

**EAST LYME ZONING BOARD OF APPEALS  
PUBLIC HEARING AND REGULAR MEETING  
MONDAY, JUNE 15th, 2015  
MINUTES**

A Public Hearing and Regular Meeting of the East Lyme Zoning Board of Appeals was held on Monday, June 15, 2015 at 6:00 PM at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

**PRESENT:** William Mountzoures, Chairman, Tom Boguszewski, Secretary, Craig Mason, Charles Ambulos, Joshua Chapps, Alternate

**ALSO PRESENT:** Attorney Theodore Harris, representing the applicant  
Ronald Stevens, Applicant/Owner  
Paige Quilliam, Applicant/Owner

**ABSENT:** John Smith, Kevin Mace, Alternate

FILED IN EAST LYME  
CONNECTICUT  
June 18, 2015 AT 10:05 AM PM  
William S. Gabor, Jr.  
EAST LYME TOWN CLERK

**1. Call Public Hearing to Order**

Chairman Mountzoures called the Public Hearing to order at: 6:01 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. 2-2015: Application of Ronald R. Stevens and Paige S. Quilliam, Owners for a variance of Section 7.3.4, Coverage, for property identified in the application as 12 High Street, Niantic, Connecticut. Said parcel appears on the East Lyme Assessor's Map 17.6, Lot 122.**

The Public Hearing notice was sent to the New London Day for publication on 6/5/2015 and 6/12/2015.

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.

Attorney Theodore Harris, place of business 351 Main Street, Niantic said that the variance being requested is for lot coverage for a two bedroom single story ranch style home on property of approximately 5,000 sq. ft. which is one half of the required R-10 zone lot size of 10,000 sq. ft. The lot has public water and sewer and is located in an area which is predominately non-conforming lots which have increased coverage. This lot is on the larger side of middle (at 5000 sq. ft.) and is surrounded by 18 properties that equal or exceed the lot coverage that is being requested this evening. The request is small in that it is from the 25% to 34%. Had the lot complied with the minimum in the zone the coverage would only be 17%. The proposed home would otherwise be in conformance with the setbacks for the zone and the regulations with the rule of 3's. In case law a hardship is defined as when the application of the regulations to the land creates a particular hardship. The R-10 zone is designed for lots of 10,000 sq. ft. so while they are able to meet the setbacks the only deficiency is the coverage itself. If this were the correct size lot for the zone the coverage would only be 17%. The 1700 sq. ft., two bedroom footprint is modest. There is no harm to the public health as the property is on public water and sewer. In a case out of Waterford – McDonald v. Waterford, the applicant had a 9,000 sq. ft. lot in an R-20 (20,000 sq. ft. Minimum) zone. The ZBA granted it but it was appealed and won on appeal as the constraints of the size of the lot were considered restrictive which constituted a legal hardship. A practical size home is being proposed for this lot and the application of the regulations to a lot of this size, in this area,

creates the hardship. Also, there are like type uses next to this and the house being proposed is consistent with the homes in the neighborhood.

Mr. Boguszewski said as a practical size home, what are the dimensions of the proposed home.  
Mr. Harris said 24' x 60', one-story ranch.

Mr. Chapps asked if it was a single family residence.  
Mr. Harris said yes.

Mr. Mountzoures asked if there was a garage.  
Mr. Harris said that there was a one-car garage proposed.

Mr. Mountzoures called for anyone from the public wishing to speak on this application -  
Ronald Stevens, owner/applicant said that Mr. Harris is also his law partner. He said that he lives in Pine Grove and that everyone here this evening is his family. He introduced his family members noting that they are local and are people who not only live here but work within Town Government. His daughter, Paige Quilliam is also his law partner. This variance is for one floor living for Ms. Johnson to be able to not only work here, but to live here and be able to retire here. The one floor living is for this purpose. He said that he has three stories to his home and it is much bigger than what is being proposed here and he can easily understand wanting one floor living. Further, there are 150 homes in Pine Grove and most are multiple story. They tried to adapt this lot to be able to retire there within a smaller neighborhood and a one-story home is much better as they do not block the view. He said that he owns an additional lot on the street and they knocked down the cottage and a new home that would be allowed to be built there would fill about 75% of the lot. It is important for Ms. Johnson and her husband in retirement to have one-floor living and he said that he could appreciate one-floor living as he has been very sick lately and stairs do not make it easy. With the addition of public water and sewer the homes in Pine Grove have been approved for many renovations and upgrades. Lastly, he said that Ms. Johnson went to all of the neighbors over the weekend and explained what she was looking to do and she met with no objections from any of them.

Mr. Chapps asked to look at a copy of the McDonald vase.  
Mr. Harris gave this to him.

Mr. Mountzoures asked if anyone else wished to speak on this application –  
Hearing no one –  
Mr. Mountzoures called for any further comments -  
Hearing none –  
Mr. Mountzoures closed this Public Hearing at 6:22 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 6:23 PM.

**Case No. 2-2015: Application of Ronald R. Stevens and Paige S. Quilliam, Owners for a variance of Section 7.3.4, Coverage, for property identified in the application as 12 High Street, Niantic, Connecticut. Said parcel appears on the East Lyme Assessor's Map 17.6, Lot 122.**

Mr. Mountzoures called for discussion on the application.

Mr. Boguszewski said that he was struggling with lot coverage and a hardship as they could build a house on the lot that could be supported by the lot coverage allowed.

Mr. Mountzoures said that originally he felt the same however; he knows the area really well and most of the lots are very small with much larger homes. Originally it was tents that were on the lots.

Mr. Boguszewski said that he was trying to find a medium point.

Mr. Ambulos said that he has a 30' x 40' home and if they are looking at the retirement scenario then senior housing has everything and all of it would be laid out for them. He explained how his home is all laid out and that he also has two bedrooms.

Mr. Mountzoures said to Mr. Ambulos that this is a ranch and he is comparing it to a two-story home.

Mr. Chapps said that he thinks that there are some reasonable alternatives available – they can do a two-story or smaller home and he thinks this is a matter of personal preference v. hardship.

Mr. Mason said that he is not sure they have come to the point where the variance is warranted.

Mr. Mountzoures said that while he agrees with some of the statements that he knows the area well and the lot itself that is being discussed this evening is two times the size of most of them in that area. He asked if they would like to propose an amount that they would be comfortable with if they asked the applicant to modify what they are asking for and grant that.

Mr. Boguszewski said that he did not think that a variance is required.

Mr. Ambulos explained his home layout again and what he has.

Ms. Johnson was asked to describe the layout for the ranch home being proposed. She explained that the master and guest bedrooms are on the right side and the other side has two full baths, a kitchen, dining and living room.

Mr. Chapps said that they are not charged with designing the house.

Mr. Mountzoures entered **Exhibit A** into the record, the floor plan of the proposed home.

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

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

**Mr. Mason moved to DENY the Application of Ronald R. Stevens and Paige S. Quilliam, Owners for a variance of Section 7.3.4, Coverage, for property identified in the application as 12 High Street, Niantic, Connecticut; also identified as East Lyme Assessor's Map 17.6, Lot 122.**

**Mr. Ambulos seconded the motion.**

Mr. Mason said that this was based on the lack of a demonstrated hardship and that alternative home designs are available.

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

**Vote: 4 – 1 – 0. Motion to DENY passed.**

**Against: Mr. Mountzoures.**

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 #2-2015 of the East Lyme Zoning Board of Appeals at 6:40 PM.**

**Mr. Boguszewski seconded the motion.**

**Vote: 5 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,

Recording Secretary