

Minutes of Zoning Board of Appeals Regular Meeting September 25, 2023 - 09/25/23

Date and time: 09/25/23 07:00 pm to: 09/25/23 07:50 pm
Present: Jessica Laroco, Steve Carpenteri, Chair, Wayne Blair, Member, Kevin Mace, Member, Spencer Clapp, Member, Larry Fitzgerald, Member
Location: East Lyme Town Hall 108 Pennsylvania Ave, Niantic, CT 06357

Topics

1. Call to Order

Note Chairman Carpenteri called the meeting to order at 7:00 p.m.

2. Public Hearing

Note Mr. Clapp read in Case 3-2023 Application of Yumiko Uemura, Owner, for a variance of the East Lyme Zoning Regulations Section 7.3.3 for Setback and Section 7.3.4 for Lot Coverage for property located at 7 Round Rock Rd, East Lyme, Assessor Map 22.18 Lot 40.

Note Chairman Carpenteri noted the legal ad had been run and the notices to abutters had been sent and copies of each are in the file.

Note Mr Jeffrey McNamara, 100 Pennsylvania Ave, Agent for Yumiko Uemura, gave a presentation and he was accompanied by Gil Smart, who resides at 7 Round Rock Rd.

Note Mr. McNamara stated the property is located in Saunders Point and is bordered by Elizabeth St and Round Rock Rd. The request for a variance of Section 7.3.3 for setback pertains to the addition going on the right side of the property. He noted that the Regulations read that no building shall be less than 30 feet from the street, however, this property has two (2) frontages. Round Rock Rd is considered the front and Elizabeth St is considered the side. In any other property, that side yard setback variance request would only be very small as the proposed addition would only be 11 feet from the property line. Additionally, the rear of the property would require a small variance as the proposed addition would be 10.5 feet from the property line.

Note Mr. McNamara then spoke of the second variance request of Section 7.3.4 for Lot Coverage. This addition would bring the property to 29% Lot Coverage and the Regulations only allow for a 25% Lot Coverage.

Note Mr. McNamara stated that the R-10 Zones create an undue hardship to homeowners who own a corner lot as they have two (2) frontages. As the home is facing Round Rock Rd and therefore not facing Elizabeth St, that makes Elizabeth St the side yard. It would not be a danger for ingress/egress or sightline issues. The owners have spoken to the neighbors and he states the neighbors have no objections to the proposed addition. The proposed addition would cause a minimal impact to the neighborhood.

Note Mr. McNamara asked if Mr. Smart had anything to add.

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Note Mr. Smart said that not being able to use the Elizabeth St side yard was a problem with the property and he and his wife would like to make one last improvement to the property and that would bring the home to 20 feet from the roadway. He stated that any maintenance to the road that the Town would need to do would not be impacted by the proposed addition. The proposed addition would improve the property value and would bring more value to the neighborhood. Because the proposed addition is not going up vertically there would be no viewpoint issues. Mr. Smart said he would like to age in place with his wife. He recognizes that all homes are close together in that area.

Note Mr. McNamara noted that the proposed addition would be in keeping with the style of the neighborhood, it would not be a very large or out of place structure upon completion.

Note Mr. Mace asked if the applicant knew whether the neighboring properties to the north and the south, who are very close to the property lines, were constructed prior to current Zoning Regulations or if they were granted variances.

Note Mr. Smart was not sure but stated he thought they were constructed prior to current Zoning Regulations but that there may have been additions or alterations more recently.

Note There was discussion as to which property Mr. Mace was referring.

Note Mr. Mace stated that the hardship could be the change in Regulations.

Note Mr. Clapp inquired about a shed on the back of the property and Mr. Smart stated it was grandfathered in.

Note Chairman Carpenteri asked about the square footage of the current structure as well as the square footage of the proposed addition, and what the total would be upon completion.

Note Mr. Smart estimated the current square footage to be between 1100-1200 square feet and with the proposed addition of approximately 600 feet the total square footage would be around 1800 square feet.

Note Mr. McNamara noted the Assessors field card stated the current structure was listed as 1268.

Note Chairman Carpenteri again asked for the proposed addition square footage and Mr. Smart noted that while he did not know the exact amount he estimated about 650 feet but would ask his home designer to be sure and get the information back to the Board Members.

Note There was discussion as to how to figure out the current square footage and the proposed addition size.

Note Mr. Smart said that part of the proposed addition would be a garage and therefore not living space and he did not know if that made a difference.

Note There was discussion of the current garage space being changed into living space and the proposed garage being part of the proposed addition. The square footage of the proposed addition is still unknown.

Note Chairman Carpenteri observed that while the square footage was unknown, the drawings submitted indicated the proposed addition appeared to be almost as large as the current structure.

Note Mr. Mace asked if the home is currently one (1) level.

Note Mr. Smart confirmed it is one (1) level.

Note Mr. McNamara stated that if square footage amount was necessary in order to make a decision he would be amenable to keeping the Public Hearing open and he would get that information for the Board.

Note Mr. McNamara asked Mr. Smart if the drawing was accurate and Mr. Smart confirmed it was.

Note Chairman Carpenteri suggested that about 2500 square feet would put the structure at 25% Lot Coverage but he still didn't know the proposed addition square footage and therefore wouldn't know the total size of the structure upon completion.

Note Mr. McNamara agreed with Chairman Carpenteri.

Note There was more discussion on the appearance of the size of the proposed addition.

Note Chairman Carpenteri asked how the applicant came up with 29% as the proposed Lot Coverage.

Note Mr. McNamara stated that the surveyor provided that number.

Note Mr. Smart was unsure if the surveyor provided the 29% Lot Coverage or if the original home designer did.

Note Mr. Clapp asked whether Elizabeth St was a one (1) way or a two (2) way street because of the narrowness of the roadway. It was confirmed to be a two (2) way street.

Note Mr. Blair asked if the hardship was because of the Zoning Regulations.

Note Mr. McNamara noted that the corner lots especially have a unique hardship because of the Zoning Regulation Setbacks for an R-10 zone, but that this home is not facing Elizabeth St and would not have a safety concern of ingress/egress because the entrance would not be from Elizabeth St.

Note Chairman Carpenteri noted that the Zoning Regulations are clear and state that corner lot setbacks in an R-10 are 30 feet from both street frontages.

Note Mr. Clapp stated there are safety concerns which is why there is a 30 foot setback. He noted that when purchasing a house on a corner lot you understand that that's what the Regulations are. He observed that the closer you get to a corner the more important a line of sight is. He noted it would be the same as putting plants in a sightline. Mr. Clapp then went on to say that in order to increase the square footage of the house, the applicant could put a full dormer on the back of the house. The applicant would need to follow the maximum height requirement of 30 feet and seek typical Zoning and Building Department approval, but that would not require any variances. Not wanting to put in a set of stairs is a personal preference. The applicant is creating a hardship in seeking a variance of the Regulations. Mr. Clapp stated that he was concerned over safety in putting the proposed addition too close to the road.

Note Mr. Smart said that being only 19 feet from the road is not a danger in that neighborhood because the streets are so narrow people are unable to speed.

Note Mr. McNamara noted that on a case-by-case basis with corner lots perhaps the properties should be allowed some leeway as to what is too close to the road with regard to safety.

Note There was discussion about safety as the driveway would be moved once the proposed addition was in place and it was determined the driveway would still be coming in off of Round Rock Rd, just much closer to the intersection with Elizabeth St than its current position. Discussion continued over traffic concerns. It was noted by Mr. Smart that traffic is typically very slow there as the roads are very narrow. It was also noted by Mr. Clapp that the typical traffic patterns cannot always be guaranteed.

Decision Mr. Clapp made a motion to close the public hearing.
Mr. Blair seconded.
Motion carried, 5-0-0.

Decision Mr. Clapp made a motion to open the regular meeting.
Mr. Mace seconded.
Motion carried, 5-0-0.

3. Regular Meeting

Note Mr. Clapp expressed that this application is a self imposed or personal hardship and there are other options for increasing the square footage. The application violates the Regulations which are there for a reason. Approving the application would be contributing to more density in that area.

Note Mr. Mace noted that he could understand the hardship as presented and that there are other properties with structures very close together, however, if there are other options then it is a personal hardship not a hardship because of the Regulations.

Note Mr. Blair stated that he agreed with the personal hardship and noted that the rules say if there are other options to be considered then they must be considered. This is a Town Zoning matter although other Beach Associations have other Zoning Regulations in similarly spaced communities. He also cited that he was not comfortable with the driveway being moved to such a close proximity to the Elizabeth St intersection.

Note Mr. Fitzgerald had nothing to add.

Note Chairman Carpenteri stated that it seemed more like a self-inflicted, personal, hardship and the applicant could go up (in building height) but does not want to, but that would not require a variance. The applicant could accomplish the goal of increasing the square footage, though perhaps not all on one floor.

Decision Mr. Clapp moved to deny the application.
No second.
No motion carried.

Note Mr. Blair asked to keep discussing. He questioned whether other properties whose setbacks are not met should have bearing on the decision.

Note Chairman Carpenteri noted that the properties could have been preexisting (predating the Zoning Regulations), could have gotten a variance previously, or could have been built without approval.

Note The discussion continued as to when the Zoning Regulations came into effect. The original house was built in 1950, prior to Zoning Regulations.

Note Mr. Clapp noted that the Board's directive is to maintain the current Zoning Regulations .

Note The discussion continued over whether the Board was allowed to make an exception because it is a preexisting nonconforming lot or whether it must follow current Regulations because the hardship is self imposed due to the applicant's reluctance to build up rather than out. The point was brought up again that the Zoning and Building Departments could approve an addition which would not violate Zoning Regulations.

Decision Mr. Blair moved to reopen the Public Hearing for the applicant to gather information with regards to regulations after 1950 and regulations in regard to building geometry (height).
Mr. Mace seconded.
Motion carried 5-0-0

4. Public Hearing

Task Mr. McNamara will speak to the home designer for clarification of the 29% Lot Coverage and the square footage amount. He will invite her to speak at the next meeting.

Note Mr. Clapp asked if the attic was finished, it was confirmed by Mr. Smart that it is not finished space.

Note Chairman Carpenteri asked for permission to drive by the subject property and Mr. Smart agreed,

Decision Mr. Clapp moved to adjourn the Zoning Board of Appeals Regular Meeting of September 25, 2023 at 7:50 p.m.
Mr. Blair seconded.
Motion carried 5-0-0

Note Respectfully Submitted,
Jessica Laroco, Recording Secretary

Task Summary

New Tasks

Task Mr. McNamara will speak to the home designer for clarification of the 29% Lot Coverage and the square footage amount. He will invite her to speak at the next meeting.