

**EAST LYME ZONING BOARD OF APPEALS
PUBLIC HEARING AND REGULAR MEETING
MONDAY, APRIL 7th, 2014
MINUTES**

FILED IN EAST LYME
CONNECTICUT
APR 9 2014 AT 3:00 AM/PM
EAST LYME TOWN CLERK

A Public Hearing and Regular Meeting of the East Lyme Zoning Board of Appeals was held on Monday, April 7, 2014 at 6:00 PM at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

PRESENT: William Mountzoures, Chairman, Tom Boguszewski, Secretary, Charles Ambulos, Craig Mason, Joshua Chapps, Alternate

ALSO PRESENT: Lisa Wadge, White Knight Development, Applicant
George Fellner, Architect, representing the Applicant
Roger Nemergut, P.E. representing the Applicant

ABSENT: John Smith, Kevin Mace, Alternate

1. Call Public Hearing to Order

Chairman Mountzoures called the Public Hearing to order at: 6:07 PM.

2. Read Notice of Public Hearing

Mr. Mountzoures asked Mr. Boguszewski, Secretary, to read the Notice of the Public Hearing:

Mr. Boguszewski, Secretary read the following:

Case No. 1-2014: Application of White Knight Development LLC, Lisa Wadge, Member, for a variance of Section 9.3.3 for property identified in the application as 385 Main Street, Niantic, CT. Said parcel appears on the East Lyme Assessor's Map 11.2, Lot 133.

The Public Hearing notice was sent to the New London Day for publication on 3/26/2014 and 4/4/2014.

Mr. Mountzoures introduced the Board members and polled each for any conflict of interest. Hearing no conflicts of interest from the members, he explained the rules of the meeting and asked that anyone speaking please stick to the subject matter of the application.

Mr. Mountzoures then called for the applicant or their representative to make their presentation.

Lisa Wadge, applicant and owner of 385 Main Street (P.O. Box 292, Old Lyme, CT) said that she would like to take a few moments to explain the house. It was previously owned by Mr. Waller and was built in 1905 – it is the white house with the green shutters on Main Street and in the process of trying to have a business office here, they are trying to keep the house as authentic as possible. In making a small office here, they are required to have a handicap ramp to suit the ADA. They will need a 1.5 ft. variance to do this. There is plenty of parking behind the house and they will do nice landscaping around the house.

Mr. Mountzoures said that as a footnote on the history of the house that Mr. Waller's grandfather was also a Governor of Connecticut at one time.

Ms. Wadge added that Mr. Waller still lives locally and that the house itself is called a 'Baptist Federal' style. She said that she thinks that she is only the second owner of this house in the over 100 years that it has been here. She said that Roger Nemergut, P.E. would explain the plot plan.

Roger Nemergut, P.E., Nemergut Consulting, 235 Rte. 80, Killingworth, CT explained that an A-2 survey was done of the property and submitted it for the record. This was entered as **Exhibit A**. He noted that the GIS mapping that they have a copy of was incorrect. The property is located in a CB zone and the parcel is 0.286 acres. The existing building on the west side is 8' off the property line (pre-existing non-conforming) while the

minimum side yard setback on the parcel is 10' under current zoning for the CB district. They are looking to create 585 sq. ft. of office space on the first floor with the remainder of the area being an apartment. In doing this, they are required to bring the building up to code and the ADA requires a handicap ramp. The ramp would be out the back where they have plenty of room. They are requesting a 2' side yard setback variance on the west side to put the handicap ramp flush with the house which is 8' from the property line.

George Fellner, Fellner Associates Architects, 15 Main Street, East Haddam, CT explained the existing floor plan and the proposed landing in the back in relation to what currently exists. He said that with the ramp being flush with the house that it would not be visible from the front of the house. He explained that the location of the door out the back was to allow for the ramp to also have a wider deck area.

Mr. Mountzoures asked if there were any questions from the Board.

Mr. Chapps asked if they had come up with any other configuration.

Ms. Wadge said that the inside of the house has crown moldings, stained glass and a tin ceiling in the kitchen and that they did not want to compromise the historic integrity of the house.

Mr. Mason said that while he can appreciate what they would like to do; that financial or other items are not something that they can consider as a hardship. He said that if the ramp was brought in from the other side and went straight out that they might minimize the non-conformity.

Mr. Fellner said that they are also trying to get a deck area for general use.

Mr. Boguszewski asked what the non-conformity would be if there was no deck area.

Mr. Fellner said that they would have a long walk way and it would be 3' less. He added that in the front that they have decreased the non-conformity of the front steps.

Mr. Ambulos asked what the pitch of the ramp was.

Mr. Fellner said that it is 1:12.

Mr. Mountzoures called for anyone wishing to speak regarding this application -

Warren Beefe, 395 Main Street said that he resides next door and asked if the entrance off the back is going to go straight back or if it would face his property as it currently does.

Mr. Fellner said that the porch area that is currently sticking out facing his building would be removed and the door would go directly out to the back ramp and no longer to the west side.

Mr. Beefe asked if they were also removing the front steps that face his building and replacing them with one that goes from the front.

Mr. Fellner said that was correct.

Mr. Mountzoures called for any further comments -

Hearing none -

Mr. Mountzoures closed this Public Hearing at 6:31 PM.

Mr. Mountzoures said that they would now deliberate and possibly make a decision on the application.

Mr. Mountzoures explained that the only comments that they can take now are from the applicant and only if they have technical questions that they need answered. He also informed the applicant that in the event that they wish to contest the decision that they have 15 days in which to appeal it to the Superior Court.

REGULAR MEETING

Mr. Mountzoures opened the Regular Meeting at 6:32 PM.

Case No. 1-2014: Application of White Knight Development LLC, Lisa Wadge, Member, for a variance of Section 9.3.3 for property identified in the application as 385 Main Street, Niantic, CT. Said parcel appears on the East Lyme Assessor's Map 11.2, Lot 133.

Mr. Mountzoures called for discussion on the application.

Mr. Boguszewski said that the front walk area seems very reasonable as they are making it less non-conforming – however he questions the back.

Mr. Mountzoures said that the front is the trade off and that the way that the other would be looked at is in terms of the district that this property is located in. In terms of this area downtown, it predates zoning and constitutes a 'hodge-podge' of buildings.

Mr. Boguszewski noted that in the survey that the house does not appear parallel with the property line and asked Mr. Nemergut if it is increasing the non-conformance in the back.

Mr. Nemergut said that it would be inches if anything and noted that they are looking for a 2' variance.

Mr. Mason said that he has the same issue that Mr. Boguszewski has, the front reduction is the trade-off and while there is a rule of three in zoning on the front yard setback, he does not think that there is one for the back. There is also the consideration that if the neighborhood is a 'hodge-podge' of non-conformity –

Mr. Chapps said that he agrees with the front variance but feels that there is an alternative for the back and that if it were reduced a bit that it would work.

Mr. Ambulos said that he does not see any issue either way. He said that when he went to look at the parcel that he was concerned with a piece of stockade fence that appeared to cut off part of the parcel.

Mr. Nemergut said that would be taken out and that they would be doing plantings there.

Mr. Mason asked them with the width of the front steps being reduced – how much non-conformance they would be getting rid of.

Mr. Nemergut said that it would be a good 10 sq. ft.

Mr. Boguszewski asked if there is a way to exchange that reduction in non-conformance from the front to the back.

Mr. Fellner said that he could shift the ramp to the right.

Ms. Wadge said that they could cut the corner off in the back some three square feet – she said that her only concern was to make sure that a wheel chair can maneuver there. If they were to take that corner off the back it would not increase the non-conformity.

Mr. Mason said that by his calculations that it would be 6.5' x 2' – around 12 sq. ft. for the trade-off.

The applicants were in agreement that they could re-configure the plan to accommodate the exchange in non-conformance and that they would submit revised plans showing the change by reducing the corner of the ramp area.

Mr. Mountzoures asked if they were ready to make a motion.

****MOTION (1)**

Mr. Mason moved to APPROVE the Application of White Knight Development LLC, Lisa Wadge, Member, for a variance of Section 9.3.3 for property identified in the application as 385 Main Street, Niantic, CT with the following conditions – the reduction of non-conformance of the front step area (approx. 12 sq. ft.) is to be exchanged for the non-conformity on the west side yard setback in the rear of the building for the handicap access ramp subject to submission and acceptance of the revised plans. Said parcel appears on the East Lyme Assessor's Map 11.2, Lot 133.

Mr. Boguszewski seconded the motion.

Mr. Mason stated that the property becomes less non-conforming.

Mr. Mountzoures called for a vote on the motion to approve.

Vote: 5 – 0 – 0. Motion to APPROVE passed.

Mr. Mountzoures noted that there was no other business to come before them.

ADJOURNMENT

Mr. Mountzoures called for a motion to adjourn.

****MOTION (2)**

Mr. Mason moved to adjourn Case #1-2014 of the East Lyme Zoning Board of Appeals at 6:50 PM.

Mr. Boguszewski seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary