

EAST LYME ZONING BOARD OF APPEALS  
PUBLIC HEARING AND REGULAR MEETING  
MONDAY, MAY 6th, 2019  
MINUTES

A Public Hearing and Regular Meeting of the East Lyme Zoning Board of Appeals was held on Monday, May 6, 2019 at 6 PM at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT. The Hearing was opened at 6:15 PM immediately following the Hearing and Regular Meeting on Case 1-2019.

PRESENT: Steve Carpenteri, Chairman, John Smith, Secretary, Mike Foley,  
Debbie Jett Harris, Kevin Mace

ALSO PRESENT: Attorney Theodore Harris, Representing the Applicant  
Janelle Soleau, Applicant

ABSENT: No One

FILED IN EAST LYME  
CONNECTICUT

May 10 2019 AT 10:04 AM/PM  
*Brooke Foreman ATC*  
EAST LYME TOWN CLERK

**1. Call Regular Meeting to Order**

Chairman Carpenteri called the Regular Meeting to order at: 6:15 PM immediately following the previous Hearing and Regular Meeting on Case 1-2019.

**2. Read Notice of Public Hearing**

Mr. Carpenteri asked Mr. Smith, Secretary, to read the Agenda call of Case #2-2019 of the Regular Meeting.

Mr. Smith, Secretary read the following:

**Case No. 2-2019: Application of Janelle Soleau, for a variance of Section 6.3.3 and Section 6.3.5 for property identified in the application as 8 North Drive, East Lyme, CT for the demolition of an existing single family dwelling and construction of a new single family dwelling. Said parcel appears on the East Lyme Assessor's Map 08.2, Lot 150.**

The Public Hearing notice was sent to the New London Day for publication on 4/24/2019 and 5/2/2019.

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

Attorney Theodore Harris, place of business 251 Main Street, representing the applicant explained that the premise is located in a flood hazard area and as such any substantial improvement will require the home to be raised so that the first floor is above the base flood elevation. Even updating the existing home would require that the house be raised. The applicant has designed a two-story home to replace the existing structure. A second story may be added in accord with Section 21 of the zoning regulations even in light of the existing non-conforming setbacks. They are seeking a rear setback one foot encroachment and a one foot height variance. They are avoiding a full peak on the house in order to comply with the 30' height limitation but with the final grading this may require them to have the one foot variance so they are requesting it here.

He noted case law regarding setbacks and said that they are eliminating a 25 foot front porch that is in the setback area and substituting it with the one foot in the back. The FEMA regulations impact has been found suitable for legal hardship in the courts. Also, today's standards for building are stricter and the FEMA regulations require them to raise the house by eight feet.

Mr. Foley noted the 50% on improvements and the FEMA regulations and asked the impact here. Attorney Harris said that if they were to follow the 50% improvement then they would have to comply as FEMA would kick in here.

Mr. Mace asked if in the other cases they were taking a one-story house and changing it into a two-story. Attorney Harris said that he did not recall.

Mr. Foley said that while it states that this is a one-story home that he knows that it is and has actually always been a two-story house. He said that he has been in it and the second story has bedrooms. While it is not to the entire size of the first floor – it is a second story.

Mr. Carpenteri asked the square feet of the new house.

Mr. Foley said that the existing house is 1756 sq. ft. and the new one would be 2500 sq. ft. however, there is a garage there now and the garage will be gone. They will have a full second floor which is really not that great of a difference,

Mr. Smith asked about the roof run-off from the home.

Attorney Harris said that the CAM would address that along with the building department.

Mr. Carpenteri called for anyone from the public wishing to speak in favor of or against this application -

David Todoro, 5 South Drive asked if they are going to raise the grade on the house.

Attorney Harris said no, as FEMA does not like fill so it would be substantially the same.

Mr. Todoro asked about the height.

Attorney Harris said that it was measured by the area around the building.

Mr. Todoro said that he is twenty feet from there and that there is run-off that affects his property and he is concerned about it.

Mr. Foley said that this is only an initial phase and that there are many more phases that this would have to go through before it is approved so those issues would be addressed.

Ms. Harris said that the building official has to look at and review all of this as well as other departments so it is not an end-all here.

Attorney Harris noted that the height that they are showing is 29.7 feet and as it is very close to the 30 feet, they are requesting the one foot variance. However, that would be to accommodate any grade changes which they do not expect to be even that much – perhaps six inches.

Mr. Foley asked Mr. Todaro if he had any concerns with the one foot variance in the back as it is consistent with the rest of the street.

Mr. Todaro said no. He added that he is concerned as he has a basement and the area is flat which causes the run-off.

Mr. Carpenteri said that the new home should make it better and improve it.

Mr. Mace concurred.

Mr. Carpenteri asked if the Board members had any further questions.

Hearing none –

Mr. Carpenteri closed this Public Hearing at 6:30 PM.

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

Mr. Carpenteri 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. Carpenteri opened the Regular Meeting at 6:31 PM.

**Case No. 2-2019: Application of Janelle Soleau, for a variance of Section 6.3.3 and Section 6.3.5 for property identified in the application as 8 North Drive, East Lyme, CT for the demolition of an existing single family dwelling and construction of a new single family dwelling. Said parcel appears on the East Lyme Assessor's Map 08.2, Lot 150.**

Mr. Carpenteri called for discussion on the application.

Mr. Smith said that he was concerned about the drainage from this however as Attorney Harris has said it is just the very first part of the process of working towards getting this done.

Mr. Carpenteri agreed and said that the drainage issue would certainly have to be addressed during the initial and building processes.

Mr. Mace noted that FEMA is requiring this and essentially the cause of the hardship.

Hearing no further discussion, Mr. Carpenteri called for a motion.

**\*\*MOTION (1)**

**Mr. Smith moved to APPROVE the Application of Janelle Soleau, for a variance of Section 6.3.3 and Section 6.3.5 for property identified in the application as 8 North Drive, East Lyme, CT for the demolition of an existing single family dwelling and construction of a new single family dwelling. Said parcel appears on the East Lyme Assessor's Map 08.2, Lot 150.**

**Ms. Harris seconded the motion.**

**Vote: 5 – 0 – 0. Motion passed.**

**ADJOURNMENT**

Mr. Carpenteri called for a motion to adjourn.

**\*\*MOTION (2)**

**Mr. Smith moved to adjourn Case #2-2019 of the East Lyme Zoning Board of Appeals at 6:35 PM.**

**Mr. Foley seconded the motion.**

**Vote: 5 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary