

**EAST LYME ZONING BOARD OF APPEALS
PUBLIC HEARING AND REGULAR MEETING
Monday, MAY 3rd, 2010
MINUTES**

A Public Hearing and Regular Meeting of the East Lyme Zoning Board of Appeals was held on Monday, May 3, 2010 at 7:30 PM at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

PRESENT: Bill Mountzoures, Chairman, Tom Boguszewski, Secretary,
Leo Mostowy, Craig Mason, Charles Ambulos, Alternate

ALSO PRESENT: John & Holly Roszelle, Applicants
Harry Smith, Alternate

ABSENT: Shawn McLaughlin, Alternate

1. Call Public Hearing to Order

Chairman Mountzoures called the Public Hearing to order at 7:35 PM. He noted that he had seated Charles Ambulos, Alternate at the table this evening.

2. Read Notice of Public Hearing

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

Case No. 1-2010: Application of John and Holly Roszelle for a variance of Section 7.3.3 for property identified in the Application as 19 N. Washington Avenue, Niantic, CT. Parcel appears on the East Lyme Assessor's Map 17.3, Lot 193.

The Public Hearing notice was sent to the New London Day for publication on 4/21/2010 and 4/29/2010.

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 his presentation.

John Roszelle, 19 N. Washington Avenue, Niantic, CT applicant and owner submitted **Exhibit A** – Letter of Hardship for 19 N. Washington Ave. providing additional background information and **Exhibit B** – Letter from Joel Turner of 15 N. Washington Ave. in favor of the front porch addition. (Attached at end of Minutes). He noted that he has spoken with all of his neighbors and that they are in favor of his application and think that it would be a nice addition to the neighborhood. He explained that the house predates zoning and was originally a carriage house to a main house that was located in front of it probably 100 years ago. He said that the Town does not have any records on the original existence of the house. They have been living in the house for 31 years. The house is very close to the property line on the north side and east side which leave them no area in which to add to the house except in the front which is what they are proposing. The house is only 800 sq. ft. and the addition of a covered front porch would allow for some space and a covered entrance to the home. He said that they are proposing a 6' wide front porch so that they do not encroach on the front setback.

Mr. Boguszewski, Secretary read **Exhibit B** – the letter submitted from Joel Turner into the record stating that the addition of a front porch would enhance the Roszelle residence and that he has no objections to it. The Roszelle home is situated adjacent to his home to the south.

Mr. Mountzoures asked if there were any members of the public who wished to speak in favor of this application –

Eric Haskell, 189 Middle Rd., Guilford, CT said that he is the contractor and that the porch would sit 5'6" from the property line while the house sits 4' from the property line. It has been designed to not encroach on the line.

Mr. Mountzoures asked if there were any other comments from the public –

Hearing none –

He asked if there were other questions from the Board members or if the applicants had anything further to say.

Mr. Ambulos asked - if the house is approximately 100 years old – when did it become a residence.

Mr. & Mrs. Roszelle said that they were not sure as the Town did not have any records on it.

Mr. Mason asked if the variance portion of the front porch that they were requesting was 7' x 6'.

Mr. Roszelle and Mr. Haskell said yes and noted that there is a house next to them that is right on the property line so they cannot put the porch there; plus the septic is on that side. The porch size is 27' in length by 6' in width.

Mr. Mountzoures asked Mr. Roszelle if he owns the right of way going into his yard.

Mr. Roszelle said yes.

Mr. Mountzoures asked if there were any other comments or questions -

Hearing none –

Mr. Mountzoures closed this Public Hearing at 7:52 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 7:53 PM.

Case No. 1-2010: Application of John and Holly Roszelle for a variance of Section 7.3.3 for property identified in the Application as 19 N. Washington Avenue, Niantic, CT. Parcel appears on the East Lyme Assessor's Map 17.3, Lot 193.

Mr. Mountzoures called for discussion on the application.

Mr. Boguszewski said that these cases are always tough as they have to demonstrate a hardship. There is a house there and he said that he is not sure of what the hardship is in not having a front porch the size that they are requesting.

Mr. Ambulos said that he has to agree somewhat with Mr. Boguszewski.

Mr. Mostowy said that he would reserve comment at this time.

Mr. Mason said that he also agrees with Mr. Boguszewski as they are also not limited to no porch on the front of their house. They could have one that complies; it just cannot be the size that they are proposing.

Mr. Mountzoures concurred and said that it looks like they could build one that is 15' in length and that it would comply.

Mr. Boguszewski said that he was ready to make a motion on the application.

****MOTION (1)**

**Mr. Boguszewski moved to DENY the Application of John and Holly Roszelle for a variance of Section 7.3.3 for property identified in the Application as 19 N. Washington Avenue, Niantic, CT. Parcel appears on the East Lyme Assessor's Map 17.3, Lot 193.
Mr. Mason seconded the motion.**

Mr. Boguszewski said that the reason for denial is the lack of a demonstrated hardship.

Mr. Mountzoures called for a vote on the motion.

Vote: 5 – 0 – 0. Motion to DENY passed.

Mr. Mountzoures called for a motion to adjourn.

ADJOURNMENT

****MOTION (2)**

Mr. Boguszewski moved to adjourn Case #1-2010 of the East Lyme Zoning Board of Appeals at 7:58 PM.

Mr. Mason seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary