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Heading: 999 — Legal Notice

Ad #655106

Scheduled for: 08/10/23, 08/17/23

#### **Legal Notice**

The Planning & Zoning Commission of the Town of Salisbury will hold a Public Hearing on Application #2023-0221 by owner H & R Holdings LLC for a change use professional office special permit for parking flexibility at 14 Main Street, Salisbury, Map 54, Lot 17-1 per Sections 800.4 and 703.8 of the Salisbury Zoning Regulations. The hearing will be held on Monday, August 21, 2023 at 6:45 PM. There is no physical location for this meeting. This meeting will be held virtually via Zoom where interested persons can listen to & speak on the matter. The application, agenda and meeting instructions will be listed at www.salisburyct.us. Written comments may be submitted to the Land Use Office, Salisbury Town Hall, 27 Main Street, P.O. Box 548, Salisbury, CT or via email to aconroy@salisburyct.us. Paper copies may reviewed Monday through Thursday between the hours

of 8:00 AM and 3:30 PM.
Salisbury Planning &
Zoning Commission
Martin Whalen, Secretary
08-10-23
08-17-23



# ST. JOHN'S EPISCOPAL CHURCH

September 15, 2023

To: Salisbury Planning and Zoning Commission

Re: Proposal by Rafe Churchill for Use of 4 Main St., Salisbury

St. John's Church received the attached letter from Rafe Churchill the first week of September. As you can see from the attached envelope, this letter was <u>mailed</u> on September 1<sup>st</sup>, nine days after the August 21<sup>st</sup> Planning Commission meeting. At said meeting Mr. Churchill stated the letters had been sent <u>prior</u> to the Aug. 21<sup>st</sup> meeting. They had not, giving us no opportunity to respond before said meeting.

We have two concerns regarding his proposal. The first has to do with parking. St. John's owns the drive between the church and up to his building, from Main Street back to the end of the church's Memorial Garden fence adjacent to LaBonne's. It is essential that we maintain that right-of-way. The church has three parking spaces along that side and access needs to be maintained for people using the church. More importantly, those spaces provide access for those who are handicapped and need to use our elevator located inside the Memorial Garden. We also have a mid-week event at the church that approximately 20 people regularly attend and who need parking close to the church. Our concern is that ample parking be maintained not only for these events but for anyone doing business along Main Street. Employees of other businesses in town do not park on Main Street. Perhaps Mr. Churchill should investigate other parking options for his employees that take into consideration the needs of his neighbors.

Our second concern is the large dumpster Mr. Churchill currently has parked in the aforementioned driveway on the Main Street end and not altogether on his property. Besides being a huge eyesore in our town, people walking along the sidewalk have to navigate around the dumpster. Salisbury's Annual Fall Festival is in a few short weeks and the dumpster will block access to events in the town, including those put on by St. John's. Our Left Bank Book Sale has been part of this Festival for 50 years and takes place in that driveway adjacent to the church. The dumpster is clearly in the way. A secondary concern is plowing that drive, should said dumpster continue to be there this winter.

We respectfully request that these issues be addressed by the Planning Commission and Mr. Churchill at the September 18<sup>th</sup> meeting. Thank you for your consideration.

Dave Bayersdorfer, Senior Warden Barbara Boccuto, Junior Warden Sherry Cortese, Treasurer

POST OFFICE BOX 391
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860-435-9290

Harred Bayers

August 30, 2023

Rafe Churchill & Heide Hendricks H&R Holdings, LLC PO Box 757 25 Main Street Sharon, CT 06069

860-248-1154 rafe@hendrickschurchill.com

H&R Holdings, LLC is presenting an application for zoning approval related to the building use, parking, and signage for 14 Main Street in Salisbury, CT. Because of the inherent limitations of the .1114 acre property, these approvals are required by the Town of Salisbury. The subject property is located within the C-20 zoning district and is not regulated by the Historic Commission. Additionally, the property is connected to both town water and sewer.

The property is owned by H&R Holdings, LLC and leased by Hendricks Churchill, LLC. As the owners of both business entities, it is our goal to create a beautiful building that not only accommodates our professional needs, but also contributes to the charm and authenticity of the Salisbury village. Hendricks Churchill is an architecture and interior design firm specializing in historically influenced projects including both renovations and new construction. Examples of our work can be seen at hendrickschurchill.com.

The application will be reviewed at a public hearing on September 18, 2023, at 6:45pm. The regular meeting will begin at 6:30pm.

As the owner of an adjacent property, we are required to notify you of this application. Please feel free to email or call with any questions. Enclosed you will find the Zoom link and information for telephone access.

Below is a summary of the application for your review.

#### BUILDING USE

It is our intention to fully utilize the existing property located at 14 Main Street for the purpose of mixed use. This will include professional office space, a retail showroom, and a studio apartment. Historically, this building has been used for purposes of retail, office, and apartments. Although the precedent does exist for our desired use, the town's zoning records are incomplete and do not define a use for the property.

The office space will accommodate Hendricks Churchill's staff of 10-12 employees. While the primary office space will be on the second floor, we will provide additional office space, a conference room, and an accessible bathroom on the main level. The building's footprint will not change.

The retail showroom will be located on the main level with street access at the sidewalk entrance on the west side of the building. The showroom will be open by appointment to the general public but will primarily be used by our employees and clients.

The studio apartment will be located at the rear of the building and accessed at ground level. Hendricks Churchill hosts student interns and relocates new hires by providing temporary

housing. Having been based in Litchfield County for over twenty years, we realize the importance of supporting young people in their professional and personal development. This is especially challenging in small rural towns while the cost of living continues to increase.

We request a modification of the site plan requirements for this use as per section 800.4 of the zoning regulations. In lieu of an A-2 survey, we have submitted the survey filed in the Town Clerk's Office. Architectural plans and a parking analysis are also included with this application.

#### PARKING

The existing property is limited to three parking spaces. There is one space located at the rear of the building. The two other spaces are located at the front of the building, adjacent to the small lawn area and the St. John's Episcopal Church driveway. We expect to utilize these parking spaces on the property. As the property does not accommodate more than three spaces, we will need additional parking. We would like to use the available parking spaces along Main Street, Academy Street, and Library Street. There is a total of 93 parking spaces available for municipal use. We expect to use only 8-10 of the available municipal parking spaces.

Typically, our business hours are Monday through Friday, 8am to 5pm. Otherwise by appointment if meeting clients in the evening or on Saturdays. Our research shows that Sunday morning has the greatest demand for parking in the village center. Hendricks Churchill's offices are closed during this time.

The building is approximately 4,800 square feet. Regardless of the building's use or zoning status, three parking spaces will not satisfy even a single residential dwelling.

We are requesting a "special permit" in response to the need for parking flexibility for existing buildings as per section 703.8 of the zoning regulations. In lieu of an A-2 survey, we are submitting the survey filed in the Town Clerk's Office. Architectural plans and a parking analysis are also included with this application.

## SIGNAGE

It is our preference to include wall signage to identify the use of the building. We are not interested in freestanding or projecting signage.

We are requesting approval for the signage to be hand painted directly on the storefront millwork.

The signage will be no more than 24.5 square feet (21' long by 14" tall). The main volume of the building is 24'-6" wide. If including the additional street frontage of the side entrance, the building is 31'-2" wide.

We are requesting approval for wall signage as per section 704.4.1 of the zoning regulations. A sketch of the building's east elevation has been included with this application to show the proposed signage scale and location.

You are invited to a Zoom webinar.

When: Sep 18, 2023 06:30 PM Eastern Time (US and Canada). Hearing begins at 6:45. Topic: Regular Meeting of the Salisbury Planning & Zoning Commission - Monday 9/18/2023 at 6:30pm

Please click the link below to join the webinar:

https://us06web.zoom.us/j/83581357374?pwd=VGZZempMVzIwaFpvd1ZDMnVpVlZPdz09 Passcode: 159538

Or One tap mobile:

- +13017158592..83581357374# US (Washington DC)
- +13052241968,83581357374# US

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- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 646 558 8656 US (New York)
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International numbers available: <a href="https://us06web.zoom.us/u/kcSqgYIWQ1">https://us06web.zoom.us/u/kcSqgYIWQ1</a>

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September 18, 2023

Rafe Churchill H&R Holdings, LLC PO Box 757 25 Main Street Sharon, CT 06069

860-248-1154 rafe@hendrickschurchill.com

Salisbury Zoning Commission,

I respectfully request that our zoning application for mercantile, office, and residential use be considered for its benefit to the local business community. With additional opportunities for employment, retail, and housing 14 Main Street will continue as a "mixed-use" property.

The attached outline details the history of 14 Main Street's application and review process for building use, construction, and fire safety dating back to 1990. This information was collected while reviewing the town's property file for 14 Main Street in Salisbury, CT.

The above referenced file shows the town's understanding of the building use between 1990 to 2022. These uses include mercantile, business, and office.

Currently, there are no zoning records for this property. While the town has not enforced zoning regulations in the past for this property, the precedent for our proposed use does exist. Approved building permits, building code modifications, and Certificates of Occupancy issued by the local building official and State of Connecticut building official show a clear understanding by the Town of Salisbury and the State of Connecticut regarding the use of 14 Main Street.

Prior to H&R Holdings, LLC purchasing 14 Main Street the property was previously used as mercantile and office space by several businesses:

Connecticut Yankee Mercantile & Office 1990 – 1999

House of Walsh Mercantile & Office 1999 – 2002

Passports, Lion Rock Farm, Salisbury Pharmacy Group, Salisbury Square, LLC (Elaine LaRoche owned and operated four businesses with a total office staff of nine.)

Mercantile & Office
2002 – 2022

#### ARCHITECTURAL DRAWINGS

- February 13, 2002
  - o Lower Level
    - "ACCESSIBLE CONFERENCE"
  - First Floor
    - "RETAIL"
    - "RETAIL LOBBY"
    - "DISPLAY WINDOW"
    - "EXISTING SERVICE DESK"
  - Second Floor
    - "EXISTING OFFICE AREAS"
- February 26, 2002
  - o Lower Level
    - "ACCESSIBLE OFFICE"
    - Includes desks for six people
  - First Floor
    - "OFFICE"
    - "DISPLAY"
    - "LOBBY"

## REQUEST FOR MODIFICATION OF THE STATE BUILDING CODE

- February 11, 2002
  - o Fire Marshall sent memo to Zoning Officer confirming the steps of the building were necessary for the proposed use of the building.
- February 13, 2002: Passports
  - Completed application for modification to the building code to approve new stairs to access second floor space for "BUSINESS" use.
  - o Building official checked "SUPPORT REQUEST" on application.
- February 14, 2002: **Passports** 
  - Letter from Building Official, Michael Fitting, supporting a request for changes to the existing stairs. The alterations were part of the larger renovation.
    - First Floor
      - Maintain "MERCANTILE"
    - Second Floor
      - Change to "BUSINESS USE"
- February 19, 2002
  - o State of CT Building Official approved request for changes to existing stairs

## **BUILDING PERMITS**

- October 20, 1999: House of Walsh
  - o Electrical permit
    - New electrical service
- March 14, 2002: **Passports** 
  - o Plumbing permit
    - 4 water closets
    - 4 lavatories

- 4 point of use water heaters
- Sewage ejector pump

#### **BUILDING INSPECTION NOTICES**

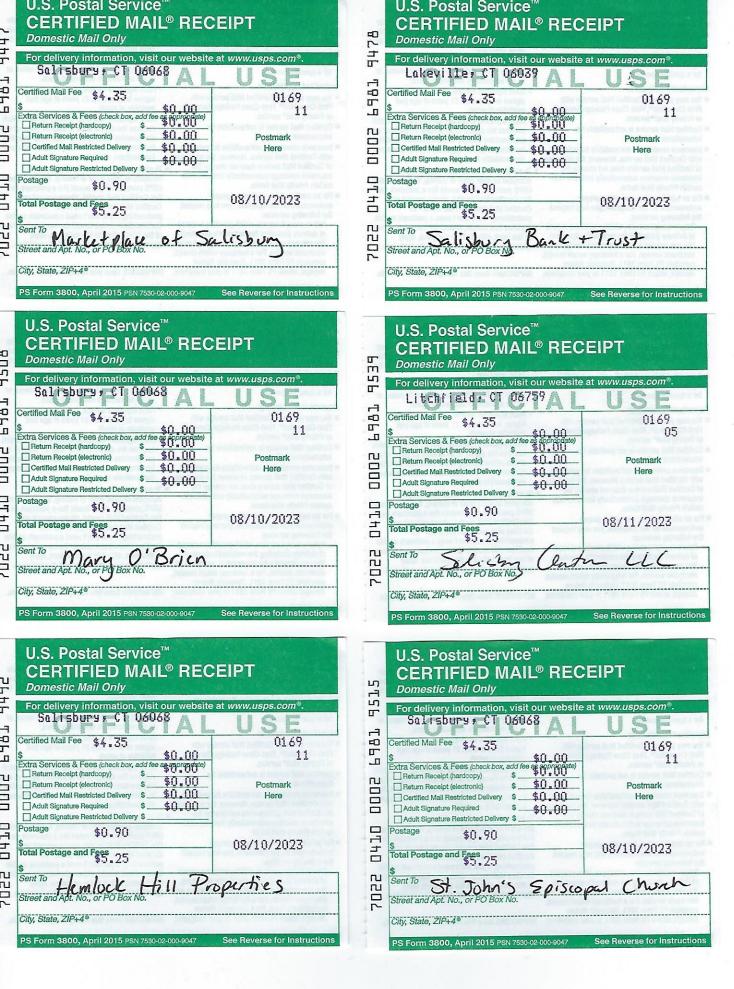
- May 9, 2002: **Passports** 
  - o Approved inspection
    - 400 amp overhead service
    - 5 electrical meters
- May 17, 2002: **Passports** 
  - o Approved inspection
    - 1<sup>st</sup> floor & rear office area

# CERTIFICATE OF OCCUPANCY

- September 1, 1994: Connecticut Yankee
  - o "MERCANTILE BUILDING
    - 1<sup>st</sup> & 2<sup>nd</sup> floors
- May 17, 2002: **Passports** 
  - o First Floor "MERCANTILE" and rear "REAR OFFICE AREA"

**Estoppel:** Is a judicial remedy by which a party may be precluded by his own act or omission from asserting a right to which it otherwise would have been entitled. In other words, estoppel is a means of preventing a party from asserting a legal claim or defense which is contrary or inconsistent with its prior action or conduct.

**Municipal Estoppel:** Refers to instances where it is appropriate to preclude (or "estop") a municipality from taking an action inconsistent with the municipality's previous representations.



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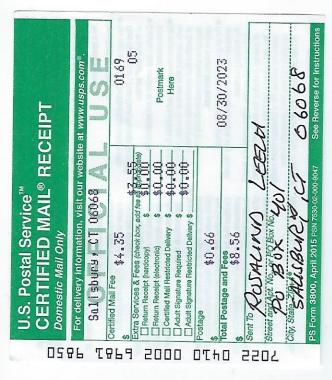
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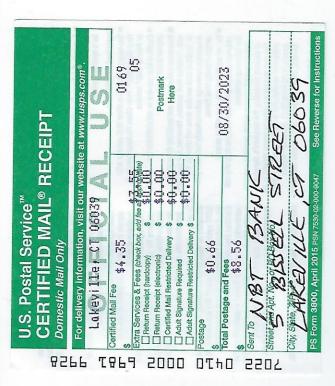
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