

**Black Point Beach Club Association Zoning Board of Appeals
September 29th, 2021 Public Hearing Meeting Minutes**

Present:

Colleen Chapin, Chairman
Sally Cini
Arlene Garrow
Kim Craven, Alternate (Sat as a Regular Member)
Dan Deknis, Alternate (Sat as a Regular Member)

Absent:

Anita Schepker
Marianne Neptin

A Public Hearing of the Black Point Beach Association Zoning Board of Appeals was held on Wednesday September 29th, 2021 at 6:00 p.m. at the Black Point Beach Clubhouse located at 6 Sunset Avenue, Niantic, CT.

I. Call to Order

Chairman Chapin called the Public Hearing of the BPBCA Zoning Board of Appeals to order at 6:01 p.m.

II. Attendance and Establishment of Quorum

Ms. Chapin introduced the Commission members and noted a quorum was present; Alternate Members Kim Craven and Dan Deknis were sat as Regular Members for the evening in order to reach this quorum.

Ms. Chapin noted a meeting notification was posted on the Black Point Beach Club website and sent to abutting property owners within 50 feet of 16 Bellaire Road, and published in the New London Day Newspaper on Friday September 17th 2021 and Friday, September 24th, 2021.

III. Public Hearing

- a. Black Point Zoning Board of Appeals Case 3-2021 Application of Joseph and Eileen Strzegowski, request for a variance of setback requirements at 16 Bellaire Road, Niantic, CT. Said parcel appears on the East Lyme Assessor's map 05.11, lot 45.**

Ms. Chapin reminded those in attendance, what constitutes a zoning hardship and that four (4) affirmative Board Member votes are needed to grant the variance. Ms. Chapin turned the meeting over to the Applicant so that he could detail his variance request. Mr. Strzegowski said some of the following:

- He sent a letter to some of the abutters which he'd like to enter into the record.

- He obtained the water and plumbing layout from the Town and spoke with their neighbor Bob Guenther, who would have the most direct line of sight of the structure they're proposing.
- He's not sure if they're proposing a garage or a shed.
- They spoke with the vendor Kloter Farms and they're considering buying a structure that has a reinforced floor and overhead garage doors.
- The door to the shed is 10 foot wide and they have a "garage" package which has an extra long floor so they can park a car in it.
- They need storage for a golf cart, bicycles, and items of that nature.
- A shed suits their needs but would like the flexibility of a structure that can be utilized as a garage if they decide to move here full time in the future.
- He consulted Mr. Ventres, the ZEO, and he feels their lot has the required 15 feet setback on the right hand (west) side, which is where they want the structure.
- It has three quarter inch stone and an existing driveway.
- There's quite a drop in elevation in the back, it's not level.
- In the bylaws it says if you go over 160 sq ft it's a garage and this is a 10X16, which is 160 sq ft.
- From the standpoint of his application he doesn't know if he's asking for a shed or for a variance for a covered garage.
- The bylaws say a shed has to be 50 feet from the property line and the proposed location is 40 feet from the property line and 50 feet from the road.
- They're proposing to put it in the 15 foot setback space.
- They're asking to make the structure 16 feet long.

Denis Biglin of 15 Nehantic Drive said he lives directly behind the applicant and doesn't have a problem with what the Applicant is proposing.

Mr. Strzegowski discussed how they have 92 feet of frontage but cannot make a garage work without a variance.

Bob Guenther of 17 Bellaire said he enthusiastically supports this application and Ms. Chapin read Mr. Guenther's email of support into the record.

Ms. Chapin noted that Jeff and Kelly Fecteau of 20 Bellaire Road live on the same side as the proposed garage, and sent in a simple email stating that they fully support the application.

Ms. Chapin acknowledged that some valid points were brought up and there's a little bit of ambiguous language in their zoning regulations; the applicant has applied for a shed/garage with a request to vary the side setback but they need to determine which variance they're actually asking for. She added that it's almost like they're asking for two competing variances; the shed needs to be 50 feet back and the garage needs to be 10 feet from the house.

Mr. Deknis offered that he thinks the 10 foot separation between a house and garage is a fire code, so you have a buffer between the house and garage. He asked if could not put the structure on the other side of the house and Mr. Strzegowski detailed the following in response:

- There would not be enough width to meet the zoning boundary.
- If they want the 10 feet and 15 feet, he can only have a 4 ft wide garage that goes all the way in the back corner of the property.
- That means building a driveway over the waterline.
- There's some evidence there might be some ledge and he doesn't think they can lower the road, they would have to raise the driveway.
- To get to the back corner it drops off 3 or 4 ft and the topography becomes awkward.

Mr. Strzegowski discussed how clearance to the property line is 29 feet and he doesn't see how the garage could be attached. Ms. Garrow said if he installed a shed he wouldn't have to worry about the 29 feet clearance.

The Board discussed what constitutes a hardship in Connecticut.

Ms. Garrow asked if the well is in operation and Mr. Strzegowski said it's not, they're on city water. He added that the water pipe appears to weave through the ledge. Ms. Garrow and Mr. Strzegowski briefly discussed how the city water connection was achieved.

Ms. Garrow explained how it's possible to have a storm drain in a driveway and gave several examples of it within Black Point. Mr. Strzegowski said he would be reluctant to take such an approach as it could lead to drainage issues.

Ms. Cini asked about constructing a garage underneath the house and Mr. Strzegowski said that would require that he put in a long driveway all around the back of the house.

Ms. Craven said she's taken a lot of notes on whether he's asking for a garage or a shed and that from what he has proposed here, she doesn't see fitting a car into it.

The Board discussed whether the garage door is 6 ft or 8 ft wide and Mr. Strzegowski said that the quote should be for a 8 ft wide door and if it says 6 ft, he believes that is a mistake. The Board agreed that this detail should be verified.

Ms. Chapin discussed the possibility of keeping the Public Hearing open and continuing it pending further information.

The Board further discussed the details of the proposed structure including whether there is a requirement for hurricane grade doors and kept circling back to whether the structure being asked for is a shed or a garage.

Ms. Chapin observed that the difference between the two types of structures is the difference between a 1 ft variance as opposed to an 8 to 10 ft variance. Ms. Cini said she doesn't believe they've ever granted such a large variance and a severe hardship would need to be present.

Ms. Chapin summarized how it needs to be determined whether the structure is a garage or shed, what the size of the structure is, the size of the overhead door and there needs to be verification that it's no greater than 10 ft wide, and verification of any building code requirements related to wind speed or hurricanes.

Ms. Craven said there should also be more clarification on the waterline depth and location and Ms. Garrow discussed how corrected specs for both types of structures are needed.

Ms. Chapin said for a garage they need to know how far they truly are from that back line and Ms. Garrow agreed that more measurements are needed from that back line.

The Board discussed the possibility of installing a garage in another location on the lot.

Mr. Strzegowski said what he's hearing is that he can't have a garage on the right hand side, and would have to rethink the whole process to proceed.

Ms. Chapin said if he wants to go with a shed and really wants it in this exact location they need to talk about the side and front setback, and Ms. Garrow said if he chose another location on the property for the shed no variance would be needed.

Ms. Chapin noted that installing a garage in his proposed location would result in it being wholly within the setback when the property has other options.

Mr. Strzegowski said he's looking to see if there is any way they can help him get closer to his goals and Ms. Chapin replied that continuing the Public Hearing is an opportunity to come up with a scenario which would require less of a variance.

Mr. Strzegowski said he would be amenable to a 60 day extension and the Board discussed continuing the Public Hearing to November 17th- with a backup date of November 16th, and at a location to be determined.

Ms. Garrow said she thinks the water line comes into play if he's asking for the larger variance and Ms. Chapin said he can reconsider his application to determine if there's a way to decrease the variance request and or provide a more concrete justification of irrevocable hardship.

MOTION (1)

Ms. Chapin moved to continue the Public Hearing to November 17th, 2021 at 6:00 p.m., with an alternate date of November 16th, 2021 at 6:00 p.m., location to be determined, as requested by the applicant.

**Mr. Deknis seconded the motion.
Motion carried, 5-0-0.**

II. Adjournment

MOTION (2)

Ms. Chapin moved to adjourn the September 29th, 2021 Meeting of the Zoning Board of Appeals at 8:26 p.m.

Mr. Deknis seconded the motion.

Motion carried, 5-0-0.

Respectfully Submitted,

Brooke Stevens,
Recording Secretary