

FILED IN EAST LYME  
May 23, 2012 AT 10 A M

EAST LYME ZONING BOARD OF APPEALS  
PUBLIC HEARING AND REGULAR MEETING  
MONDAY, MAY 21st, 2012  
MINUTES

*Brad D. Stevens* ATC  
EAST LYME TOWN CLERK

A Public Hearing and Regular Meeting of the East Lyme Zoning Board of Appeals was held on Monday, May 21, 2012 at 6:30 PM at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

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

ALSO PRESENT: Robert Pfanner, Representing the Applicant  
David Bristol, Applicant  
Matthew Bristol, Representing the Applicant

ABSENT: Tom Boguszewski, Secretary, Lou Mostowy,

**1. Call Public Hearing to Order**

Chairman Mountzoures called the Public Hearing to order at 6:30 PM. He noted that he had seated John Smith, Alternate at the table this evening.

**2. Read Notice of Public Hearing**

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

Mr. Ambulos, Secretary read the following:

**Case No. 4-2012: Application of David Bristol, Owner for a variance of Section 7.3.3 and Section 7.3.4 for property identified in the application as 22 North Main Street, Niantic, CT. Said parcel appears on the East Lyme Assessor's Map 17.6, Lot 86.**

The Public Hearing notice was sent to the New London Day for publication on 5/10/12 and 5/17/12.

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.

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

Matthew Bristol, 6 Center Street said that he was representing David Bristol. He explained that the property measures 25.2' x 50.27' and that literal application of the setback and lot coverage requirements would render the property unusable and constitute an unusual hardship. There is an existing structure on the property that is 20' wide with a 1.3' side yard setback on the easterly side and a 4.1' side yard setback on the westerly side. The house that they are proposing for the property would be 18' W by 36' L and would change the easterly side yard setback to 3' and the westerly side yard setback to 4.2'. This would make it more conforming than the house that exists there now. The front would remain the same. This property also conforms to the rule of three. The rear setback is 12'2" and the requirement is 12'. The lot coverage would remain the same and the proposed building height is 28.5' with 30' being the maximum allowed. He submitted: **Exhibit A** for the record – 2 renderings of the proposed new house and **Exhibit B** – two renderings of the side views of the proposed new house and **Exhibit C** – a petition signed by 12 people on the same street stating that they had no objection to the proposed new house on the property. He noted that one person was out of the country and not available to sign the petition.

Mr. Mason asked if the lot coverage includes the front porch and patio.

Robert Pfanner, PE, representing the applicant said that it does and that the back patio was approximately 11' x 6' and the front deck approximately 13' x 5'.

Mr. Mason asked if there were any decks or patios being proposed for the new house.

Mr. Bristol and Mr. Pfanner said no – they do not plan on having any as they would like to have some lawn area.

Mr. Mason said that he was asking as in the past things have appeared when nothing was supposed to be added and he wanted to make sure that was not going to be the case here.

Mrs. Bristol said that she wanted some grass so that they would have a small yard.

Mr. Mason asked if the house would be at grade.

Mr. Pfanner said that there is one step only. He noted that the side yards are increasing and becoming more conforming while the lot coverage is not changing.

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

Andrew McCarthy, 12 North Main Street said that he lives three lots away from this property. He said that many years ago the Bristols' had built another home between his home and the proposed home. It was quite a nice addition to the neighborhood and they had the foresight to make it innovative and a part of the community. He said that how this all fit together was a large part of his decision to purchase where he did.

Mr. Mountzoures asked if there were any further comments from the public or Board –  
Hearing none –

Mr. Mountzoures closed this Public Hearing at 6:48 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 6:49 PM.

**Case No. 4-2012: Application of David Bristol, Owner for a variance of Section 7.3.3 and Section 7.3.4 for property identified in the application as 22 North Main Street, Niantic, CT. Said parcel appears on the East Lyme Assessor's Map 17.6, Lot 86.**

Mr. Mountzoures called for discussion on the application.

Mr. Mason said that he was ready to make a motion.

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

Mr. Mason moved to **APPROVE** the Application of David Bristol, Owner for a variance of Section 7.3.3 for a reduction of the easterly side yard setback from 12' to 3' and a reduction of the westerly side yard setback from 12' to 4.2' and of Section 7.3.4 for a reduction of lot coverage from 25% to 51% for property identified in the application as 22 North Main Street, Niantic, CT. Said parcel appears on the East Lyme Assessor's Map 17.6, Lot 86.

Mr. Ambulos seconded the motion.

Mr. Mason said that the reason for granting the variance is because the proposed new structure is less non-conforming.

Mr. Mountzoures called for a vote on the motion.

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

Mr. Mountzoures noted that they would want to work with Mr. Mulholland on the second story as there was a regulation from many years ago regarding them.

**ADJOURNMENT**

Mr. Mountzoures called for a motion to adjourn.

**\*\*MOTION (2)**

Mr. Mason moved to adjourn Case #4-2012 of the East Lyme Zoning Board of Appeals at 6:58 PM.

Mr. Ambulos seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary

