

**EAST LYME ZONING BOARD OF APPEALS
PUBLIC HEARING AND REGULAR MEETING
MONDAY, MAY 4th, 2015
MINUTES**

A Public Hearing and Regular Meeting of the East Lyme Zoning Board of Appeals was held on Monday, May 4, 2015 at 6:00 PM at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

PRESENT: William Mountzoures, Chairman, Craig Mason, Joshua Chapps,
Alternate, Kevin Mace, Alternate, Charles Ambulos

ALSO PRESENT: Peter DeMallie, Design Professionals, representing the Applicant
John Carlson, Applicant

ABSENT: Tom Boguszewski, John Smith

FILED IN EAST LYME
CONNECTICUT
May 7, 2015 AT 10:05 AM/PM
William Ambulos
EAST LYME TOWN CLERK

1. Call Public Hearing to Order

Chairman Mountzoures called the Public Hearing to order at: 6:09 PM.

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. 1-2015: Application of John and Janet Carlson, Owners for a variance of Section 6.3.5, height, for property identified in the application as 39 Attawan Avenue, Niantic, CT. Said parcel appears on the East Lyme Assessor's Map 05.2, Lot 30.

The Public Hearing notice was sent to the New London Day for publication on 4/24/2015 and 5/1/2015.

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 DeMallie, principal of Design Professionals, 21 Jeffrey Drive, South Windsor, CT said that they did the civil engineering and land surveying /planning for this project. 39 Attawan Ave. is directly across the street from the water. The garage on the property is not used as a garage and is not adequate for parking cars. The cars parked on the property create a visual problem and the plan they are proposing would rectify that. The property is located on a corner and needs by current zoning, a minimum of 15' for the side yards and 30' for the two frontages. If this was applied to this lot, they would only have a small strip in the middle of the property to build on. The property dates back to the 1930's and is pre-existing, non-conforming. Patrick Mancuso is the designing architect for the replacement structure, as the original structure was damaged during Super storm Sandy. The owners applied for and were accepted into a grant program known as the Community Development Block Grant – Disaster Recovery/Owner Occupied Rehabilitation & Rebuilding Program administered by the CT Department of Housing. In order to build the new structure a variance of Section 6.3.5 of the Zoning regulations (height) is needed to allow for a structure taller than the allowed by zoning – 30'. The need is for 35.5' of a 5/5' variance on the height restriction. This is due to the requirements of the grant program – new or rebuilt structures are required to be elevated above the 500 year flood plain which is calculated as 1.25 times the 100 year flood plain, plus one foot of freeboard.

Mr. Mountzoures asked what the height of the current building on the property is.

Mr. DeMallie said that he did not have the exact height of the current building – it is 115 years old and was built in 1900 and it cannot be elevated as it was deemed unsound for lifting by an engineer.

Mr. Mason asked the baseline elevations for the 100 year flood and the 500 year flood.

Mr. DeMallie said that 100 year flood is elevation 14 and the 500 year flood is elevation 18.5 – the current elevation of the old house is 10.38.

Mr. DeMallie continued that Mr. Mulholland requested that with a new home that they maintain a 15' setback from the neighboring new home. They are going from a 5 bedroom to a 3 bedroom home and elevating the house allows for a 2 car garage underneath. This will take the unsightly cars off the property. The abutters properties on both sides are at a slightly higher elevation so although this is two stories – the others are originally somewhat higher. The only variance that they are seeking is the one for height – and they are seeking a 5.5' variance in the height of the home to suit the 500 year flood. The property is extremely deficient with regard to size as it only has 4,851 sq. ft. The new home in going up will slightly reduce the footprint that the current home occupies and the shed/garages will be destroyed and not necessary.

He submitted: **Exhibit A** – a structural report (on the current home) from an engineer dated 3/27/14; **Exhibit B** – letter dated 4/28/2015 from Dubaldo, 4 Dart Street in favor of the request; **Exhibit C** – letter dated 4/16/2015 from Wm. Pol and Marilyn Toth, 43 Attawan Ave. in favor of the change and **Exhibit D** – letter dated 4/18/2015 from Irene Toohey, 10 Dart Street in favor of the change.

Mr. Mountzoures asked if there were any questions from the Board.

Mr. Chapps asked the current pitch of the roof.

Mr. Mancusco said that he did not have the exact figure but they had lowered the pitch from what it was.

Mr. Chapps said that they are proposing a 6 on 12 and asked if there is a possibility of 4 on 12.

Mr. Mancusco said he did not have that information with him.

Mr. Chapps asked about the Community Development Block Grant and if there were other methods of financing this.

John Carlson, Owner said that he did not know of anything else and that this is something that the State fronts and what he is being given is far under what he needs to build a new house.

Mr. Chapps asked what the benefit to him was from utilizing this grant.

Mr. Carlson said that he thinks that the most that they will give him is \$150,000.

Mr. DeMallie said that the \$150,000 grant is far under what it will cost to replace the home.

Mr. Chapps said that to the extent that he is going to for this program that the variance that he is requesting is due to the 500 year flood design requirement in order to receive the funding – which is not a basis for a variance as it is not a hardship as defined by zoning.

Mr. Carlson said that the maps were re-designed and that FEMA will be going to the 500 year flood plan as they do not want to keep repairing homes near the water.

Mr. Ambulos asked if the structure that he is replacing is habitable now or not.

Mr. Carlson said that he has been told not to be in it with any winds over 60 mph. They fixed it up somewhat after the storm while determining what to do.

Mr. Mountzoures called for anyone from the public wishing to speak on this application -
Hearing no one –

Mr. Mountzoures called for any further comments -
Hearing none –

Mr. Mountzoures closed this Public Hearing at 6:45 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 6:45 PM.

Case No. 1-2015: Application of John and Janet Carlson, Owners for a variance of Section 6.3.5, height, for property identified in the application as 39 Attawan Avenue, Niantic, CT. Said parcel appears on the East Lyme Assessor's Map 05.2, Lot 30.

Mr. Mountzoures called for discussion on the application.

Mr. Mason said that the slightly smaller footprint and the height really do not interchange. While this is not unique to this property – it is the type of property that is prone to flooding, etc. so he would probably be in favor of this.

Mr. Mace agreed with Mr. Mason.

Mr. Ambulos said that he would agree since he cannot live in his current house.

Mr. Chapps said that in being so close to the water that he sees this as being borne out of utilizing the 500 year flood and the hardship is based on the use of the grant funding that requires using the 500 year flood design rather than anything that would be classified as a true zoning hardship.

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

****MOTION (1)**

Mr. Mason moved to APPROVE the Application of John and Janet Carlson, Owners for a variance of Section 6.3.5, height, (for a 5.5 foot height increase to no more than 35.5') for property identified in the application as 39 Attawan Avenue, Niantic, CT. Said parcel appears on the East Lyme Assessor's Map 05.2, Lot 30.

Mr. Ambulos seconded the motion.

Mr. Mason said that this was largely based on the non-conformity of the lot.

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

Vote: 4 – 1 – 0. Motion to APPROVE passed.

Against: Mr. Chapps

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 #1-2015 of the East Lyme Zoning Board of Appeals at 6:51 PM.

Mr. Ambulos seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary