

Black Point Beach Club Association Zoning Commission  
Public Hearing  
October 17, 2020  
10:00  
Club House, 6 Sunset Ave, Niantic, CT

Present: Jim Fox, Chairman, Jim Allen, Secretary, John Horoho, John Kycia, Joseph Katzbek, Alternate, Charles Bruce, Alternate

Absent: Matt Peary Barbara Koenig, Alternate

Also Present: Jim Ventres, Zoning Enforcement Official Steven Beauchene, Board of Governors Liaison

**1. Call to Order and Establish a Quorum**

There was a sufficient number of members to establish a quorum.

**2. Public Hearing to discuss changes to the Zoning Regulations**

J. Fox called the Public Hearing to order at 10:02. He read the legal notice as required.

He informed the commission and public that residents could participate remotely by calling in to the phone number made available to the public.

J. Fox stated that the proposed changes are to clean up some of the regulations to bring them into compliance with the state statutes and to address long standing issues.

The commission started the discussion with the non-conforming changes.

Jim Ventres explained the changes to Section VII, non conforming uses, buildings and lots.

(DELETIONS ARE IN [BRACKETS AND UNDERLINED]/ADDITIONS IN *ITALICS AND BOLD*)

VII-3: [provided such restoration or replacement is started within one year of such razing, demolition or destruction and diligently pursued to completion.]

This is an illegal provision that needs to be removed from the regulations.

Section VII-4: [A nonconforming use which ceases for any reason for a continuous period of more than one (1) year, or is changed to a conforming use, shall not thereafter resume.]

This is an illegal provision that needs to be removed from the regulations.

Section VII-5: [The interior lot lines, where the lots abut, have no zoning significance relative to setback requirements for any building located on the so joined property.] The lots need to be combined otherwise we have created a non-conformity – See Section III of BPBCA Zoning Regulations – goes against that section.

J. Ventres read additions to the zoning regulations that were taken from the East Lyme zoning regulations:

**(new section)**

**12. Nonconforming structures exceptions.**

*a. No nonconforming dwelling shall be enlarged or extended unless the enlargement or extension conforms to the requirements of the district in which it is situated.*

*b. EXCLUDED FROM THIS PROHIBITION ARE:*

1. *Additions of a second story to one-story single family dwellings.*
  2. *Conversions of single-family one-and-one-half story dwellings to two-story dwellings, either by means of dormers or upward extensions of existing sidewalls.*
  3. *Conversions to two stories of one-story appendages to two-story single-family dwellings.*
  4. *Construction of an addition that fills in a section of the house when two adjacent exterior walls are already non-conforming.*
  5. *Construction of an addition that extends the existing nonconformity as long as the extension does not exceed twenty percent of the existing length of structure and does not extend into the front or rear yard setbacks.*
- c. ***NONE OF THE FOREGOING ADDITIONS, EXTENSIONS, OR CONVERSIONS SHALL:***
1. *Extend beyond the perimeters of the existing buildings except as noted in #4 or #5 above.*
  2. *Exceed the vertical projection limits specified elsewhere in these regulations.*
  3. *Alter the single-family status of the dwellings.*
  4. *Result in a separation of less than 15 feet from the sidewalls of any other dwelling.*
  5. *Result in the nonconformity being constructed no closer than five feet from the property line.*
  6. *Result in construction that exceeds the coverage limit thirty-five (35) percent of all structures on the property.*
- d. *Nothing shall prevent the construction of additions to single family detached residential dwellings provided that the following conditions are met:*
1. *No lot within the scope of these provisions may contain more than one dwelling.*
  2. *The dwellings are used solely as private residences, except for approved "Home Occupations" and the proposed additions shall likewise be designed for such use. (For purposes of this regulation, single-story, accessory attached and detached garages shall be considered residential additions.)*
- e. *All application for construction under this section will require an A-2 survey to demonstrate the exact location of the existing structure, the proposed addition(s), and the location of the closest neighboring structure(s).*

J. Ventres noted the addition of a sliding scale for non-conforming side lots. He said this will give greater flexibility.

(new section)

**13. NONCONFORMING LOTS (NOTE – EXISTING SIDE YARD IS 15 FEET)**

*Lots 79 feet or less in width: In the case of any lot 79 feet or less in width, the minimum combined width of both side yards and the minimum width of the narrowest side yard shall be respectively as follows;*

<b>COMBINED WIDTH</b>	<b>MINIMUM WIDTH OF</b>
<b>LOT WIDTH</b>	<b>NARROWEST SIDE YARD</b>
<b>OF SIDE YARDS</b>	

<b>UNDER 40 feet</b>	<b>16 feet</b>	<b>8 feet</b>
<b>40 feet to 49 feet</b>	<b>18 feet</b>	<b>9 feet</b>
<b>50 feet to 59 feet</b>	<b>20 feet</b>	<b>10 feet</b>
<b>60 feet to 69 feet</b>	<b>24 feet</b>	<b>12 feet</b>
<b>70 feet to 79 feet</b>	<b>28 feet</b>	<b>14 feet</b>

**13. Landings and Stairs Within the Setback Areas (REMOVE FROM SECTION V – 3 AND ADD TO NON-CONFORMING SECTION, MODIFY AS NOTED BELOW TO COMPLY WITH ADA REQUIREMENTS.)**

Exterior landings and stairways to exterior doors which are constructed within the setback areas as defined in this section shall be consistent with the following requirements, and no further deviation from such setback areas shall be permitted unless expressly authorized by a variance granted by the Zoning Board of Appeals:

- a. Landings *in the setback area* shall not exceed the dimensions of four [ (4) feet by four (4) feet] ***six (6) feet by six (6) feet.***
- b. Stairways *and landings* shall not extend into a side or rear setback area [more than three (3) feet ] ***less than five (5) feet*** from the property line, nor into a front setback area [more than six (6) feet ] ***less than five (5) feet from the property line.***
- c. The coverage of any roof constructed above a landing shall not exceed the dimensions of the landing, and the landing beneath a roof shall not subsequently be enclosed.
- d. No roof or other overhead structure shall be constructed above the stairway.

J. Ventres informed the members that by ADA standards, landings had to be five feet by five feet at a minimum, the regulations now allow a 4x4 landing, the changes now allow a 6x6 landing.

**Public Comment:**

J. Ventres read the following letters:

George Parsons dated, October 16, 2020.

Andrea Montovani, 41 Seabreeze Ave. would like more flexibility on non conforming lots.

Anthony Ferreira, 75 East Shore Dr. would like more flexibility on non conforming lots to give the community the ability to grow.

Devin Wachtmeister, 9 Sea Spray Ave. is in favor of the changes and are a benefit to the community.

Cindy Trocki, 22 Blue Heron Rd.-stated the zoning commission is trying to be a planning commission which the association does not have.

Cynthia Girgenti, 9 Shore Dr., would like the opportunity to build up, (higher)

Barbara Johnston, 35 Seacrest Ave. agrees with C. Troke and believes the hearing is wrong and a FOI violation. She has not heard of the Board of Governors (BOG) approving the changes.

Colleen Chapin, 53 East Shore Dr. asked if the changes are going to be vetted by the attorney. Wanted to confirm that the Board of Governors approve contiguous lots. Stated A-2 surveys can not survey neighboring properties. Had questions on corner lots and the sliding scale. If a lot is not rectangular in scale what standards do you apply? She agrees with the changes to comply with ADA.

(at approximately 10:40-10:45 the online portion was disconnected, no business was discussed during this time)

Kim Craven, 46 East Shore Dr., asked about setbacks of structures on separate lots and setbacks on landings.

J. Ventres answered some of the concerns:

- The landings are for front yards, not side yards
- 2 pre-existing non conforming lots not usually owned by different people but there could be conflicts.
- Surveyors can go on neighboring properties for an A-2 survey
- Angular lots that narrows down, you look at the side yard at limits of construction for sliding scale.
- Joining continuous lots do need to be reviewed by the BOG
- Attorney can be consulted
- BOG appointed the zoning commission so they have the authority to change the regulations and yes the commission does have to follow CT general statutes.

J. Fox addressed the changes in Section 5-Dimensional Requirements, he stated there is a minimum square footage requirement in the regs that need to come out because it has been ruled against in court.

Section 5-Dimensional Requirements

5D-f: Remove: **[It shall have a net floor area of not less than 1,200 square feet.]**

**Public Comment:**

Barbara Johnston, 35 Seacrest Ave., she has not heard the meeting and wanted to know who is the recording secretary.

J. Fox gave background on the changes for construction times which will be in Section IV-12.

Section IV-12

***During the period between November 1<sup>st</sup> and April 1<sup>st</sup> construction may commence at 7:00 am Monday through Friday. Saturdays and Sundays hours are still 8:00 AM to 6:00 PM.***

**Public Comment:**

Barbara Johnston, 35 Seacrest Ave. wants to know how is it going to be enforced and who will enforce it? She is against it.

Collen Chapin, 53 East Shore Dr., there is a lot of construction that is outside of the approved hours, maybe consider what those activities could be allowed early in the day.

**Section 1 Definitions**

Sheds and garages were discussed. J. Ventres went over the changes to Section 1, definitions:  
Section I

c. Detached Garage. – An accessory building which is not physically connected to a dwelling by means of any permanent structural connection other than pavement or fences. ***Any accessory structure over 160 square feet shall be considered a garage.***

***Pool Cabana.*** An accessory building designed for use or used in connection with a pool. ***Pool cabanas shall have a maximum size of 160 square feet and shall not exceed 14 feet in height.***

#### Section V

9. **Accessory Buildings** – No accessory building may be used as a dwelling.  
**( Dwelling - a house, apartment, or other place of residence.)**

J. Ventres read the changes to Section V-Dimensional Requirements:

#### Section V-Dimensional Requirements:

2. **Accessory Buildings** – Except as otherwise expressly provided in these regulations, no more than two accessory buildings, [of which not more than one may be a garage and not more than one may be a shed.] ***of which can be a combination of two structures (a garage, a shed, a gazebo, or a pool cabana) and shall be constructed on any buildable lot within the limits of the association, provided that such accessory buildings must meet the following requirements:***

a. Detached Garage

4. It shall have only one floor above the garage floor and that floor ***space*** is to be used for storage only.

b. Shed

2. It shall not exceed the dimensions of [8 feet x 10 feet x 12 feet] ***of 160 square feet.***

3. **On a Beachfront Lot** – [Fifty (50)] ***twenty-five (25)*** feet from the lot line on the bank of the beach or beach wall. Twenty (20) feet from the street line, Fifteen (15) feet from the lot line fronting any Association right-of-way, [Five (5) feet from all other lines] ***and for all other lot lines a shed under 100 square feet the setback from the lot line shall be 5 feet and have a maximum height of 12 feet to the peak. For shed with a square footage of 100 square feet to 160 square feet the setback shall be 10 feet with a maximum height of 14 feet to the peak.***

**On All Other Lots** [Fifty (50)] ***twenty-five*** feet from the front lot line, Twenty (20) feet from any side street lot lines, [Five (5) feet from all other lot lines] ] ***and for all other lot lines shed under 100 square feet the setback from the lot line shall be 5 feet and have a maximum height of 12 feet to the peak. For shed with a square footage of 100 square feet to 160 square feet the setback shall be 10 feet with a maximum height of 14 feet to the peak.***  
Note that if a proposed structure exceeds the roof height require for the structure size, the structure will require the more restrictive setback based on the height.

#### *New 3. Cupolas*

- A. ***On any structure a cupula or cupolas maybe constructed as long as the base(s) do not exceed two (2) inches per foot of ridgeline. The height shall not exceed three times the length of the base at the ridge line and measured to the peak of the cupola. This is not intended to include weather vanes and decorative features.***

**NOTE - CUPOLA SIZING GUIDELINES:**

- 1. Determine the length of the ridge line of your building roof where the cupola will be installed.**
- 2. Most architects would agree that the formula of 1" to 1 1/2" of cupola BASE per foot of roofline is pleasing to most eyes. For example: a normal two garage, with a 24' ridge line would accept a cupola with a 24" to 36" base.**
- 3. Buildings with steeper roof pitches or multiple levels may require a cupola on the larger end of the scale, where single story, low pitched roofs will look better with a cupola on the smaller end of the scale.**
- 4. Check your roof pitch to make sure the cupola you are purchasing will accommodate the pitch that you have. Roof pitch is determined by the number of inches the roof rises vertically for every 12 inches it extends horizontally. For example: place a T-square at the peak, if your roof rises 8" in a 12" horizontal extension, you would have an 8:12 pitch.**
- 5. On buildings with a larger roofline (around 50+ feet), you will want to consider using multiple cupolas. Using the same formula of 1" to 1 1/2" of cupola BASE per foot of roofline, you can then calculate what size cupolas you will need. In cases where two cupolas will be placed, you will want matching sizes. In cases where three or more cupolas will be placed, you will want a large center cupola and identical smaller cupolas out the outside. For example: on a 60' barn, the ridge line would accept 2 – 30" OR 2 – 36" base cupolas or a series of three cupolas (1 – 48" plus 2 – 30").**
- 6. When installing two cupolas on a roof, they should be identical in size and style and evenly spaced on the roof. When installing multiple cupolas, the center cupola should be significantly larger and can be a different style from the smaller, outside cupolas. The remaining outside cupolas should be identical to each other in size & style.**
- 7. Weathervanes & finials can be used to complete any roof cupola. The length or width of the weathervane should not exceed the widest part of the cupola. Most full size weathervanes are compatible with all full size cupolas. When you have a cupola over 42" at the base, you should be sure to choose a large enough weathervane or finial to not get lost in the size of the cupola. Most standard or small finials will fit all full size cupolas. Again, if you have a cupola over 42" you may want to consider using a medium or large finial.**

Public Comment:

Barbara Johnston, 35 Seacrest Ave., How can you change the frontage of a beach front home? Against what is being done with garages.

Colleen Chapin, 53 East Shore Dr., she would like to throw out the concept of naming structures, ex. shed, garage, etc. She is concerned the commission is picking out one kind of design element, cupolas.

Ronny Casey, 19 Seaview Ave. does not want over development, she is concerned about sheds and structures in front yards. All permitted items should be in the cover ratio, including air conditioners and generators. She would like to add motor homes that were grandfathered in.

Kim Craven, 46 E. Shore, she is concerned about lights that may be placed in a cupola that may shine into homes.

**3. Adjournment:**

**MOTION: (Allen/Kycia) to close the Public Hearing and adjourn the public hearing at 11:17. Vote: APPROVED unanimously.**

Respectfully submitted,

Sue Spang

Recording Secretary