Chair Baker informed attendees that the public body is holding an emergency meeting electronically pursuant to Executive Order 2020-04, Section 8, and Emergency Order #12, Section 3.

2. Case 2021-02. David and Amy Kovick, owners of 26 Main Street (Map 18 Lot 62) have applied for a variance from Article 4.2.1 Sections 3 and 7 in order to permit an addition to the home and a deck, which will increase lot coverage and setback encroachment.

David Kovick presented an overview of the proposal. He and his wife have been living in the current home for just over four years, first as renters and then as owners for the past three and a half years. They were not in a position to renovate the house right away, but now they are ready to renovate and have a clear sense of what they want to do. Mr. Kovick explained that the theme for the plan is to make better use of the existing space that they have, particularly by insulating spaces that are currently non-insulated and by opening up the interior with minimal impacts on the exterior of the house. The existing home is a single-family residence originally built in 1800. The current structure is nonconforming in both setbacks and lot coverage.

Alyson Tanguay presented the details of the proposal. The house has a one story addition that was added subsequent to the construction of the main house. The addition does not have a proper foundation or footings. The Kovicks want to make the space they have more usable by deconstructing and reconstructing the addition on one side of the house and by rebuilding the mudroom on the back side of the house. The house does not align exactly with the property line and instead angles slightly. The Kovicks are proposing to rebuild the one story addition and consolidate its footprint. The rebuild will have less square footage but will be widened slightly in order to function as a proper room. There will be an overall net reduction in building area lot coverage. The Kovicks are asking for an increase in lot coverage to accommodate outdoor space at the back of the house. The side yard setback is only 10” and the Kovicks are proposing to maintain this. The front yard setback will be improved from 6.5 feet to nearly double that.

The proposal will involve putting in a proper foundation for the one story addition and mudroom. The design is focused on functional use and being able to accommodate guests, which is why it is important that the rooms are code compliant in size. The Kovicks are working with the abutting Llewellyns to make sure that the plants along their property line are replanted to maintain their privacy. Mr. Kovick added that they have been engaging with the Llewellyns in both the construction and design phases, which is why the side of the house along that property line will have mostly skylights for natural light instead of windows. He noted that they have reached out to all neighbors and spoken with many of them. Mr. Kovick emphasized that they want to take neighbors' concerns into account.

Mr. Kovick went through the five criteria for zoning relief.

1. *The variance will not be contrary to the public interest; and*
2. *The spirit of the ordinance is observed:*

The proposal will not significantly increase the footprint of the house and will improve the appearance of the house, which will be pushed further back from the street. The plans would not alter the essential character of the neighborhood nor would they threaten the public health, safety, or welfare in any way.

3. *The values of surrounding properties are not diminished:*

The renovations would not result in a diminution in value of surrounding properties. The renovations will likely increase the value of surrounding properties by bringing the Kovicks' property closer to the standard and character of many of the surrounding homes.

4. *Literal enforcement of the provisions of the ordinance would result in unnecessary hardship:*

Special conditions exist, particularly with the smaller lot size compared to surrounding properties, and the fact that the existing structure is already nonconforming. The pre-existing location of the structure makes it nonconforming, as the house is positioned on the lot in a way that does not allow the Kovicks to meet setback requirements. In order to make any renovations, particularly to the interior of the home, they need relief. If the requested relief is not granted, the Kovicks will face hardship by not being able to update their home. The house currently has three rooms that are not insulated, rendering them essentially unusable for several months of the year. The proposed use is reasonable, and there is no fair or substantial relationship between the general purposes of the ordinances around setbacks and lot coverage and their specific application to the Kovicks' property. The lot coverage increase is very modest and will not increase the physical footprint of the primary house in any meaningful way. Where the plans require additional setback relief, the increases sought are extremely modest and do not materially change the current condition. By increasing the distance between the house and the street, there will likely be greater visibility, air, and light. The Kovicks are working with neighbors to maintain privacy as well.

5. *Substantial justice is done:*

There would be no gain to the public by denying the variances. The Kovicks' home will remain a single-family dwelling, and the footprint and size of the house will stay nearly the same. Denying the variances would prevent the Kovicks from updating their home and making the space more usable.

Mr. Taylor asked about the 10.5” measurement in the side setback. Ms. Tanguay clarified that the measurement is from the foundation face. The distance from the overhang is about 10”. The footing will be closer to the property line than the foundation wall.

Chair Baker opened the hearing to the public at 7:30 p.m. Andrew Moore of 12 Walbach Street spoke in support of the Kovicks’ application. He stated that the Kovicks’ house is one of the characteristic homes in the center of town. The house has fallen on hard times and is need of renovating, which will make the space more livable while respecting the historic character of the neighborhood and will bring value to neighboring properties. Mr. Moore explained that his house is in full view of the rear of the Kovicks’ house. He felt that the proposed changes will greatly improve his view and that of abutters. Mr. Moore concluded that he and his wife strongly support the Kovicks’ application. Hearing no further comments from the public, Chair Baker closed the public hearing at 7:33 p.m. and opened discussion back up to the Board.

Mr. Fitzpatrick felt that the case was well presented, and the relief requested was minimal under the circumstances. He stated that the application met the five criteria for zoning relief, and the plans kept in mind the spirit of the ordinance and neighborhood. Mr. Fitzpatrick concluded that he would vote in favor of approving the variances.

Ms. Sofio stated that the case is a model request for variances, and was impressed with how the Kovicks seek to do the least they can to make the house more comfortable for their family. She appreciated how they lived in the house in order to see how to improve it without doing significant additions. Ms. Sofio acknowledged that the house was built well before current zoning requirements, and felt that there are special conditions and hardships that justify granting the variances.

Mr. Lannon appreciated Ms. Tanguay’s plans and how they cleanly depicted the existing conditions versus proposed plans. He liked how the applicants presented their own case, and felt that it would be a thoughtful and tasteful renovation.

Mr. Taylor agreed with other Board members in that the Kovicks’ presentation was well done. He liked that the applicants will be utilizing existing space.

Chair Baker noted that he is a direct abutter to the Kovicks and has worked with Ms. Tanguay on other cases, but this does not affect his decision. He felt that all five criteria have been met, and believed that the proposal will be very tasteful and have little impact.

Mr. Fitzpatrick motioned to approve the application of David and Amy Kovick, 26 Main Street (Map 18 Lot 62) as submitted, having met the five criteria for zoning relief. Mr. Lannon seconded. Mr. Fitzpatrick, Ms. Sofio, Mr. Lannon, Mr. Taylor, and Chair Baker all voted in favor. Motion carried unanimously.

3. Approve Minutes.

Mr. Lannon moved to accept the February 2021 minutes as submitted. Mr. Fitzpatrick seconded. Ms. Tanguay, Mr. Fitzpatrick, Mr. Lannon, Mr. Taylor and Chair Baker all voted in favor. The motion carried unanimously.

4. Set Date of Next Meeting.

Chair Baker announced that the next Zoning Board of Adjustment meeting will be held on Tuesday, May 18, 2021 at 7:00 p.m.

5. Adjournment.

There being no further business, Mr. Fitzpatrick moved to adjourn the public meeting. Ms. Tanguay seconded. The motion carried, unanimously, and the meeting adjourned at 7:44 p.m.

Respectfully Submitted,

Meghan Rumph
Secretary