

Attachment to Planning Application

Project Name: New London Preserve

A.P.7, LOT 25 AP 8 LOTS 2, 3 & 9 AND A.P. 16, LOT 133

Zoning District: R20

The state law was recently amended to require the Planning Commission (the “Commission”) to review and approve variances and special use permits when a development project is also being reviewed by the Commission. To assist with the Commission’s review and approval of our variance request, the Applicant has listed below the specific standards for a dimensional variance with our response to each such standard (italics). Additional testimony at the preliminary plan hearing will be provided to support the variance application.

Request: Relief from Art 6, Section 610, Table 6-7, More than one Single Family Dwelling per lot.

The Coventry Zoning Ordinance allows only one single-family home per lot - The plan proposes up to seventy-five single family condominium homes on one lot.

Request: Relief from Art 6, Section 610, Table 6-7 et. al.. Density in excess of the underlying R-20 zone equivalency.

The baseline density developed from the provisions of the Coventry Zoning Ordinance allows (Subdivision/Land Development with) one single-family home per 20,000 SF lot and all lots shall contain 15,000 SF of Land Suitable for Development - The plan proposes up to seventy-five single family homes on one lot which has a 2% density increase equivalency.

§ 45-24-41. General provisions — Variances. [Effective January 1, 2024.]

In granting a variance, the zoning board of review, or, where unified development review is enabled pursuant to § 45-24-46.4, the planning board or commission, shall require that evidence to the satisfaction of the following standards is entered into the record of the proceedings:

That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(a)(16). *This property has been operated as a gravel pit and is partially located within a Natural*

Heritage area and contains several wetlands whereby many of the wetlands are man made from the operation of the gravel pit. All of these conditions precipitate the proposed development program. Therefore, the variance sought is due to the unique characteristics of the subject property.

- (1) That the hardship is not the result of any prior action of the applicant; and

The Applicant did not take any action to create the hardship. The property altered by past activities and is characterized as an abandoned gravel pit with significant restorative measures needed including but not limited to stabilization of eroding slopes, grading of unsafe cut areas, restoration of impacted wetlands and removal of construction debris. Significant wetlands are an existing condition that requires siting improvements to avoid impacts to those sensitive natural resource areas.

- (2) That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.

The requested variance will not alter the general character of the surrounding area which is generally residential; and in-fact the historic operation as a gravel pit established development zones consistent with the development program. The applicant proposes to build a single-family condominium development. From the practical life perspective these will all be single family homes and will be harmonious with the surrounding area and the comprehensive plan.

- (3) [Deleted by P.L. 2023, ch. 304, § 1 and P.L. 2023, ch. 305, § 1.]

The zoning board of review, or, where unified development review is enabled pursuant to § 45-24-46.4, the planning board or commission, shall, in addition to the above standards, require that evidence is entered into the record of the proceedings showing that:

- (2) In granting a dimensional variance, that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted is not grounds for

relief. The zoning board of review, or, where unified development review is enabled pursuant to § 45-24-46.4, the planning board or commission has the power to grant dimensional variances where the use is permitted by special-use permit.

If the variance is not granted, the hardship will amount to more than a mere inconvenience, and the relief sought is minimal to reasonable enjoyment of a permitted use and will not allow for restoration impacted areas.

End of Attachment