

**EAST LYME ZONING BOARD OF APPEALS  
PUBLIC HEARING AND REGULAR MEETING  
MONDAY, JULY 20th, 2015  
MINUTES**

A Public Hearing and Regular Meeting of the East Lyme Zoning Board of Appeals was held on Monday, July 20, 2015 at 6:00 PM at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

**PRESENT:** William Mountzoures, Chairman, Craig Mason, Acting Secretary,  
Charles Ambulos, John Smith

**ALSO PRESENT:** Russ Smith, Amity Construction, representing the applicant  
Clifford & Teri Ashton, Applicant/Owners

**ABSENT:** Tom Boguszewski, Secretary, Joshua Chapps, Alternate, Kevin Mace,  
Alternate

**1. Call Public Hearing to Order**

Chairman Mountzoures called the Public Hearing to order at: 6:19 PM once Mr. Mason arrived and was seated.

**2. Read Notice of Public Hearing**

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

Mr. Mason, read the following:

**Case No. 4-2015: Application of Amity Construction & Design for a variance of Section 7.3.3 for property identified in the application as 24 Griswold Drive, Niantic, CT. Said parcel appears on the East Lyme Assessor's Map 04.6, Lot 9.**

The Public Hearing notice was sent to the New London Day for publication on 7/10/2015 and 7/15/2015.

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.

Russ Smith, Principal, Amity Construction & Design, Old Lyme, CT explained that the reason for this application was that the Ashton's had recently acquired the home of Mr. Ashton's parents and wished to be able to 'age in place'. They are having extensive renovations done and are seeking to build a 2-car garage in proximity to the home to allow for a future ramp or breezeway as might be required. Strict adherence to the current setbacks would require the garage to be placed considerably further from the main home making it less accessible and the topography coming off the Hillcrest side would require grading for an appropriate incline. This is an older home and the location of it on the property makes compliance for a new garage that much more difficult.

Mr. Mason asked if they were seeking a side yard variance and what they would be looking for.  
Mr. Smith said that they were seeking to have a side yard reduced to 2.3'.

Mr. Mountzoures asked how much the variance is.  
Mr. Smith said that they would need a 6.7' variance.

Mr. Mountzoures noted they had received some letters and asked Mr. Mason to enter them into the record.

Mr. Mason entered: **Exhibit A** – letter dated 6/29/15 from Rosemary Hughes of 20 Griswold Drive stating that she had no objections. **Exhibit B** – letter dated 7/15/15 from Rocco & Eleanor Angerami of 24 Hillcrest saying that they supported the changes. **Exhibit C** – letter dated 6/28/15 from Andrea Johnson of 5 Bayview Road indicating that she had no objections to the changes.  
Mr. Mountzoures asked if Bayview is a neighboring street.  
Mr. Smith said yes.

Mr. Mason asked if there is a garage underneath the house already.  
Mr. Smith said yes, a very low garage with a down slope.

Mr. Mason asked if the existing house as it stands meets all of the setbacks.  
Mr. Smith said no, it is pre-existing non-conforming.

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

Cliff Ashton, 13 Spring Rock Road, owner said that all of the letters are from properties that abut them and that they are all in favor of the proposed changes. He said that he also is obviously in favor of the proposal.

Mr. Mason said that in order to be granted a variance they have to demonstrate that there is a hardship with the land.  
Mr. Smith said the fact that this is pre-existing is the hardship.

Mr. Ambulos noted that it states that: 'An 'unusual hardship' or 'exceptional difficulty' does not refer to the owners inability to fulfill a purely personal wish. An 'exceptional difficulty' or 'unusual hardship' cannot be economic or personal and must be unique to the subject property. The Board is not permitted to approve variances, which, in effect, constitute a personal license to violate the zoning ordinance.'

Mr. Smith said that they feel that it is a physical aspect of the land that the garage would have to go where proposed.

Mr. Mountzoures stated that a garage is a personal wish and it appears that there is other area on the property where it could go without requiring a variance.

Mr. Ambulos asked if the existing garage under the house is usable.  
Mr. Smith said that it has low headroom and while it is usable they are looking to construct one that could be used for aging in place on the property.

Mr. Mountzoures called for any further comments from the public or the Board members -  
Hearing none –  
Mr. Mountzoures closed this Public Hearing at 6:35 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 6:36 PM.

**Case No. 4-2015: Application of Amity Construction & Design for a variance of Section 7.3.3 for property identified in the application as 24 Griswold Drive, Niantic, CT. Said parcel appears on the East Lyme Assessor's Map 04.6, Lot 9.**

Mr. Mountzoures called for discussion on the application.

Mr. Smith said that he looks at this as a personal issue rather than a hardship as there is room on the property to put the garage and conform to the setbacks.

Mr. Mason agreed and said that he does not feel that they have demonstrated that a hardship exists.

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.

Mr. Mason said that they do see a lot of aging in place with the smaller beach homes on undersized lots and that they would probably best be served by addressing these issues with zoning to see if there is something that could be done.

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

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

**Mr. Mason moved to DENY the Application of Amity Construction & Design for a variance of Section 7.3.3 for property identified in the application as 24 Griswold Drive, Niantic, CT based on a failure to provide a unique hardship. Said parcel appears on the East Lyme Assessor's Map 04.6, Lot 9. Mr. Ambulos seconded the motion.**

Mr. Mason said that this was based on the lack of a demonstrated unique hardship and that alternative area on the property is available for the garage to be located.

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

**Vote: 4 – 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. Mason moved to adjourn Case #4-2015 of the East Lyme Zoning Board of Appeals at 6:40 PM.**

**Mr. Ambulos seconded the motion.**

**Vote: 4 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary