

EAST LYME ZONING BOARD OF APPEALS
PUBLIC HEARING AND REGULAR MEETING
TUESDAY, March 27th, 2012
MINUTES

April 2 20 12 at 10 AM PM

Esther B. Williams

EAST LYME TOWN CLERK

A Public Hearing and Regular Meeting of the East Lyme Zoning Board of Appeals was held on Tuesday, March 27, 2012 at 6:00 PM at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

PRESENT: Bill Mountzoures, Chairman, Tom Boguszewski, Secretary, Lou Mostowy, Charles Ambulos, John Smith, Alternate

ALSO PRESENT: Greg Landers, for GALCO, LLC, Applicant

ABSENT: Craig Mason

1. Call Public Hearing to Order

Chairman Mountzoures called the Public Hearing to order at 6:20 PM after waiting for some members to arrive to make a quorum.

2. Read Notice of Public Hearing

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

Mr. Ambulos, Acting Secretary read the following:

Case No. 1-2012: Application of Greg Landers for GALCO, LLC for a variance of Section 7.3.3 for property identified in the application as 34 S. Beechwood Road, Niantic, CT. Said parcel appears on the East Lyme Assessor's Map 07.18, Lot 68-1.

The Public Hearing notice was sent to the New London Day for publication on 3/15/12 and 3/23/12.

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.
(Note: 6:25 PM – Mr. Boguszewski arrived and was seated)

Mr. Mountzoures then called for the applicant or their representative to make the presentation.

Greg Landers, 34 S. Beechwood Road, applicant said that he is looking for a variance as the lot was formed prior to zoning and is a pre-existing, non-conforming 40' x 100' lot. He said that he is asking for a 5.5' variance on the side yard. He said that two variances were previously granted to a neighboring lot which is the same footprint as his lot. Those variances were granted for similar circumstances as what he has. They are 40' lots and they wanted to put a 20' wide house.

Mr. Mountzoures noted that it is a corner lot and requires the same on both sides.

Mr. Mountzoures called for any comments from the public, in favor, against or neutral on the application –

Robert E. Vancour, 107 S. Beechwood Road in Giants Neck Heights said that he is opposed to allowing this variance as the applicant knew what he was getting into when he got the lot and that it was a substandard lot. The house that he constructed right on the neighboring lot is a raised ranch and it was shoe-horned into the property with the driveway right under the windows just so that he could put the larger house on the small lot. He said that he has a raised ranch himself however it is on a 100' x 100' lot and there is room. He provided a picture of Mr. Landers raised ranch with the driveway in the front yard near the windows and showed where the applicant wants to build another house. He again said that the applicant knew this going

in to this and should have thought about it before. He submitted **Exhibit 1** – a picture of his own home at 107 S. Beechwood on the 100' x 100' lot; **Exhibit 2** – a picture of Mr. Landers 36 S. Beechwood raised ranch that is currently for sale and **Exhibit 3** – a picture showing a corner of 36 S. Beechwood with 34 S. Beechwood the lot in question with heavy equipment on it preparing to build.

Mr. Landers said that he has a letter from zoning dated 12/1/11 stating that it is a lot of record. He submitted it and it was entered into the record as **Exhibit 4**. He also submitted **Exhibit 5** - the decisions granting similar variances for 37 and 35 Spring Glen. He continued that he is not proposing to put another raised ranch on this property and submitted **Exhibit 6** – sample plans for a two-story 20' wide home similar to what is to be constructed on the property. He said that the home would be similar to those built on the properties on Spring Glen that were granted similar variances. He said that he is only asking for a 5.5' variance and that it leaves plenty of room.

Mr. Boguszewski asked if there was a reason why he was not moving the house closer to the road. Mr. Landers said that it was because of traffic and it was on the corner. He said that Mr. Pfanner had drawn up the plans.

Mr. Vancour said that it is not a busy traffic corner and that he has lived there for years and there has not been a traffic problem. He added that the lot was laid out in 1933 and that if it had been built on at that time that there would have been a cottage on the property. Spring Glen may be jammed in but here, Mr. Landers is looking to build another house to maximize his profitability and to increase private profit in the neighborhood and that is not a valid reason to grant a zoning variance.

Mr. Mountzoures said that they could not deny a person the right to build something reasonable on a pre-existing non-conforming property.

Mr. Smith asked if the area is on public sewers or private septic systems. Mr. Mountzoures said that they are on public sewer and public water.

Mr. Smith asked what side the variance was being requested. Mr. Landers said that the 5.5' variance is from the 12' side yard setback on the north side of the lot.

Mr. Mountzoures asked if there were any further comments from the public or Board – 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 6:46 PM.

Case No. 1-2012: Application of Greg Landers for GALCO, LLC for a variance of Section 7.3.3 for property identified in the application as 34 S. Beechwood Road, Niantic, CT. Said parcel appears on the East Lyme Assessor's Map 07.18, Lot 68-1.

Mr. Mountzoures called for discussion on the application.

Mr. Ambulos said that he built his first home in that area many years ago and went up to take a look and was surprised to see how many homes had sprung up there since that time. In looking over the area he said that he does not see any reason to deny this as there are many other similar homes on those types of lots there.

Mr. Boguszewski said that it is a pre-existing, non-conforming lot and what they try to do is to minimize the non-conformity. He said that they cannot deny the right to build a reasonable size home on the lot.

Mr. Mostowy said that he concurs that a reasonable size house can be built on the property.
Mr. Mountzoures called for a motion.

****MOTION (1)**

Mr. Boguszewski moved to **APPROVE** the Application of Greg Landers for GALCO, LLC for a 5.5' north side yard setback variance to construct a home of a reasonable size on property identified in the application as 34 S. Beechwood Road, Niantic, CT. Said parcel appears on the East Lyme Assessor's Map 07.18, Lot 68-1.

Mr. Ambulos seconded the motion.

Mr. Boguszewski said that the reason for granting the variance is because it is a pre-existing, non-conforming lot.

Mr. Mountzoures called for a vote on the motion.

Vote: 5 – 0 – 0. Motion to **APPROVE** passed.

New Business

1. Election of Officers

▪ **Chairman**

The Recording Secretary called for nominations for the position of Chairman of the Zoning Board of Appeals for the 2012 year.

****MOTION (2)**

Mr. Boguszewski nominated Mr. Mountzoures to serve as Chairman of the Zoning Board of Appeals for the 2012 year.

Mr. Ambulos seconded the motion.

A call was made for any other nominations for the position of Chairman –
Hearing none –

A vote was called for the nomination of Mr. Mountzoures as Chairman.

Vote: 5 – 0 – 0. Motion passed.

The Chairing of the meeting was turned over to Mr. Mountzoures.

▪ **Secretary**

Mr. Mountzoures called for nominations for the position of Secretary of the Zoning Board of Appeals for the 2012 year.

****MOTION (3)**

Mr. Ambulos nominated Mr. Boguszewski to serve as Secretary of the Zoning Board of Appeals for the 2012 year.

Mr. Mostowy seconded the motion.

Mr. Mountzoures called for any other nominations for the position of Secretary –
Hearing none -

A vote was called for the nomination of Mr. Boguszewski as Secretary.

Vote: 5 – 0 – 0. Motion passed.

ADJOURNMENT

Mr. Mountzoures called for a motion to adjourn.

****MOTION (4)**

Mr. Smith moved to adjourn Case #1-2012 of the East Lyme Zoning Board of Appeals at 7:00 PM.

Mr. Ambulos seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary