

**EAST LYME ZONING BOARD OF APPEALS
PUBLIC HEARING AND REGULAR MEETING
Monday, JULY 27th, 2009
MINUTES**

A Public Hearing and Regular Meeting of the East Lyme Zoning Board of Appeals was held on Monday, July 27, 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: Richard & Carol Cave, Applicants
Charles Ambulos, Alternate

ABSENT: Shawn McLaughlin, Alternate

1. Call Public Hearing to Order

Chairman Mountzoures called the Public Hearing to order at 7:40 PM after the previously scheduled Public Hearing.

2. Read Notice of Public Hearing

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

Case No. 5-2009: Application of Richard & Carol Cave for a variance of Section 4 of the East Lyme Zoning Regulations to allow an addition on property identified in the application as 27 Plants Dam Road, East Lyme, Connecticut. Said parcel appears on the East Lyme Assessor's Map 19.0, Lot 71.

The Public Hearing notice was sent to the New London Day for publication on 7/15/2009 and 7/23/2009.

Mr. Mountzoures introduced the Board members and polled each for any conflict of interest. Hearing no conflicts of interest from the members, he said that he would recuse himself from this Case as he had sold the property to the applicants some time ago. He asked Mr. Boguszewski, to Chair the meeting.

Mr. Boguszewski seated Charles Ambulos, Alternate at the table and explained the rules of the meeting and asked that anyone speaking please stick to the subject matter of the application.

Mr. Boguszewski then called for the applicant to make his presentation.

Richard and Carol Cave, applicants said that they had also brought Keith McKenna from Advanced Improvements with them to help explain this.

Keith McKenna of Advanced Improvements said that the house was built on the property before RU-40 went into effect and that they are 22' from the driveway side yard (30' is necessary) and that the mudroom that they would like to add is not going to encroach any further than what is there currently. He said that the back area was built in 1990 and that the deck area is 12' x 20'.

Mr. Saunders asked if it would take up the entire deck area.

Mr. McKenna submitted three photos of the existing deck and area where the mudroom would go. These were entered into the record as **Exhibit A**.

Mr. Saunders asked if the deck is going to be demolished.

Ms. Cave said yes.

Mr. Cave said that it is 14' from the edge of the house.

Mr. Saunders said that the application did not delineate how much of a variance they are looking for on that side line and that the drawing indicates that there is 20' on the side yard now but someone had mentioned that there is actually 22'. He asked which it is and what they are looking for in terms of a variance.

Mr. McKenna said that they are looking for an 8' variance.

Mr. Saunders asked if it is an 8' variance on the side line running for 14' in line with the edge of the house. Ms. Cave said yes.

Mr. Saunders asked when they bought the property.

Ms. Cave said in 1984.

Mr. Saunders said that it is pre-existing, non-conforming and would have been so at the time that they bought the house.

Mr. Boguszewski called for comments from the public –

Hearing none –

Mr. Boguszewski asked if there were any other questions from the Board members or if the applicants had anything further to add.

Hearing none –

Mr. Boguszewski said that he would now close the Public Hearing.

Mr. Boguszewski closed this Public Hearing at 7:52 PM.

Mr. Boguszewski said that they would now deliberate and possibly make a decision on the application.

Mr. Boguszewski 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. Boguszewski opened the Regular Meeting at 7:53 PM.

Case No. 5-2009: Application of Richard & Carol Cave for a variance of Section 4 of the East Lyme Zoning Regulations to allow an addition on property identified in the application as 27 Plants Dam Road, East Lyme, Connecticut. Said parcel appears on the East Lyme Assessor's Map 19.0, Lot 71.

Mr. Boguszewski called for discussion.

Mr. Mason said that he is looking for the hardship.

Mr. Saunders said that it is an intensification of a non-conforming use and was so when they bought the property. They are allowed to make something less non-conforming. He said that he wanted to ask a technical question of the applicants.

Mr. Saunders asked when the deck was put on the house and if it was there when they bought the house.

Ms. Cave said that it was there when they purchased the house and that they removed a back section of that deck when they put on an addition to the house in 1990. She presented them with a picture of the addition that they put on the house in 1990.

Mr. Mostowy commented that the front part of the house is already in violation and noted that the footprint of the house does not make sense.

Mr. Ambulos said that he did not see where there is a hardship as outlined on the application form.

Mr. Mason said that it would be reducing the non-conformity.

Mr. Saunders noted that they could not follow the drawing submitted or refer to it as the measurements on the side yard are incorrect.

Mr. Mason said that he would make a motion.

****MOTION (1)**

Mr. Mason moved in the Application of Richard & Carol Cave for a variance of Section 4 of the East Lyme Zoning Regulations for property identified as 27 Plants Dam Rd. to APPROVE a variance of 8' on the east side yard running for 14' in line with the existing house for the addition of a mudroom. Said parcel appears on the East Lyme Assessor's Map 19.0, Lot 71.

Mr. Mostowy seconded the motion.

Mr. Boguszewski called for a vote on the motion.

Vote: 4 – 1 – 0. Motion passed.

Voted in Favor: Mr. Ambulos, Mr. Boguszewski, Mr. Mason, Mr. Mostowy

Voted Against: Mr. Saunders

Mr. Mason said that the reason for the variance is that the change creates a less non-conforming situation under the Town's zoning regulations.

Mr. Boguszewski asked if anyone had any other business –
Hearing none –

Mr. Boguszewski called for a motion to adjourn.

ADJOURNMENT

****MOTION (2)**

Mr. Mostowy moved to adjourn Case #5-2009 of the East Lyme Zoning Board of Appeals at 8:10 PM.

Mr. Saunders seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary