

**EAST LYME ZONING BOARD OF APPEALS
PUBLIC HEARING AND REGULAR MEETING
MONDAY, AUGUST 3rd, 2015
MINUTES**

FILED IN EAST LYME
CONNECTICUT
8/6 2015 AT 2:20 AM/PM
Tesley Bliss
EAST LYME TOWN CLERK

A Public Hearing and Regular Meeting of the East Lyme Zoning Board of Appeals was held on Monday, August 3, 2015 at 6:00 PM at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

PRESENT: William Mountzoures, Chairman, Tom Boguszewski, Secretary, Charles Ambulos, Joshua Chapps, alternate, Kevin Mace, Alternate

ALSO PRESENT: Peter Springsteel, Architect, representing the applicant
James & Carole Capodiece, Applicant/Owners

ABSENT: Craig mason, John Smith

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

Mr. Boguszewski, read the following:

Case No. 5-2015: Application of Peter J. Springsteel Architect, LLC for James M. and Carole K. Capodiece, Owners for a variance of Section 6.3.3 and 6.3.4 for property identified in the application as 45 Shore Road, East Lyme, Connecticut. Said parcel appears on the East Lyme Assessor's Map 08.4, Lot 30.

The Public Hearing notice was sent to the New London Day for publication on 7/24/2015 and 7/31/2015.

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.

Peter Springsteel, Architect, Mystic, CT said that he is a CT licensed architect. He said that he wanted to clarify first that they would need 4 out of the 5 votes on this.

Mr. Mountzoures said yes. He added that they can hold the meeting with four members and if they only had four members that they would also need for all four of them to vote in favor.

Mr. Springsteel explained that they are seeking two variances for this property at 45 Shore Road. One is for a side yard setback from 15' to 7.5' and the other is to allow for an increase in the lot coverage from 25% to 26.7% for a small addition to the house

He submitted **Exhibit A** – a GIS map showing the subject property in relation to the area; and **Exhibit B** – 12 photos showing the subject property from various angles/views. He explained that the Capodiece' also own the property next to them and that it would be towards that area that they would be doing the addition. Most of the properties in this area are pre-existing non-conforming. 45 Shore Road is a newer home and does conform to the lot. This is a neighborhood that existed before zoning regulations. He noted that when looking at the home that there is a fairly large section of land (800 sq. ft.) outside of the property line in the front that the owners have maintained although it is not theirs. They have lived here since 1992 when the home was built. For lot coverage they are looking for 26.7% versus the 25% allowed; the difference being 140 sq. ft. If they added the 800 sq. ft. that is un-useable property – it would be less than 25%.

This is a newer home that conforms where most of the others do not conform. The homes in the area range in non-conformity from 26% to 62% with groupings around 45% and 48% coverage. They are essentially being penalized by the regulations while the existing buildings are not. Regarding the setback variance, they own the property next to the property that they are asking for the variance on and it would not affect anyone but his clients as that is their property.

The addition being proposed is fairly modest, they are looking to be able to live here year round and as such would like to bump out the side so that there is a master bedroom and an area for storage as there is none at present.

Mr. Chapps asked when the house was built.

Mr. Capodiece, owner said that it was built in 1992.

Mr. Chapps asked how long they have owned the neighboring property.

Mr. Capodiece said that it has been in the family for some 25+ years and that when his wife's mother recently passed it became hers and they would like to live here permanently.

Mr. Chapps asked if the GIS map depicts all of the properties that were mentioned regarding coverage.

Mr. Capodiece said that they only pulled from the nearest properties around them. There are more in the area that do not conform.

Mr. Chapps asked if they had explored alternate plans.

Mr. Springsteel said that they had looked at other concepts to enlarge the master bedroom and add a bathroom and storage as the house does not have a basement but most anything would have pushed them over as they have mechanical units and a deck out the back with an outdoor shower and patio. There is an odd triangular shaped piece to the side that would have made for a very unsuitable addition that would not fit in with the neighborhood.

Mr. Mountzoures asked if anyone wished to speak regarding this application –

Jim Capodiece, owner said that they have lived in East Lyme for some 20+ years and the intent is to move here full time. Further, they want to make this look pleasing to the neighborhood and to try to go out the back would not only not fit in with the area but would not allow them any storage area.

Mr. Mountzoures called for any further comments from the public or the Board members -

Hearing none –

Mr. Mountzoures closed this Public Hearing at 6:23 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 6:24 PM.

Case No. 5-2015: Application of Peter J. Springsteel Architect, LLC for James M. and Carole K. Capodiece, Owners for a variance of Section 6.3.3 and 6.3.4 for property identified in the application as 45 Shore Road, East Lyme, Connecticut. Said parcel appears on the East Lyme Assessor's Map 08.4, Lot 30.

Mr. Mountzoures called for discussion on the application.

Mr. Boguszewski said that he is struggling with the hardship here as it seems to be more of a personal preference than a hardship.

Mr. Mace said that he would have to agree that it seems more of a personal preference and they are not getting more bedrooms – just expanding one.

Mr. Ambulos said that it is difficult for him to say that this is a hardship.

Mr. Chapps said that first he does not necessarily find something peculiar to this property that would show a hardship and with regard to the lot coverage – there could be other alternatives to doing this that would not require a variance. He said that he does not find that the lot is or warrants a hardship so he would have to deny this application.

Mr. Mountzoures said that he would have to agree and noted that these are hard issues and while they do try to help where they legally can, many times they cannot as they are legally bound and there is nothing personal about it.

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

****MOTION (1)**

Mr. Chapps moved to DENY the Application of Peter J. Springsteel Architect, LLC for James M. and Carole K. Capodiece, Owners for a variance of Section 6.3.3 and 6.3.4 for property identified in the application as 45 Shore Road, East Lyme, Connecticut. Said parcel appears on the East Lyme Assessor's Map 08.4, Lot 30.

Mr. Boguszewski seconded the motion.

Mr. Chapps said that this was based on the inability to establish a substantial legal hardship.

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

Vote: 5 – 0 – 0. Motion to DENY 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. Ambulos moved to adjourn Case #52015 of the East Lyme Zoning Board of Appeals at 6:3 PM.

Mr. Boguszewski seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary