

**EAST LYME ZONING BOARD OF APPEALS
PUBLIC HEARING AND REGULAR MEETING
MONDAY, MAY 2nd, 2016
MINUTES**

A Public Hearing and Regular Meeting of the East Lyme Zoning Board of Appeals was held on Monday, May 2, 2016 at 6:00 PM at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

PRESENT: William Mountzoures, Chairman, John Smith, Secretary, Charles Ambulos, Steve Carpenteri, John Schweizer

ALSO PRESENT: April Warbin, Applicant
Kevin Mace, Alternate

ABSENT: Joshua Chapps, Alternate

FILED IN EAST LYME
CONNECTICUT
MAY 5 2016 AT 10:05 AM/PM
TULLIN WALKER JR.
EAST LYME TOWN CLERK

1. Call Public Hearing to Order

Chairman Mountzoures called the Public Hearing to order at: 6:02 PM.

2. Read Notice of Public Hearing

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

Mr. Smith read the following:

Case No. 1-2016: Application of April L Warbin for a variance of Section 7.3.3 setbacks, for property identified in the application as 104 Lee Farm Drive, East Lyme, CT. Said parcel appears on the East Lyme Assessor's Map 04.7, Lot 13-1.

The Public Hearing notice was sent to the New London Day for publication on 4/20/2016 and 4/28/2016.

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 keep their comments to the subject matter of the application.

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

April Warbin, Owner/Applicant said that she currently resides in Norwich and that her aunt and uncle owned the lot and had offered to sell this property to her when she was looking into moving from where she is. She purchased the lot from them and found that the property dated from a development in 1949 and that under the current zoning regulations she would need a front yard and side yard variance to be able to build on the property. She said that she is looking for a front yard variance on Lee Farm from 30' to 22' (she noted that her surveyor said that there are three homes with that 22' setback right near her) and a side yard variance from 12' to 6' to be able to put a little bungalow house on this corner lot. The house would be a two-story 22' wide x 28' long bungalow with a one car garage underneath. She said that she feels that this is a hardship as it is typical of the homes already in existence in the area.

Mr. Mountzoures noted that a corner lot has two frontages and therefore has two 30' setbacks. He asked if the Board members had any questions.

Mr. Carpenteri asked if the home would have a basement.

Ms. Warbin said yes, two stories and a basement.

Mr. Smith asked if it is the same as the homes nearby.

Ms. Warbin said yes.

Mr. Mountzoures asked if anyone wished to speak for, against or neutrally regarding this application –

Susan Dagostino, 8 Marshfield Road said that she had gone to the office to look at this and they were told that there were three variances being requested.

Ms. Warbin said that there are only two variances – the front from Lee Farm and the side yard on Lee Farm.

Ms. Dagostino said that she would like the setbacks to stay the same as the houses are very close together as they are now.

Mr. Mountzoures said that they this is a pre-existing non-conforming lot of record.

Mr. Carpenteri asked Ms. Warbin how long her uncle had owned the property.
Ms. Warbin said that he owned it for 25 years.

Stacy Guckian, 102 Lee Farm said that she lives next door and that this lot is part of the original lot that her uncle subdivided years ago. She kept two of the lots and lives there and her uncle had kept the other. She said that her question is regarding the size of the house as all the others in the area are single story with a basement and not two stories. She said that she is against the variance, particularly on her side as the six feet is too close to her property.

Mr. Mountzoures said that the zoning regulations state that a house has to be a minimum of 800 sq. ft. and at one story this house would not suit zoning. It would need to be two stories.

Ms. Warbin said that there would still be 12' between them on that side yard as the location of Ms. Guckian's home is just about 6' from the property line.

Mr. Carpenteri asked Ms. Guckian if her uncle still owned the lot and wanted to build on it if that would be okay with her.

Ms. Guckian said no.

Mr. Mountzoures called for any further comments from the public or the Board members -
Hearing none –
Mr. Mountzoures closed this Public Hearing at 6:14 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 6:15 PM.

Case No. 1-2016: Application of April L Warbin for a variance of Section 7.3.3 setbacks, for property identified in the application as 104 Lee Farm Drive, East Lyme, CT. Said parcel appears on the East Lyme Assessor's Map 04.7, Lot 13-1.

Mr. Mountzoures called for discussion on the application.

Mr. Ambulos asked if this is a buildable lot
Mr. Mountzoures said that it is a pre-existing, non-conforming lot of record.

Mr. Schweizer said that there are three other neighbors who already have the front yard setback reduction to 22' and do not conform to the 30' so he could agree with this.

Mr. Carpenteri said that he had gone out to the site and walked it and that all of the houses there are close together. The 22' is in line with the other homes that have the 8' variance; this is a pre-existing non-conforming lot and zoning does not allow a home to be built that is less than 800 sq. ft. He said that he would make a motion.

****MOTION (1)**

Mr. Carpenteri moved to APPROVE the Application of April L Warbin for a variance of Section 7.3.3, setbacks to reduce the Lee Farm Drive front setback from 30' to 22', and to reduce the northerly side yard setback from 12' to 6' for property identified in the application as 104 Lee Farm Drive, East Lyme, CT Said parcel appears on the East Lyme Assessor's Map 04.7, Lot 13-1.
Mr. Schweizer seconded the motion.

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

Vote: 4 – 1 – 0. Motion passed.

Against: Mr. Smith

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. Schweizer moved to adjourn Case #1-2016 of the East Lyme Zoning Board of Appeals at 6:25 PM.

Mr. Smith seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary