Those voting to grant said variance: Mr. Fairty
Those voting to refuse said variance: Mr. Deadrick,
Mr. Johnson, Mr. Lovejoy.
At said public hearing Mr. William Carter spoke in
opposition to this application.

The Board denies the application in the belief that the applicant
has not demonstrated a valid hardship in that the land appears to be
adequate to incorporate the facilities he wishes to have without
requiring side line setback variances.

The applicant's land is located in the Two Acre Zone as appears
in the New Canaan Land Records Volume 225 Page 237 and has been described by the applicant as having bounding owners (now or formerly)
as follows: Northerly by John B. & Harriet B. Boettger; Easterly by
William P. & Josephine S. Carter; Robert A. & Dorothy W. Schumacher;
Southerly by Albert J. Jr. & Jane Ann King; Westerly by Laurel Road.
Said land being further identified on Assessor's Map 17, Block 107,
Lot S-28.

Published: 2-23-78.

Edwin J. Deadrick
Secretary

ZONING BOARD OF APPEALS
FEBRUARY 14, 1978
8:40 P. M.

ST. MARK'S PARISH - NEW CANAAN INN, INC. APPEAL

Present: Mr. Berkeley Johnson, Chairman
Mr. Edwin F. Deadrick
Mr. Walter T. Flaherty Jr.
Mr. Jonathan Lovejoy
Mr. John N. Fairty

Absent: Mr. S. Hoyt Peckham and Mr. Stanley E. Jaworowski

WHEREAS a written application for a zoning variance signed by
Theodore deF. Hobbs, Senior Warden for St. Mark’s Parish and Harlan E.
Anderson, Vice President of The New Canaan Inn, Inc., was received by
this Board on January 27, 1976; and

WHEREAS due notice of a public hearing thereon was published in
the New Canaan Advertiser on February 2, 1978 and February 9, 1978:
The Zoning Board of Appeals will hold a public hearing on Tuesday,
February 14, 1978 at 8:15 P. M. at the Town Hall to hear an applica-
tion from St. Mark's Parish - New Canaan Inn, Inc., Oenoke Ridge.
Variance of Section 60-14.2, to permit a 24% ground coverage; variance
of Section 60-17.5 B, to permit required parking to be placed within
the front yard setback; and variance of Section 60-23.5, to act upon
the variances requested to extend to within two (2) years from the
date said variances shall have been granted. Located in the Half-
Acre Residential Zone. Map 12, Block 42, Lot 811. Edwin J. Deadrick,
Secretary; and

WHEREAS the hearing as advertised was duly held on February 14,
1978 and Mr. Deadrick read Mr. Tippman's letter: "This is to advise
you that a zoning application has been made to me by Saint Mark's
Church requesting a variance of Section 60-14.2, of the Zoning Regula-
tions, to allow a 24% land coverage instead of the allowable 10% for
the Half-Acre Residence Zone. Also a variance of Section 60-17.5 B,
to allow required parking within the front yard setback. This applica-
tion is in connection with the proposed Inn for the elderly which
has been approved by the Planning and Zoning Commission, subject to
obtaining the above variances."

Mr. Edward Rimer Jr., of Heffteran & Rimer, presented this applica-
tion: "Statement of Edward S. Rimer, Jr., to the New Canaan Board
of Appeals February 14, 1978: Mr. Chairman and members of the Zoning
Board of Appeals, my name is Edward S. Rimer, Jr., a member of the
firm of Heffteran and Rimer, attorneys for the applicant, The New Canaan
Inn, incorporated and for the purposes of this application we also
represent the owner, Saint Mark's Parish. By resolution of the New
Canaan Planning and Zoning Commission dated January 10, 1978, approval
was granted for the New Canaan Inn, Incorporated and Saint Mark's Parish
to construct an eleemosynary institution (forty bed congregate living Elderly Housing Complex), subject to several conditions. The first two conditions were:

1. A variance shall be sought from the Board of Appeals to permit twenty-four (24) per cent site coverage other than ten (10) per cent as permitted in the One-Half Acre Zone.

2. A variance shall be sought from the Board of Appeals to permit required parking to be placed within the front yard setback which is not permitted by Section 60-17.5B of the ZONING REGULATIONS.

In addition we have applied for an extension of the time to act upon the variances to within two years rather than six months of the date the variances are granted. For your records, I am submitting a copy of the Action of the Town Planning and Zoning Commission hearing on December 20, 1977, George M. Haynes, an experienced real estate broker and appraiser, testified that in his opinion, the project would not injure or adversely affect the character of nearby properties. I have a letter from Mr. Haynes of today's date which I would like to read into the record.

February 14, 1978, addressed to me, dear Mr. Rimer: I have studied the above-captioned property, the general neighborhood, the site plan, the structure and its planned use. I have also made a study of 'special permit' properties (60-4.2) and the multiple housing market in New Canaan. Based on these studies, it is my firm opinion that the construction and operation of New Canaan Inn will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. (60-4.2.9). It is also my opinion that this "use will be in harmony with the appropriate and orderly development of the district ... and will promote the welfare of the town." (60-4.2.A). New Canaan real estate market data indicate that single-family residences adjacent to "special permit" properties such as churches, the, or adjacent to multiple housing projects do not suffer any impairment of value by being so located. The proposed development is "in harmony with ... the district..."

To the north and west is a "special permit" property, St. Mark's Church. To the east is a multiple housing project. To the south, is a single family residence on 1.6 acres. The site is well back from Gonoke Ridge and mostly below the sight line of people traveling this road. The design of the structure of Gonoke Condominium reduces the visual intrusion and the proposed landscaping will provide excellent screening. These factors all unite to promote the project "in harmony with the district." Having a well-balanced community, one that provides essential services and facilities for all segments of its population, makes the community more desirable and therefore "promotes the welfare of the town." I live in Gonoke Condominium, 250 feet from the proposed building. Signed George M. Haynes.

The approval of the Plan and the Zoning Commission was pursuant to Section 60-4.2 of the ZONING REGULATIONS of the Town. Thus, the Planning and Zoning Commission has made their determination that the Elderly Housing Facility will be in harmony with and not detrimental to the appropriate and orderly development of the district in which it is located and will promote the welfare of the town. With respect to the requested variance to permit 25% coverage rather than 10% as permitted in One-Half Acre Zone, it should be pointed out that the subject property is contiguous to an apartment zone where 30% coverage is permitted. It is also contiguous to the parking lot of Saint Mark's Parish. Moreover, it is a practical impossibility to construct a forty-bed Elderly Housing facility on the subject property with coverage of not more than 10%. With respect to the variance to permit parking within the front yard setback, it is apparent when you look at the site plan that the most reasonable location for parking is within the front yard setback. On this point one must look to the intent of the front yard's setback zoning regulations. It was enacted primarily to provide a setback from public highways. Since the building lot in question is far removed from Gonoke Ridge and is contiguous to the parking lot and condominum above referred to, it would appear that such a variance would be an appropriate exercise of the discretionary power of the Board. The final variance requested is for the two-year period within which to act from the date the variances shall have been granted. We are requesting that this be granted in the event that the project cannot be completed within the usual six month period. It is my understanding that the Exhibits submitted at the Planning and Zoning Commission hearing are available to this Board. I request that you take judicial notice of these Exhibits, particularly with respect to the large number of neighbors who have indicated their support for the project. These include all of the contiguous property owners. I will call upon Mr. Wrobel of the Board of Directors of New Canaan Inn, Inc. to give you a statement of the Purpose of the Organization, then call upon Gary Lindstrom the Architect to point out the details of the site plan and also tonight
we have Mr. Theodore Hobbs, who is the Senior Warder of St. Mark's Parish he’ll be available for any questions you might have.

Mr. Hans Lange: This is a copy of the Statement of Purpose of the New Canaan Inn, Inc. New Canaan Inn, Inc. is a nonprofit corporation which has been formed by a group of concerned New Canaan citizens, working in collaboration with the town's Inter-Church Service Committee. The corporation's objective is to establish and operate the first of what it hopes will be several facilities, in and around New Canaan, which will provide room board, security, care and companionship for elderly people. At rates they can afford to pay. Investigation into the issue of housing for the elderly has shown that in recent years, many of the town's older citizens have been forced to move out of New Canaan, because of the lack of moderately-priced rental properties, consistent with their reduced activity and fixed-income levels. Others, who have been able to stay in town, very often have ended up living alone, with no one to look after them or check on their health and safety. The results, in many instances, have been sad — in terms of the loneliness, malnutrition, sickness, and even death, which have stemmed directly from these isolated living conditions. As a major step forward in solving these problems, New Canaan Inn has secured 1.5 acres of land on the Southeast corner of St. Mark's Church property, and has initiated architectural planning for a 20,000 square-foot facility that will house approximately forty people. The Inn will provide both single and double living accommodations, as well as centralized kitchen and dining facilities, recreational areas and lounges. The Inn will not be a health-care facility, although it will have a resident manager and 24-hour-a-day staffing. The corporation intends to operate the Inn on a break-even basis. In order to keep operating costs (and resulting rates) as low as possible, it intends to fund construction of the facility through private contributions from residents of New Canaan. A fund-raising effort for this purpose will be launched shortly. The corporation hopes that New Canaan citizens, in determining their level of response to this drive, will recognize that the Inn is a facility which will directly serve their interests: First priority, in determining the allocation of living accommodations, will be given to residents of New Canaan, and to relatives of such residents who may be living elsewhere. The purpose for the two year extension is that we would have to get the money together to go along with this project.

Mr. Gary Lindstrom went over the site plans in detail as to location, construction, sight lines, etc.

Mr. Harold K. Hertzog, of the Oenoke Condominium Association spoke in favor of this application. Due consideration was given to said application and to all the available facts and evidence relevant thereto.

NOW THEREFORE Be it Resolved that the Board grants the variances as cited above.

Further Resolved that notice of the granting of the variances shall be filed with the Town Clerk immediately and that notice of such filling shall be published once in the New Canaan Advertiser at the earliest practicable date thereafter and that said variances shall become effective two days after publication of such notice and to be acted upon within two years.

Those voting to grant said variances: Mr. Deadrick, Mr. Johnson, Mr. Fairty, Mr. Lovejoy, Mr. Flaherty.

Those voting to refuse said variances: No one.

At said public hearing no one spoke in opposition.

The Board unanimously grants the application in the belief that the applicant has demonstrated a valid land use hardship and the special circumstances where this was the maximum lot available to it from St. Mark's Parish and that the Planning & Zoning Commission has approved the other aspects of the proposed site development pursuant to its powers.

The applicants land is located in the One half Acre Zone as appears in the New Canaan Land Records Volume 133 Page 399 and has been described by the applicant as having bounding owners (now or formerly) as follows: Northerly by St. Mark's Parish Church; Easterly by Oenoke Condominium Apartments; Westerly by Oenoke Ridge and St. Mark's Parish, each in part; Southerly by Susan J. Satterfield. Said land being further identified on Assessor's Map 12, Block 42, Lot 811.

Published: 2-23-78.

Edwin J. Deadrick, Secretary