

**Brendan M. Fox, Jr.**

*Attorney at Law*

March 31, 2020

Black Point Beach Club Association  
Zoning Board of Appeals  
P.O. Box 715  
Niantic, CT 06357

Re: Black Point Zoning Board of Appeals – Case No. 1-2020

To Whom It May Concern:

I write on behalf of the Brendan M. Fox Trust dated March 25, 1993, as amended (the “Trust”) and Brendan M. Fox, Sr., the current trustee of the Trust. Although the Notice of the Public Hearing relative to the above-referenced case was mailed to Maureen Fox on or about March 19, 2020, the property located at 43 Indianola Road (the “Property”) is no longer owned by Maureen Fox or any trust created in her name. On February 4, 2020, the Property was transferred from the Maureen Dunn Fox Trust to the Brendan M. Fox Trust, and this conveyance deed is recorded in the East Lyme Land Records at Volume 1025, Page 309. Therefore, the Trust is the proper party in interest in this matter and has the proper standing to provide comment on the application before the Black Point Zoning Board of Appeals (“BPZBA”).

The application to the BPZBA filed by Glorina Consedine dated January 27, 2020 (the “Application”) seeks relief from the zoning regulations, specifically setback requirements, in order to extend by a maximum of three or four feet the front porch located at 47 Indianola Road, which is the property immediately adjacent to the Property owned by the Trust. The Trust and Brendan Fox, Sr. have no objection to this precise relief being granted, subject to the conditions discussed below.

The Application contains a very unusual reference to future development at 47 Indianola Road. Specifically, the Application notes “[p]otential future 24 ft by 24 ft detached garage and master bathroom addition built in the rear portion of lot 688 & 689 as indicated on layout drawing. Future driveway is to be located to the right side of the existing dwelling.” I do not understand why this reference is contained in the Application. For the record, any driveway located to the right side of the existing dwelling will be extremely close to, if not on, the property boundary line between the Applicant’s property and the Property located at 43 Indianola Road.

It does not appear, although it is not certain, that the Application is seeking any form of relief from zoning regulations for this “future development” of a garage and driveway. If indeed that is the case, I request that the Application be amended to remove any and all references to this potential future development. An application to the BPZBA is reserved specifically for the relief that is requested as well as a description of the exceptional difficulty or unusual hardship on which such request is based. I do not see how this reference to “potential future development” supports the alleged exceptional difficulty or unusual hardship that may warrant the relief requested.

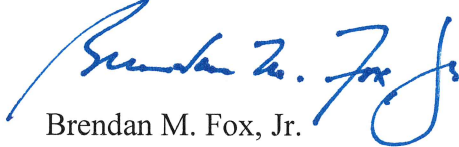
If this reference to future development remains in the Application and this future development is not the subject of the Application, this will be the source of confusion in the future if and when relief from the zoning regulations is sought for any such future development. By amending the Application to remove any reference to this “future development,” the possibility of such confusion is eliminated.

If the Application is not amended to remove the reference to potential future development, on behalf of the Trust, I object to the Application for the reasons stated above. In addition, the Trust and any successor in interest reserves any and all rights that it may have to protect its interests including, but not limited to, objecting to any future application made to the BPZBA by the property owner regarding any future development on the property.

If I am incorrect and the “potential future development” is indeed the subject of this Application, on behalf of the Trust, I hereby object to any relief being granted for this future development. Adequate site plans, renderings and engineering studies, among other things, if they have been completed, have not been provided to any party in interest in order to allow them to make an informed decision regarding any relief requested for this future development and its potential impact on neighboring properties.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in blue ink that reads "Brendan M. Fox, Jr." with a stylized flourish at the end.

Brendan M. Fox, Jr.

Cc: Brendan M. Fox, Sr.