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February 6, 2024

Laurie Montagna
Zoning Official
Westport Planning & Zoning Department
110 Myrtle Avenue
Westport, CT 06880

Re: Application to Zoning Board of Appeals for property located at 1 Morningside Dr. North, Westport, CT

Dear Ms. Montagna:

Please accept the following narrative as part of the variance application to the Westport Zoning Board of Appeals for the property located at 1 Morningside Drive North ("Site") located in the Business Preservation District ("BPD") to legalize the existing site layout, particularly the amount of off-street parking, for a healthcare professional office to occupy 2,076 SF of the existing building identified as "Building B" on the enclosed survey.

The Site contains three (3) separate buildings and is mostly occupied by a professional office use. However, a portion of one of the buildings, identified as "Building B" on the submitted plans, contains a healthcare professional use. This healthcare professional use was approved for occupancy and use by the Westport Planning & Zoning Department and the Town of Westport in 2014. Now, a new healthcare professional user seeks to occupy this space, which consists of approximately 2,076 SF in floor area. However, during the process in obtaining a permit, it was determined that the prior approval for the existing healthcare professional office use was issued in error due to insufficient off-street parking from the conversion from a professional office use to a healthcare professional use, as the latter has a higher parking requirement under the Westport Zoning Regulations (the "Regulations"). While the original healthcare professional use received the necessary approval and, for a decade, the Site experienced no issues with off-street parking, the new healthcare professional use is now being required to obtain the variance.

Regarding the Site, it sits along three street frontages – Morningside Drive N to its east, Post Road E to its south and Church Street N to its west. Its access is from Church St. N and Morningside Dr. N only. The Site contains three existing buildings labeled as "A," "B," and "C" on the submitted survey and 116 off-street parking spaces. On the northeastern side of the Site,

the parking splits between a below-grade and an above-grade parking area. The off-street parking is located in very convenient locations to access the buildings. However, the Site is significantly overparked for its actual use. Any frequent visitor to the Site will easily see dozens upon dozens of open parking spaces. The Town and the Site also have almost a decade of actual experience of a healthcare professional use at the Site with no issue.

The Applicant proposes a healthcare professional use on the existing first floor of the building identified as Building "B." The area consists of 2,076 SF and it was formerly occupied by a plastic surgeon. The interior of the building will be renovated to accommodate an oral surgery medical practice. The healthcare professional use is permitted in the BPD under Sec. 28-2.1.2 of the Westport Zoning Regulations (the "Regulations"). The building footprint is not being altered and there is no increase in floor area under this Application. The conversion of the tenant space from professional office use to healthcare professional use creates an additional requirement of two (2) off-street parking spaces. It should be noted that one space of this requirement could be satisfied by a deferred parking space, which was previously approved for the Site. This area is still available to be converted into a parking space, but it has never been necessary as the Site has proven to be overparked. In reality, only one (1) additional space would have to be created to satisfy the increased demand under the Regulations.

Hardship

Granting the Applicant said variance will not substantially affect the comprehensive zoning plan of the Town of Westport and adherence to the strict letter of the Westport Zoning Regulations will cause an unusual hardship to the Applicant as the Site has already been approved for a healthcare professional use previously and has operated since that time with no issue. That healthcare professional use would be permitted to continue as it received the necessary approvals. Simply changing from one healthcare professional use to another healthcare professional use has triggered the requirement of a variance due to supposed error in the issuance of the original approval.

This is merely a conversion of use within an existing building for a use permitted within the zone. It will have no impact on public health, safety and general welfare as there is no change to the Site layout or any expansion to the existing buildings proposed. The Site contains sufficient off-street parking to accommodate the proposed use. The change in use will have a negligible impact on traffic. The Board has proof that the variance will not have an impact as the use has been existing on the Site for almost a decade. It will essentially be no change from existing conditions except for the change in user. The building footprint, total floor area, lighting and landscaping will remain the same.

It should also be noted that the requirement of two (2) parking spaces is partially satisfied by the one (1) deferred parking space that was previously approved. Said space is still available, but it has never been exercised since it is so overparked. While the Site could accommodate an additional parking space to satisfy the requirement, it would be at the detriment of reduced landscaping, which has been well-established and provides a wonderful streetscape and buffer to the surrounding area.

For the reasons stated above, the Applicant respectfully requests approval for the stated variance for the Site.

Sincerely,



Christopher Russo