

Testimony of Sean Sullivan of Ledyard in support of

HB 5479 AN ACT CONCERNING CONSIDERATIONS IN AFFORDABLE HOUSING APPEALS

Planning and Development Committee

March 2, 2011

Good morning (afternoon). My name is Sean Sullivan. I am a member of the town council in Ledyard. I am here today to speak in favor of House Bill 5479, AN ACT CONCERNING CONSIDERATIONS IN AFFORDABLE HOUSING APPEALS.

Let me begin by expressing my support for the concept of affordable housing. However, in Ledyard we have a scenario that I believe exposes an unintended consequence of the broadly worded language of the current law, and one I hope the legislature will address.

In February 2006, a developer purchased a small lot in our town. Under the zoning regulations in effect at that time, the lot was a nonconforming lot, meaning that no building or structure could be legally constructed on it, because it was too small. The developer purchased the lot with knowledge that it was non-conforming. Nevertheless, the developer submitted a variance application to the Zoning Board of Appeals to build a single family home on the lot. The variance was denied. The developer appealed to superior court. The court denied the appeal.

In 2008, the developer submitted a second variance application, again for a single family home on the same undersized lot. The second variance application was denied as being substantially the same as the first, and again the developer appealed, and again he lost in superior court.

So now there is yet a third appeal pending in superior court involving the same developer and the same lot. This time, though, the developer submitted an application under General Statutes 8-30g, proposing to construct one three-family house, of which one apartment would be "affordable". Amazingly, where two previous applications and court appeals failed, this third one may succeed because the affordable housing statute is so broadly worded.

I urge this committee to report out a bill that would prevent non-conforming lots – lots considered unsuitable for any building – to be magically transformed into buildable lots through the designation of a single apartment as affordable housing. A very low number of affordable units, (indeed, as in this Ledyard case, one) is not going to materially advance the availability of affordable housing. Rather, applications such as this are simply the clever use of existing statute to make an end run around legitimate zoning.

Under the existing law, most any nonconforming lot could become the site of a three-unit housing structure with a single affordable housing unit. In Ledyard, the typical nonconforming lot sells for less than \$5,000, whereas a buildable lot sells for \$75,000, so this loophole may be exploited by purely for profit. It may also be used to extort variances. In other words, a future property owner may convince a zoning board of appeals to grant a variance permitting one high-end single family house lest they end up with a three-unit affordable housing project. Finally, permitting affordable housing projects on lots otherwise unsuitable for any building is unfair to neighboring property owners who likely purchased their property with the reasonable assumption that the nonconforming lot would remain forever vacant.

I want to stress that Ledyard is not opposed to the concept of affordable housing. I am aware of another pending 8-30g project that will bring several affordable units to the center of our town, and I believe this project will be welcomed in our town. But zoning laws should not be defeated simply to transform unbuildable land into someone's profit.

Thank you very much for giving me the opportunity to testify.