

**EAST LYME ZONING BOARD OF APPEALS
PUBLIC HEARING AND REGULAR MEETING
MONDAY, DECEMBER 11th, 2017
MINUTES**

A Public Hearing and Regular Meeting of the East Lyme Zoning Board of Appeals was held on Monday, December 11, 2017 at 6:00 PM at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

PRESENT: John Smith, Acting Chairman, Charles Ambulos, Steve Carpenteri, Kevin Mace

ALSO PRESENT: Attorney Theodore Harris, Representing the Applicant
Denay Steele, Applicant

ABSENT: William Mountzoures, Chairman, Joshua Chapps, Alternate, John Schweizer

FILED

1. Call Public Hearing to Order

Acting Chairman Smith called the Public Hearing to order at: 6:11 PM. Dec 14 20 17 AT 10:50 AM/PM

2. Read Notice of Public Hearing

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

J. Smith ATC
EAST LYME TOWN CLERK

Mr. Carpenteri read the following:

Case No. 1-2017: Application of Denay R. Steele, for a variance of Section 5.3.3, setbacks, for property identified in the application as 18 Faulkner Dr, East Lyme, CT. Said parcel appears on the East Lyme Assessor's Map 11.4, Lot 163.

The Public Hearing notice was sent to the New London Day for publication on 11/29/17 and 12/8/17.

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

Attorney Theodore Harris, place of business 351 Main St., Niantic, CT explained that the purpose of the variance request is to allow the addition of a mud room and new front steps in conjunction with a renovation of a pre-existing home constructed prior to the Zoning Regulations. The entire front of the home is currently non-conforming as to setback and is a pre-existing non-conformity which is protected by State Law and the East Lyme Zoning Regulations. The construction would add 12' to the front yard setback in the area where it is proposed to be constructed. The mud room would take 6' of that area with the steps the additional 6'. As such, this is requesting a variance of 28' to allow for the 12' setback required for the mud room and steps. The hardship relates to the impact of the enacted regulations to a pre-existing subdivision and home construction. In Stillman v. ZBA, Town of Reading the court upheld the granting of a side yard variance for an addition to a home due to the pre-existing location of the home and the well and septic which left only that area for the addition. Lastly, this request is consistent with the neighborhood where the average home is closer to the street. It is a unique area constructed prior to zoning.

The home is also located on a cul-de-sac and there is an additional 12' between the property line and the cul-de-sac road which makes this 24' from the actual road. Being a cul-de-sac, it is a very low traffic area with the people living there being the primary people travelling within it. The grand purpose of this is in conjunction with a major renovation of the home.

Mr. Smith asked if the Board members had any questions.

Mr. Ambulos noted that there is a concrete walkway to an existing platform there now which is similar to what is being proposed.

Ms. Steele, applicant, said that the concrete sidewalk is going away.

Attorney Harris said that the platform is moving to the center area of the front of the home.

Mr. Ambulos asked about locating it on the side instead.

Ms. Steele said that this would be the only entrance to the house and that the garage that is there now on the side is also going away.

Mr. Smith asked if anyone wished to speak for, against or neutrally regarding this application –
Hearing no one –

Mr. Smith asked if there were any further comments -

Hearing none –

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

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

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

Case No. 1-2017: Application of Denay R. Steele, for a variance of Section 5.3.3, setbacks, for property identified in the application as 18 Faulkner Dr, East Lyme, CT. Said parcel appears on the East Lyme Assessor's Map 11.4, Lot 163.

Mr. Smith called for discussion on the application.

Mr. Carpenteri said that he felt that this was in line with what is already there and it is pre-existing to the zoning regulations and that he felt that they could make a motion.

****MOTION (1)**

Mr. Carpenteri moved to APPROVE the Application of Denay R. Steele, for a variance of Section 5.3.3, setbacks, to reduce the front setback by 28' from 40' to 12', for property identified in the application as 18 Faulkner Dr, East Lyme, CT. Said parcel appears on the East Lyme Assessor's Map 11.4, Lot 163.

Mr. Mace seconded the motion.

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

Vote: 4 – 0 – 0. Motion passed.

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

ADJOURNMENT

Mr. Smith called for a motion to adjourn.

****MOTION (2)**

Mr. Carpenteri moved to adjourn Case #1-2017 of the East Lyme Zoning Board of Appeals at 6:36 PM.

Mr. Ambulos seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary