

**ADDENDUM TO APPLICATION OF
VALLEY VIEW, LLC
FOR ZONING TEXT AMENDMENT
DELETION OF ARTICLE X, SECTION F.3.g.7**

Background

The applicant, Valley View, LLC, is the owner of the Valley View Mobile Home Park, which was established prior to the adoption of zoning in Mansfield. The Park now contains 57 mobile homes and a permanent building that was probably the original farm house when the land was first rented out for mobile homes. When Valley View purchased the Park from the former owner, Frank Riley, in 1999 Mr. Riley was renting out the farm house as a two-family dwelling with an apartment on each of the two floors. Mr. Riley represented that the use was legal under the Mansfield Zoning Regulations, and Valley View has rented out the two apartments ever since.

By Notice of Violation dated November 25, 2008, the Zoning Enforcement Officer, Curt Hirsch, alerted Valley View that while the occupancy of the upstairs apartment was legal, the occupancy of the downstairs apartment was not. Article X, Section F.3.g.7 requires that in order to expand, mobile home parks must have a "service building" consisting of "a heated building containing at least one water-flushed toilet for men and one water-flushed toilet for women, separate for the two sexes, and one wash basin for each sex, to be available at all times." While the Park may have been legally nonconforming to this requirement at one time, Mr. Riley obtained a Special Permit in 1965 to add 18 units and another one on December 18, 1989 to expand the Park by adding two more units. This had the effect of subjecting the Park to the current Zoning Regulations, including Article X, Section F.3.g.7.

In April of 1990, Mr. Riley filed an application to delete Article X, Section F.3.g.7, but offered only a cursory explanation as to why. He was not represented by counsel. The staff review memo noted that "the applicant has the burden of demonstrating to the P.Z.C's legislative satisfaction that the existing service building requirement is no longer needed to promote health, welfare, and safety issues with the various mobile home parks in Town. Limited justification has been submitted to date, but more support may be expressed at the 6-4-90 public hearing." No such additional support was, in fact, provided. The staff concluded that "the service building requirement should not be eliminated unless there is a clear justification that such a facility is not needed or desired by the residents of a mobile home park." Following a twelve minute public hearing on June 4, 1990 at which only Mr. Riley spoke, the Commission denied the application at its meeting of July 16, 1990.

Not to be deterred, Mr. Riley applied for a Building Permit on February 19, 1991 (Permit No. 90-91-161) to convert a "laundry" area on the first floor of the farm house into a "snack preparation area," as well as to "wire, plumb, and fix up interior[,] including heat."

The Building Permit application expressly states, "no bedrooms, no full kitchen, intent is to remodel a service building." The floor plan accompanying the application depicted the "laundry area" as a "kitchen" (not a "snack preparation room") and showed a living room, dining area, bedroom, and two bathrooms, but the printed living room, dining area, and bedroom labels had been crossed out; the livingroom and bedroom areas were handwritten as "storage."

Mr. Hirsch reviewed this request prior to its being filed and concluded, in a January 24, 1991 memorandum, that "the removal of laundry equipment in favor of a kitchen area is in compliance with the Regulation. A use as 'laundry facilities' is permissive and not mandatory." It is now obvious that Mr. Riley's interior work on the farm house was not intended to create a "snack preparation area" for the "service building," but rather to improve the downstairs as an apartment with a full kitchen. At the time that Valley View purchased the Park, the downstairs looked exactly like the floor plan that had been submitted with the 1991 Building Permit application, but with the rooms being used as per the crossed-out *printed* labels rather than the *handwritten* ones.

As far as Valley View can tell, the downstairs of the farm house has *never* been used as a "service building." Mr. Riley told the Commission at the June 4, 1990 public hearing that "the storage building on his property has never been used, to his knowledge, by anyone in the park for any purpose while he has owned the property, except for his own storage of maintenance equipment [and] . . . no one has ever asked to use it for any purpose."

Mr. Riley sought a variance in 1993 (presumably after the downstairs apartment was completed) to allow the use of the first floor of the farm house as an apartment, but that application was denied. It is difficult to imagine what the claimed hardship was. However, it is now apparent that the apartment use continued until Mr. Riley sold the Park to Valley View, and they continued the use in the belief that it was permitted.

Grounds for Text Amendment

Town records indicate that not one single mobile home park in Mansfield has a "service building." The closest comparable is a swim club at Jensen's Rolling Hills which is available only to residents who pay a separate club membership fee. Note that the current Regulation *does not require* a "community building" or any form of recreational space or other amenities. It requires *only* a men's and women's toilet and sink.

First, this requirement is hopelessly out of date. The regulation sounds more appropriate for an "RV Park" or campground rather than a modern mobile home park. In 1974, the Federal government adopted comprehensive construction and safety standards for mobile homes, the National Manufactured Housing Construction and Safety Standards Act of 1974, Pub.L. 93-383 (now codified at 42 U.S.C. 5401 *et seq.*) Pursuant to the Act, regulations governing the construction and inspection of mobile homes, applicable in every state, were promulgated by the U.S. Department of Housing and Urban Development. 24 CFR § 3280.1 *et seq.*; 24 CFR § 3282.1 *et seq.* The Act

and the regulations have been continuously refined, with the most recent revisions being made in the Manufactured Housing Improvement Act of 2000, Pub. L. 106-569.

This new legislation recognized that because mobile homes will be manufactured in one state and then transported to many others, the manufacturers could not possibly meet fifty separate building codes. A uniform national standard was required instead. One of the effects of those new regulations was that mobile homes had to become larger, and with greater size came greater amenities. As older mobile homes become obsolete and are replaced with new ones constructed under the Federal standards, the size of mobile homes in mobile home parks have become gradually larger. Today, *every* mobile home contains its own toilet and sink—often two—plus separate laundry facilities, living rooms, dining areas, and frequently outdoor decks or porches. The “service building” requirement is utterly superfluous. Almost twenty years ago, in 1990, this trend may have been less noticeable but the pre-1974 mobile homes are now largely gone and their replacements have all the comforts of a stick-built home.

Second, the service building requirement imposes an unreasonable burden on mobile home residents, especially in small parks. Note that Article X, Section F.3.g.7 contains no minimum park size. It applies to *every* mobile home park expansion, regardless of size. The Valley View Park is a good example of the problem: It contains only 57 units. The cost of heating, cooling, and maintaining the service building will have to be passed on to the residents by increases in the ground rental for the unit owners. Residents will have to bear the costs for a rest room building that they don't need. In the condominium context, developers generally acknowledge that any form of community building requires a minimum of 100 units in order to be economically viable. High-maintenance facilities such as swimming pool and tennis courts require even larger numbers. Note that Section X.A.5 does not require any kind of community building for a DMR Zone, even though those units would be smaller than large-lot single family homes. If common areas and facilities are suitable for smaller homes, then the rule should apply to all such developments and not just mobile home parks.

Third, the existing Article X, Section F.3.g.7 is poorly drafted. Theoretically, Valley View could comply by simply converting the existing second bedroom of the farm house into two restrooms (there is already a separate outside entrance) and the balance of the first floor would *still* be vacant and available for some other use. As noted by Mr. Hirsch in his memorandum of January 24, 1991, laundry, community spaces, and other amenities may be *permitted* by Article X, Section F.3.g.7 but they are not *required*. Only two toilets and two sinks are required.

Fourth, the Commission denied this request in 1990 in part because it received no input from mobile home residents. Valley View has canvassed its residents and most of them never knew that there was supposed to be a “service building,” and weren't interested in having one. They are concerned that a vacant, unsupervised “service building” that they don't need and won't use will simply become a maintenance headache that they will eventually have to fund through ground rentals.

Lastly, in 1990 the Commission pondered the alternatives to deletion of Article X, Section F.3.g.7. We have explored this topic with staff, and for a mobile home park as small as Valley View, we can't think of any amenity that is both needed and that can be supported. Valley View does have a recreation field which residents use and enjoy and which, being nonstructural, is easy to maintain and monitor. The recreation field is a more beneficial amenity than two rest rooms, which no residents of the Park need.

For these reasons, we request that the Commission delete Article X, Section F.3.g.7 from the Zoning Regulations.

REQUEST FOR SITE/BUILDING MODIFICATIONS
(see Article XI, Section D of the Mansfield Zoning Regulations)

APPLICANT/OWNER SECTION

1. Owner(s) Valley View, LLC Telephone (203) 799-2572
Address P.O. Box 681 (please PRINT) Town Orange, CT Zip 06477

2. Applicant(s) Valley View, LLC Telephone (203) 799-2572
Address P.O. Box 681 (please PRINT) Town Orange, CT Zip 06477

3. Site Location 1559 Stafford Road; Assessor's Map 7, Block 11, Parcel 13

4. Reference any approved map(s) that would be superseded if this request is approved:
None

5. Reference any new map(s) submitted as part of this request:

6. Itemize and describe the modification(s) being requested, using separate sheet where necessary. The description must be adequate to determine compliance with all applicable land use regulations: -
See attached sheet

Valley View, LLC

7. By [Signature]
Applicant's signature
Mark K. Branse
Its Attorney

date 2-12-09

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**ADDENDUM TO APPLICATION OF
VALLEY VIEW, LLC
FOR AMENDMENT TO SPECIAL PERMIT**

Background

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Text Amendment

Valley View has filed an application to delete Article X, Section F.3.g.7. This application to amend the Special Permit is contingent on the approval of that pending application. The Commission cannot approve this application until after the effective date of the text amendment, if granted.

Special Permit Application

In accordance with Article V, Section B.9, Valley View requests that its Special Permit be modified to convert the first floor of the farm house into a single family dwelling unit. As noted above, this has been its actual (though not legal) use since approximately 1991. The change would require no alteration of the existing building, either interior or exterior (other than normal pre-rental painting, repairs, and typical code compliance upgrades.) A preliminary review by the Eastern Highlands Health District indicates that the requirements of the dwelling will be less than for the service building use.