

**EAST LYME ZONING BOARD OF APPEALS
PUBLIC HEARING AND REGULAR MEETING
Monday, JUNE 29th, 2009
MINUTES**

A Public Hearing and Regular Meeting of the East Lyme Zoning Board of Appeals was held on Monday, June 29, 2009 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, Skip Saunders

ALSO PRESENT: Eric Krause, Applicant
Charles Ambulos, Alternate

ABSENT: Shawn McLaughlin, Alternate

1. Call Public Hearing to Order

Chairman Mountzoures called the continued Public Hearing to order at 7:30 PM.

2. Read Notice of Public Hearing

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

Case No. 3-2009: Application of Eric Krause for a variance of Section 7.3.3 for property identified in the Application as 15 Cove Street, Niantic, CT. Said parcel appears on the East Lyme Assessor's Map 17.6, Lot 39.

The Public Hearing notice was sent to the New London Day for publication on 6/17/09 and 6/25/09.

Mr. Mountzoures introduced the Board members and polled each for any conflict of interest. Hearing no conflicts of interest, he explained the rules of the meeting and asked that anyone speaking please stick to the subject matter of the application.

Mr. Mountzoures called for the applicant to make his presentation.

Eric Krause, 31 Brainerd Rd., Niantic, CT, applicant, said that the 32 High St. home was built in 1881 and the 15 Cove Street home was built in 1935 – both prior to any zoning. He said that he owns both properties which have single family dwellings on them and which are separate parcels of land. The house on the High Street property encroaches several feet onto the 15 Cove St. property and the purpose is to correct this encroachment issue so that each dwelling sits on its own lot. Both properties are legal pre-existing non-conforming. He would like to adjust the lot lines so that each lot would have the same square footage, thus lessening the non-conformity. He said that the hardship is that current R-10 zoning requirements do not allow him to separate the two properties due to the setback. He said that he has a new A-2 survey showing what he is requesting and what the result will be.

Mr. Mountzoures asked if there were any other comments at this time -
Hearing none –

Mr. Mountzoures called for anyone who wished to speak regarding this application, noting that they generally hear from those who wish to speak in favor of the application first –

Cindy Sutherland, 54 Smith St. said that she is in favor of this application.

John Nowicki, 13 Cove St. said that he is also in favor of this application and noted that he wishes to purchase the property should this be approved and the encroachment issue resolved.

Mr. Boguszewski asked what the setbacks were that they are looking for.

Mr. Krause said that when he spoke with Mr. Mulholland that he was told that it would be the rear yard setback for 15 Cove St. that would be affected here. Some of the area from 32 High St. would go to 15 Cove St. He submitted the following surveys for the record:

Exhibit A – a before survey done by Pfanner & Associates, dated 9/28/83 of 15 Cove St. in Pine Grove

Exhibit B - an after survey done by Gerwick Engineering, dated 6/24/09 of 15 Cove St. in Pine Grove

John Nowicki, 13 Cove St. asked about beach communities and putting second stories on homes on small lots and what the requirements were with respect to setbacks.

Mr. Mountzoures explained that they would have to be 15' away from another building and that they could then go up another story. It is 15 feet from the side of one house to the side of another and that provision is already available to people.

Mr. Mountzoures asked the Board members if they had any other questions.

Hearing none - he said that he would now close the Public Hearing.

Mr. Mountzoures closed this Public Hearing at 7:48 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 to appeal it to the Superior Court.

REGULAR MEETING

Mr. Mountzoures opened the Regular Meeting at 7:49 PM after the Public Hearing on Case 3-2009.

Case No. 3-2009: Application of Eric Krause for a variance of Section 7.3.3 for property identified in the Application as 15 Cove Street, Niantic, CT. Said parcel appears on the East Lyme Assessor's Map 17.6, Lot 39.

Mr. Mountzoures called for discussion.

Mr. Saunders said that he could see where this is making the property less non-conforming than it currently is and that Mr. Krause cannot sell his property as it is and this would be cleaning up this property.

Mr. Boguszewski asked if they did not approve this – what Mr. Krause could do.

Mr. Saunders said that Mr. Krause would have to combine the properties to make one lot.

Mr. Boguszewski said that he really does not see an issue with what is being requested.

Mr. Mountzoures said that this would be moving it towards being more conforming.

Mr. Mostowy said that he did not see a problem with it.

****MOTION (1)**

Mr. Mason moved that the Application of Eric Krause for a variance of Section 7.3.3 for property identified as 15 Cove Street, Niantic, CT be APPROVED in accordance with the survey submitted of the area as depicted on Exhibit B, (survey by Gerwick Engineering - 15 Cove St. dated 6/24/09) with reason for such consideration being that of making the property less non-conforming. Said parcel appears on the East Lyme Assessor's Map 17.6, Lot 39.

Mr. Saunders seconded the motion.

Mr. Mountzoures called for a vote on the motion.

Vote: 5 – 0 – 0. Motion passed.

Mr. Mountzoures asked if anyone had any other business –

Hearing none –

Mr. Mountzoures called for a motion to adjourn.

ADJOURNMENT

****MOTION (2)**

Mr. Boguszewski moved to adjourn Case #3-2009 of the East Lyme Zoning Board of Appeals at 8:00 PM.

Mr. Mostowy seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary