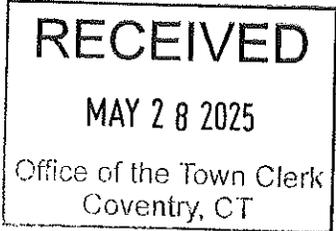


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|--------------------------------|---|----------------------|
| RETURN DATE: JULY 1, 2025      | : | SUPERIOR COURT       |
|                                | : |                      |
| A1Z7, LLC                      | : | JUDICIAL DISTRICT OF |
|                                | : | TOLLAND              |
|                                | : |                      |
| v.                             | : | AT ROCKVILLE         |
|                                | : |                      |
| PLANNING AND ZONING COMMISSION | : |                      |
| OF THE TOWN OF COVENTRY,       | : |                      |
| CONNECTICUT                    | : | May 27, 2025         |



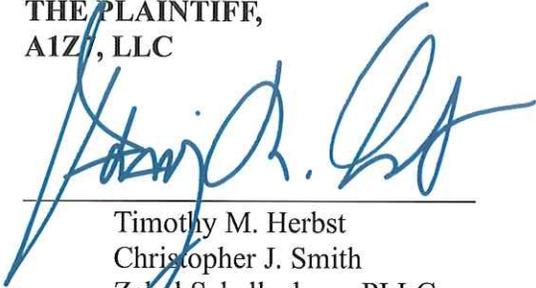
**TO THE MARSHAL OF THE COUNTY OF TOLLAND OR HIS / HER DEPUTY WITHIN SAID COUNTY, GREETINGS:**

**BY AUTHORITY OF THE STATE OF CONNECTICUT**, you are hereby commanded to summon the Planning and Zoning Commission of the Town of Coventry, Connecticut with an office at 1712 Main Street, Coventry, Connecticut 06238 to appear before the Superior Court for the Judicial District of Tolland at Rockville, at 69 Brooklyn Street, Vernon, Connecticut, 06066, on the 1st Tuesday in July, 2025, then and there to answer unto the foregoing complaint and appeal, with a Return Date of July 1, 2025, of A1Z7, LLC, a Georgia limited liability company, registered to do business in the State of Connecticut, with a business and mailing address of 494 Bridgeport Avenue, Suite 101-308, Shelton, Connecticut 06484; by serving the Defendant, Planning and Zoning Commission of the Town of Coventry, Connecticut, by leaving with, or at the usual place of abode of, the Town Clerk of the Town of Coventry, Connecticut, Lori Tollman, or her designated agent, with an office at 1712 Main Street, Coventry, Connecticut 06238 (as to the Defendant, Planning and Zoning Commission of the Town of Coventry, Connecticut), two (2) true and attested copies of said complaint and appeal, and of this summons, and directing the Town Clerk, or her designated agent, to retain one (1) copy and forward the second copy to the Defendant, Planning and Zoning Commission of the Town of Coventry, Connecticut. Such appearance shall not be made in person, but shall be made by filing a statement of appearance with the Clerk of the Court, whose address is 69 Brooklyn Street, Vernon, Connecticut, 06066, on or before the second day following the Return Date of July 1, 2025.

Hereof fail not, but of this writ, with your doings thereon, due service and return make.

Dated at Orange, Connecticut this 27<sup>th</sup> day of May, 2025.

**THE PLAINTIFF,  
AIZ, LLC**



Timothy M. Herbst  
Christopher J. Smith  
Zabel Schellenberg, PLLC  
36 Old Tavern Road, Suite 622  
Orange, CT 06477  
Tel: 203-864-4511  
Fax: 203-456-8249  
Juris No. 441393

~~A TRUE COPY, ATTEST:~~

  
Tim Poloski  
State Marshal

|                                |   |                      |
|--------------------------------|---|----------------------|
| RETURN DATE: JULY 1, 2025      | : | SUPERIOR COURT       |
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| CONNECTICUT                    | : | May 27, 2025         |

**APPEAL AND COMPLAINT PURSUANT TO  
SECTION 8-8 OF  
THE CONNECTICUT GENERAL STATUTES**

To the Superior Court for the Judicial District of Tolland at Rockville comes A1Z7, LLC (“Plaintiff”), appealing from the decision of Defendant Planning and Zoning Commission of the Town of Coventry, Connecticut (“Commission”), who complains and says that:

1. A1Z7, LLC, is a Georgia limited liability company, registered to do business in the State of Connecticut, with a business and mailing address of 494 Bridgeport Avenue, Suite 101-308, Shelton, Connecticut 06484 (“Plaintiff” or “Applicant”).
2. Plaintiff owns real property known as 1409 Main Street, which is located in the Town of Coventry, Connecticut (the “Property”). The Property consists of approximately 2.05 acres, is located at the intersection of Routes 275 and 31 in Coventry, Connecticut, and is designated as Map 36, Block 3 and Lot 92, by the Assessor of the Town of Coventry, Connecticut.
3. The Property is shown as “Lot A” on a plan entitled, “Improvement Location and Topographic Survey “Record Free Split Plan” prepared for A1Z7, LLC, 1409 Main Street (CT Route 31) – Coventry, Connecticut.”
4. Defendant Planning and Zoning Commission of the Town of Coventry, Connecticut (“Commission”), has the statutory powers, duties and responsibilities

delegated by the Connecticut General Assembly as provided by Chapter 124 of the Connecticut General Statutes, and has an office located at 1712 Main Street, Coventry, Connecticut 06238.

5. The Property currently is designated within two zone districts (“split zone”) under the Town Zoning Regulations and Zone Map (collectively, the “Regulations”). The front portion of the Property is zoned commercial, located in the Village Gateway Zone (“VGZ”), and the rear portion of the Property is zoned residential, located in the Lake Residential Zone (“LRZ”), with views of Coventry Lake.
6. On or about January 27, 2025, the Plaintiff filed a zone change application (the “Application”) with the Commission, requesting approval to eliminate the split zone district designation of the Property by designating the entire Property in the Village Gateway Zone.
7. The Application: (a) promotes uniformity with a single zone designation and permitted uses for the Property as provided by Section 8-2 of the Connecticut General Statutes (“Section 8-2”); (b) is consistent with the Town’s Zone Regulations and Zone Map (“Comprehensive Plan”); (c) is consistent with the Town’s 2020 Town Plan of Conservation and Development (“POCD”); and (d) will not result in an adverse impact to the public health, safety and welfare.
8. The POCD calls for the Commission, the Economic Development Commission and land use staff to:
  - a. selectively promote intensive and appropriate residential and commercial uses;

- b. plan a careful strategy to combine new uses, including services, retail starter businesses, clustered housing on the Village edges, and infill commercial development along Main Street; and
  - c. target new uses that will have regional attraction, including those associated with local universities.
9. The POCD also states that “[t]he community and the government must actively support the retention of existing businesses and the development of selected new businesses in robust commercial districts attractive to residents and visitors. This allows residents to enjoy a high quality of life and to care for the community’s future.”
10. The Commission accepted the Application at the February 24, 2025 meeting of the Commission.
11. The Commission opened the public hearing on the Application on March 24, 2025.
12. The public hearing was thereafter continued to April 14, 2025. On this same date, the Director of Planning and Development for the Town and Staff assigned to the Commission (“Director of Planning”), issued a Report providing Staff guidance concerning the Application (the “Report”).
13. In the Report, the Director of Planning opined on the sections of the POCD cited by Plaintiffs as a basis for approving the Application. The Director of Planning recited each of these sections and advised the Commission that “[a]s your Town Planner, I find these sections to be relevant and applicable to the proposal. The numbered list is directly from the POCD section on the South Coventry Village Special Planning Area.”

14. In the Report, the Director of Planning also opined: “I believe the subject parcel is under-utilized and that rezoning would be consistent with the goals of the [POCD] by facilitating adaptive reuse or redevelopment of the property.”
15. In the Report, the Director of Planning further introduced a proposed, modified approval of the Application, which would rezone most of the Property as VGZ, while a small, narrow portion of the Property located on the southerly side fronting Woodland Road, would remain within the currently designated Lake Residential Zone.
16. The Director of Planning’s proposed modification to leave a portion of the Property within the Lake Residential Zone arose from a concern about ingress and egress from the Property onto Woodland Road, despite the fact that the Commission previously had rezoned similar properties immediately adjacent to the Property as VGZ, with direct access to and from Woodland Road.
17. Notably, the two abutting properties referenced by Plaintiffs as examples to support approval of the Application are and would remain (in any scenario) VGZ with precedent for ingress and egress for commercial traffic from the VGZ properties onto Woodland Road.
18. On April 25, 2025, Plaintiff-Applicant’s counsel sent correspondence to the Commission objecting to the proposed modification that results in the Property remaining split-zoned contrary to Section 8-2’s uniformity requirement.
19. Specifically, the proposed modification would render the small portion of the Property that would remain, as proposed by the Director of Planning, in the Lake Residential Zone as essentially unbuildable and unusable. This would be

tantamount to a confiscation of the Lake Residential Zone portion of the Property, akin to a regulatory taking, with this portion of the Property essentially becoming a nonconforming parcel. Therefore, the Plaintiff would be denied its property rights as it will be effectively denied the opportunity to develop this portion of the Property.

20. Plaintiff-Applicant also pointed out that the Application was predicated upon the elimination of a dysfunctional lot that contains two different and distinct zoning classifications, which creates a conflict of zones.
21. The public hearing on the Application continued to April 28, 2025 and was closed on that date.
22. The Commission scheduled its next meeting for May 12, 2025 to review and act upon the Application.
23. After extensive debate among members of the Commission during deliberations, a motion was made to approve the Application with modifications.
24. The motion to approve with modifications was withdrawn and the Commission ultimately voted to deny the Application (“Commission’s Decision”).
25. The Commission’s Decision was published on May 15, 2025 in the Willimantic Chronicle.
26. In denying the Application, the Commission acted illegally, arbitrarily, capriciously, and in abuse of the discretion vested in it, for one or more of the following reasons:
  - a. The Application is consistent with the Town’s Comprehensive Plan in that the Zone Map demonstrates that the proposed uniform zone change is consistent

with the zoning designations for similar parcels adjacent to the Property and the Regulations supported the proposed zone change.

- b. The Application is consistent with the Town's POCD.
- c. The Application promotes uniformity with the zone designation of the Property consistent with Section 8-2.
- d. The Commission's Decision is inconsistent with the Director of Planning's Report, which advised that the proposed zone change is consistent with the Town's POCD.
- e. The Commission's Decision is inconsistent with the Commission's deliberations that indicated support for at least a modified approval of the Application.
- f. The Commission's Decision fails to establish that the elimination of the Property's split-zone designation to a uniform zone is not consistent with Section 8-2, the Town's Comprehensive Plan or the Town's POCD.
- g. The Commission's Decision does not identify or quantify an adverse impact to the public health, safety and welfare that will result from the elimination of the split-zone designation of the Property.
- h. The Commission's denial of the Application is not supported by substantial evidence in the administrative record ("Record").
- i. Any other reason that may become apparent from a review of the Record once compiled and filed with the Court as provided by Section 8-8 of the Connecticut General Statutes.

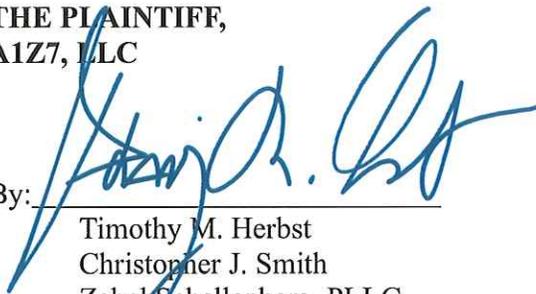
27. The Plaintiff is the owner of the Property, and Applicant for the Application requesting zone change approval to create a uniform zone designation for the Property, whose Application was wrongfully denied by the Commission as set forth in Paragraph 26, hereinabove. Specifically, Plaintiff is entitled to approval of the Application. Therefore, as the owner of the Property, and Applicant whose Application was wrongfully denied by the Commission, the Plaintiff is statutorily aggrieved for taking this appeal as provided by Section 8-8 of the Connecticut General Statutes.

28. The Plaintiff is the owner of the Property, and Applicant for the Application requesting zone change approval to create a uniform zone designation for the Property, whose Application was wrongfully denied by the Commission as set forth in Paragraph 26, hereinabove. Specifically, Plaintiff is entitled to approval of the Application. Therefore, as the owner of the Property, and Applicant whose Application was wrongfully denied by the Commission, Plaintiff has a specific, legal and personal interest in the Commission's Decision, that is unique relative to the interests of other property owners in the Town of Coventry, Connecticut, and such interest has been injuriously affected by the Commission's wrongful denial as set forth in Paragraph 26, hereinabove. Therefore, Plaintiff is classically aggrieved for purposes of taking this appeal as provided by Section 8-8 of the Connecticut General Statutes.

**WHEREFORE**, Plaintiff respectfully requests that the Court:

1. Based upon the administrative record (“Record”), find that the Commission’s Decision was improper, not supported by the substantial evidence and, based upon the Record, sustain Plaintiffs’ appeal and order that the Application be approved;
2. Award such other relief at law or in equity, as the Court deems appropriate, to effectuate the proper implementation of Section 8-2 of the Connecticut General Statutes to establish uniform zone districts in a municipality; and
3. Award costs as provided in Section 8-8(l) of the Connecticut General Statutes.

**THE PLAINTIFF,  
A1Z7, LLC**

By: 

Timothy M. Herbst  
Christopher J. Smith  
Zabel Schellenberg, PLLC  
36 Old Tavern Road, Suite 622  
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Tel: 203-864-4511  
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Juris No. 441393

Please enter the appearance of  
Zabel Schellenberg, PLLC  
36 Old Tavern Road, Suite 622  
Orange, CT 06477  
Tel: 203-864-4511  
Fax: 203-456-8249  
Juris No. 441393  
For Plaintiff, A1Z7, LLC

A TRUE COPY. ATTEST: 

Tim Polaski  
State Marshal