

**MINUTES OF PUBLIC HEARING ON AN ORDINANCE
INCREASING THE MAXIMUM HEIGHT OF DWELLINGS IN THE
R-80 ZONE**

Acting President Art Spada called the hearing to order at 7:00 p.m.

Present were Councilors Shari Cantor, Barbara Carpenter, Chuck Coursey, David Lemkuil, Maureen Kelly McClay, Art Spada, Carolyn Thornberry and Joseph Verrengia. President Scott Slifka was absent.

President Spada: Mr. Feldman does the administration have a presentation?

Mr. Feldman: Mr. Alair will explain the change in the ordinance.

Mr. Alair: The only change being proposed here if you are looking at the ordinance before you, I think it has been reduced so it will be even harder to find, is in the maximum height column on the schedule in the column under feet in the R-80 zone we are changing thirty to thirty five. The ordinance permits buildings, residences in the R-80 zone instead of being capped at thirty feet in height to go to thirty five feet in height. The problem we have discovered, the R-80 zone as you all know is up on Avon Mountain and only in Avon Mountain it is a two acre zone. Generally with the real estate market the way it is those are very high end custom built architecturally designed homes. The standard for homes in that price range is twelve/twelve pitch high pitched roofs. Many of these houses because of the nature of topography of the land up there are on steep slopes and the net result is it is very hard to squeeze a house, an appropriate house on those sites and stay within a thirty foot height limit. The thirty five foot height limit is pretty much the standard in surrounding communities. We haven't found anybody, we haven't done an exhaustive search but we didn't find anybody who is still down at thirty. Simsbury, Avon, Granby, Bloomfield all are at thirty five feet and so we are just sort of catching up if you will and that is the sum total of the change.

President Spada: Thank you Mr. Alair. Any other presentations from staff?

Mr. Alair: No.

President Spada: Questions from the Council? Mr. Coursey.

Councilor Coursey: Just by way of comparison, I'm not good with numbers, but thirty five feet that's three story...

Mr. Alair: To be technical the ordinance does not change the fact that we still have a two and a half story limit so the number of stories is limited to two and a half. It allows an additional five feet of pitch for the angle of the roof. Instead of a shallow angled roof, a steeper angled roof is allowed, a bit more architecturally dramatic but the other thing you have going on is that on a slope we measure from the mid point of the line where the building hits the earth so if you have a slope and a walk out basement you have to measure from that midpoint up and that starts you out lower, if you will, than the front door of your house. You have two things going on there.

Councilor Coursey: The two and a half stories, I mean there are some neighborhoods in West Hartford that have three story residential. Is the third story considered a....

Mr. Alair: All of our single family zones are limited to two and a half stories. You may be thinking of multi family residential.

Councilor Coursey: Finished attics.

Mr. Alair: It is considered a half story. There is a very complicated formula for what is defined as a half story so you could conceivably have finished space on the third floor but it still only counts as a half story.

Councilor Coursey: Because of the pitch probably.

Mr. Alair: Because of the pitch. I think the way they do it is at a height of I think it is six feet six inches above the floor they draw a ceiling box that measures that cube, if you will, that space and if it is less than half of the total area it is considered a half story. If it is more it is considered a full story.

Councilor Coursey: Thank you.

President Spada: Mr. Coursey anything else?

Councilor Coursey: No thank you.

President Spada: Other questions? Councilwoman Carpenter.

Councilor Carpenter: I have a question. In this R-80 zone presently in West Hartford how many R-80 zones could be available that would be affected or impacted by this ordinance change?

Mr. Alair: The only existing developments, development singular within the R-80 zone is Old Stone Crossing which is I think sixteen home sites total.

Councilor Carpenter: Sixteen homes.

Mr. Alair: In addition to that within the area of the R-80 zone undeveloped as yet you have two sites further up the mountain, one is there is a three lot subdivision that was approved for, I've forgotten their name, it is a dentist, orthodontist here in town who got a subdivision approved, if you will, for a family compound for her and her children and I'm completely blanking out on her name now, but they are up further above the MDC property and immediately below Mr. Chase's property which is the only other site that is being developed in that zone right now.

Councilor Carpenter: A follow up question would be would there be any homeowners right now that would qualify or could do an addition to their home, increase the height that could qualify for an R-80 zone where they could now qualify for this ordinance?

Mr. Alair: I don't think so. I don't know off the top of my head. I can't think if there is anybody. To change the roof height on your existing house by five feet is a rather expensive undertaking unless you are going to get a whole lot out of it. There may be individual building lots scattered here or there that might qualify for this increase but not many that I can think of.

Councilor Carpenter: I guess I am always concerned about ordinances and unintended consequences of ordinances when we change them. Do you see any unintended consequence perhaps as a result of this ordinance change?

Mr. Alair: No. I think that there is a longer term issue that we would like to look at and that is this whole issue of how we measure the height of buildings when they are on a slope. It is an issue that we struggled with and tried to see if there was a solution to it and came to the conclusion that while

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this is a problematic solution it is the best we have right now and we couldn't think of anything that worked better. We may at some point come back to you with a fix for that solution or for that problem rather but in terms of unintended consequences no. I don't think there are any.

Councilor Carpenter: Thank you.

President Slifka: Councilman Verrengia.

Councilor Verrengia: What precipitated this?

Mr. Alair: Old Stone Crossing. Over the past, if you will recall, the R-80 zone was adopted after I think our 1986 Plan of Development in an effort to provide some framework for development on the Mountain. We were concerned about creep up the Mountain. We wanted to preserve open space so it requires two acres per house but also requires them to be clustered. That is the sort of nub of the zoning regulations up there and it was probably twelve, thirteen, fourteen years before anybody was willing to touch any of the land up there and develop it under that zone. Old Stone Crossing came in and since then we have had to amend the R-80 zone twice because we discovered that it had problems that flat out in places did not work, did not function as it was originally intended. The law of unintended consequences there were little components that we missed. Now what we are seeing is that within that zone you have this other component, this third component, if you will, of gee you asking people to buy multi million dollar custom built homes. They want to design them. They want to have architects to design them and they are just not getting what they want. They are not getting what they paid for and the change seems to us from an administration standpoint to be relatively minor, relatively trivial. It is consistent with what you see in other towns so it is not like we are permitting massive structures that are outside the norm. We are permitting them only in that one zone where they are going to be consistent with each other. They are not going to be outside the norm for the houses around them which they would be if we did this say in the R-40 or the R-20 zone where you might have a house fill in in a vacant lot in between two existing homes that were subject to the thirty foot cap so it should work. We shouldn't see any unusual or peculiar applications other than possibly where you have that slope issue and it is what the market is driving. The developer up there has told us that this is really a market driven issue and came to us and asked us if we would do this.

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Councilor Verrengia: There are some existing homes already in Old Stone Crossings correct?

Mr. Alair: Correct.

Councilor Verrengia: And they have met the thirty foot requirement. Has there been a problem, I mean other than people wanting more and bigger and more expensive?

Mr. Alair: I can't tell you who have acquired those houses or whether they were built on spec by the developer to try to generate some activity up there. I simply don't know the answer. I am speculating but he may well have built those houses to try to get some activity up there but if you are selling lots and people are saying well I want you to build me a custom built home but I can't have my twelve/twelve pitch roof, I can't have my architect, excuse me my architect design it, I think he is seeing some market resistance to that issue.

Councilor Verrengia: And you had mentioned being consistent. In this particular case because there are already a number of homes up there is going to be some inconsistency.

Mr. Alair: Yes to a certain extent that is true. I think what you are going to see though because these houses even though they are clustered they are clustered on two acre lots. They are far apart enough that that five foot difference between the existing three or four homes up there out of sixteen that five foot difference isn't going to be as visible to the eye as it would be in an R-20 or an R-13 zone where houses can be as little as ten to fifteen feet apart. There you are really going to notice the change in roof line. Here with the elevation changes on the road, with the hilliness of the neighborhood and with the distance between the houses, it won't be as visible.

Councilor Verrengia: Thank you.

President Spada: Dr. Thornberry.

Councilor Thornberry: Mr. Alair, going to the issue of consistency, didn't you just indicate a little while ago that the minimum acreage for the R-80 was two acres per lot?

Mr. Alair: Yes.

Councilor Thornberry: So you wouldn't see another home next to another home for two acres.

Mr. Alair: Well no not exactly because remember that the secondary goal actually I think arguably the primary goal was cluster developer. You have two acres per house but the houses are essentially clustered at the street but clustering in a two acre lot is very different from clustering on an R-13 lot. They are still substantially farther apart than you would see on a normal street.

Councilor Thornberry: Exactly. You are not sharing a driveway.

Mr. Alair: Not unless you really want to.

Councilor Thornberry: Okay thank you.

President Spada: Any additional questions from the Council? Any commentary or insight from the public? Mr. Carpenter you are the public. I take that as a no. Unless anybody else has any questions or comments we will close this public hearing.

The hearing adjourned at 7:15 p.m.

Norma W. Cronin
Town Clerk/Council Clerk