

BLACK POINT BEACH CLUB ASSOCIATION

Application to the Black Point Beach Club
Zoning Board of Appeals – **Amended 10/6/21**

1. Applicant Joseph & Eileen Strzegowski Phone 413-530-8962
Address 16 Bellaire Rd
2. Owner Joseph & Eileen Strzegowski Phone 413-530-8962
Address 16 Bellaire Rd
3. Street Address of affected property 16 Bellaire Rd
4. Zone R12 BPBC Assessor's Map No. _____ Lot No. 05.11 45
5. Properties within fifty (50) feet of ANY lot line (attach additional if necessary)
 - a. Name Tine, Rosaria (Sadie) Address 13 Bellaire Rd
 - b. Name Guenther, Bob & Jan Address 17 Bellaire Rd
 - c. Name Kallaugher, Bob & Frances Address 21 Bellaire Rd
 - d. Name Fecteau, Jeff & Kelly Address 20 Bellaire Rd
 - e. Name Levine, Phillip & Bette Address 12 Bellaire Rd
6. Is affected property within 500 feet of Town Line? Yes _____ No X
7. Application relates to (check appropriate items):
X Request for variance of following section(s) of zoning regulations (7/17/21) Sec V, 2.1. Sheds on other lots
____ Alleged error in Zoning Official's action under section _____
8. If variance requested, describe exceptional difficulty or unusual hardship on which request is based. If error alleged, explain basis for allegation (See instructions (d) and (e)). Attach additional details if necessary.
Allowed sites are impeded by storm drain, elevation changes, former leach field, dry wells, and possible ledge outcrops
Request variance to locate a portable 10' x 16' one car garage/shed on existing gravel driveway within 15 foot setback zone
9. Has any previous variance request or appeal relative to this property been filed with Board of Appeals?
No X Yes _____ Specify date _____

I hereby certify that the above information is true and correct to the best of my knowledge, and I authorize the members of the Zoning Board of Appeals to inspect the property in question.

Signed _____ Date _____

IMPORTANT: Ten copies of the completed application form (original and nine copies) must be submitted to the Chair or the Secretary of the Zoning Board of Appeals by mail (Black Point Beach Association, Zoning Board of Appeals, P.O. Box 715, Niantic, CT 06357). The application must be accompanied by Ten (10) copies of the Zoning Official's action, ten (10) copies of the complete legal description of the property, a cashier's check in the amount of \$450.00 made payable to "The Black Point Beach Club Association," and any additional information that may be appropriate.

This space reserved for Zoning Board of Appeals

Date application received _____ Appeal No. _____

Date of Hearing _____ Action _____

BLACK POINT BEACH CLUB ASSOCIATION
INSTRUCTIONS FOR ZONING BOARD OF APPEALS APPLICATION

- a) Meetings of the Zoning Board of Appeals are held at such times and place as the caseload warrants and the Chair designates. All public hearings will be held within 65 days following receipt of application.
- b) Ten copies of the completed application form (original and nine copies) must be submitted to the Chair or the Secretary of the Zoning Board of Appeals accompanied by ten (10) copies of the Zoning Official's action, ten (10) copies of the complete legal description of the property and a cashier's check in the amount of \$450.00 made payable to "The Black Point Beach Club Association."
 - 1. The application fee covers the cost of the required processes associated with holding a public hearing. These costs include notice publications in The New London Day and fees associated with the official recording of the hearing.
 - 2. The "legal description of the property" is legal language associated with the property deed and not simply identification on a map.
 - 3. Applicants must ensure that Association fees are current and in good standing.
- c) All pertinent questions must be answered. When additional space is needed, attach separate sheet. Floor plans, sketches, photos or other illustrative material should be added when desirable.
- d) In item 8, applicants should understand that terms "exceptional difficulty" and "unusual hardship" refer to an inability to make reasonable or practical use of property in a manner that conforms to the Association's zoning regulations. "The zoning board of appeals may vary the application of the Zoning Regulations when it determines that such action is in harmony with their general purpose and intent, with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel, but not affecting generally the district in which it is situated, a literal enforcement of such regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured by granting the variance. In making a determination on a variance, the zoning board of appeals shall include consideration of the following issues:
 - 1. The extent to which the applicant has demonstrated that exceptional shape, size, topography or other unique characteristics of the site requires a variance from a literal enforcement of the Zoning Regulations
 - 2. Whether the exceptional difficulty or unusual hardship claimed has been created by the owner or the person or persons requesting the variance
 - 3. Whether the variances requested will adversely affect the neighborhood and whether they will be in harmony with the purpose and intent of the Zoning Regulations
 - 4. Whether the applicant has shown that there is no reasonable alternative other than to grant the requested variance(s)
 - 5. Whether economic hardship is the only basis for requesting the variance".
- e) When an applicant enters an appeal charging the Zoning Enforcement Official with error in item 8, a detailed explanation of the basis for the allegation must be attached.
- f) A variance becomes effective when a copy has been filed in the Town Clerk's Office and has been recorded in the Town's land records. The applicant must initiate this action.
- g) All appeals from the Zoning Official's decisions must be filed with the Chair or Secretary of the Board within 30 days of the date of the action from which the appeal is entered. There is no similar time limit by which a request for variance must be presented.
- h) Appeals from the Board's decision may be taken to the Superior Court within 15 days of the date when notice of decision is published in a newspaper.
- i) **Applications must be submitted to the Board by mail (Black Point Beach Association, Zoning Board of Appeals, P.O. Box 715, Niantic, CT 06357).** Questions regarding the application process may be directed to the Chair of the ZBA prior to submission.
- j) Applicant or representative must be present at public hearing.

5. (Continued) Properties within fifty (50) feet of ANY lot line (attach additional if necessary)

- a. Name Biglin, Dennis & Kathleen Address 15 Nehantic Dr
- b. Name Lesieur, James & Andy Address 19 Nehantic Dr
- c. Name Mintel, Ernest & Antoinette Address 11 Nehantic Dr

8. Continued

Locating the proposed 10' x 16' portable garage/shed on the existing crushed rock driveway adjacent to the existing porch area would be the least disruptive to the property and our neighbors. We are preparing for the eventuality of Black Point becoming our year round residence and view this garage/shed location as most conducive to a senior living lifestyle, aging in place. Additionally, should a handicapped ramp from the front entrance become necessary in the future, this garage location is the most desirable for accessibility.

See attached drawing for specific details on the proposed garage/shed location.

We have discussed this location with Bob & Jan Guenther and Jeff & Kelly Fecteau, our neighbors that would be most affected by this location and they are both supportive of our variance request.

Attachments:

- A: GIS satellite view of 16 Bellaire Rd
- B: Proposed garage/shed location view on property
- C: East Lyme property card with proposed Garage/shed
- D: Street view of proposed garage/shed location (in front of vehicle)
- E: Proposed garage/shed location – west side of property
- F: Proposed location facing road
- G: Neighbor's shed adjacent to west property line
- H: Kloter Farms proposal – corrected copy submitted

10/6/2021 Variance application amendments below:

Additional exceptional difficulties or unusual hardships:

- 1) East Lyme DPW policy prohibits a second driveway, precluding access from the east side of our dwelling.
- 2) BPBC Zoning bylaw's side lot setbacks and required separation from a dwelling for a detached garage cannot be met with the existing 48 foot wide dwelling on a lot with 92 foot frontage without a variance.
- 3) 10 foot separation requirement for garage is not based on building code as represented at hearing, Fire code requires fireproofing if a detached and permitted garage is located within 5 feet of dwelling. No separation is specified for a shed structure.
- 4) A structure located in the south-westerly backyard area accessed from the west side of property is restricted and does not provide sufficient space to maneuver vehicles.
- 5) The sloped terrain just over the crest of the hill, the house location on the parcel, combined with the single DPW driveway requirement in not without its siting challenges for a detached structure.

Amended Variance request:

Our original variance request was for a dual use structure that would serve both uses, currently as a shed and in the future as a garage.

As a 10 foot x 16 feet structure can be either, please amend our application to a shed structure variance, requiring a front lot property line to shed setback from a 50 feet to a 40 feet, and a westerly side lot setback from 10 feet to 2-1/2 feet, leaving a 2-1/2 foot separation for walking / maintenance space between the dwelling and shed structure.

Additional considerations:

1) We consulted with a local building official, licensed in both Massachusetts and Connecticut. He is confident that allowing this variance for a detached structure would not increase the foundation footprint or building envelope of the primary dwelling as would occur with an attached addition to the dwelling. He indicated that a deed restriction can be used to clarify or resolve this dilemma if necessary. This was also confirmed with Jim Venture, Zoning Official for BPBC.

2) Hurricane Anchors are not currently required by the building code for the proposed shed structure. We agree, for public safety reasons, to install hurricane anchors as needed.

Respectfully,

Joe & Eileen

Amended Attachments:

Corrected Kloter Quote (for illustration only) Ref: Q0431673

EL Town hall contacts - 9/30/2021

Second driveway prohibition in EL – Response from Town Engineer email

EL Town Officials discussion - Email to BP ZBA chair dated 9/30/2021



216 West Road (Route 83)
 Ellington, CT 06029
 860-871-1048 (Fax) 860-871-1117
 www.kloterfarms.com

PO #:
 Order Date:
 Due Date:

Order Number: Q0431673

Page: Page 1 of 1

Customer P.O. Number:

Order Date: 7/19/21

Scheduled Delivery Date:

Est. Customer Pickup Date:

Customer Pickup Status: NA

Doors On: TBD

Salesperson: PAUL R.

Deliver To: Joe & Eileen Strzegowski
 16 Bellaire Road
 Niantic, CT 06357

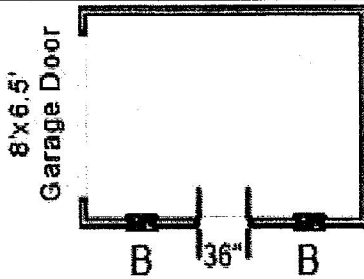
Mailing Address: (If Different)

Phone: (413) 530-8962 Ext. 0000

Phone: (000) 000-0000 Ext. 0000

Phone: () - Ext.

Qty	Description	Unit Price	Discount	Extended Price
1	10x16 T-111 Cape Garage <i>STORAGE SHED</i>	\$7,355.00	\$882.60	\$6,472.40
160	3/4" Pressure Treated Super Duty Floor- Framed 8" O			
1	TBD Dutratemp« T111 Siding Color - Delivery Date Pe			
1	TBD Trim Color - Delivery Date Pending			
1	PermaTrim Corners			
1	TBD Shutters - Delivery Date Pending			
1	TBD Arch. Shingle Color - Delivery Date Pending			
1	Single Door			
1	Overhead Door			
1	8x6.5 White OHD w/windows (Single Wall Raised Panel			
1	8' P.T. Ramp			
2	'B' Window (White) 18"Wx27"H Aluminum Standard Location			
1	Spring Event			
1	3/4" Crushed Stone Pad (includes up to 6" of leveling)	\$1,035.00		\$1,035.00
TOTALS:			\$882.60	\$7,507.40



NOTES:

Light Gray/white
Charcoal Gray
6" leveling

- 400
10x14

Quotes/Orders - Quotes are based on the current sale price. A 25% refundable deposit will hold the current price for 15 days. A 50% deposit is required to set a delivery date. Changes can be made up until the point where a delivery date has been set. Once the delivery date has been set, construction will begin, and no additional changes can be made. All TBD items must be defined before a delivery date is set. A restocking fee may apply up to the full amount of the deposit, if a building is cancelled once construction has begun.

Site Built Projects - A \$500.00 deposit is required to generate an initial site visit by one of our Project Managers. The customer needs to talk to their Zoning department prior to that visit to be aware of any town imposed restrictions or limitations. Additional deposits for drawings and a typical payment schedule will be discussed during the site visit. Site built garages are typically a 4-6 month process. Prices can change due to unusual market conditions. Our project manager will review that possibility on his visit.

CUSTOMER AGREES WITH THIS ORDER AS WRITTEN AND ASSUMES FULL RESPONSIBILITY FOR THEIR PROPERTY DURNING DELIVERY. NO CHANGES CAN BE MADE TO THIS ORDER ONCE A DELIVERY DATE IS SET.

CUSTOMER APPROVAL _____

Thank you for Choosing Kloter Farms

Delivery Charge	\$0.00
Subtotal	\$7,507.40
Sales Tax-CT	\$476.73
Customer Letter	\$0.00
Wide Load Permits	\$25.00
TOTAL	\$8,009.13
Deposit	
Balance Due	
Deposit	
Balance Due	
Deposit	
Balance Due	
Deposit	
Balance Due	
Deposit	
Balance Due	

Payment Info: POD



Alex Klose, P.E.
Town Engineer
East Lyme, Connecticut
www.eltownhall.com
Email: aklose@eltownhall.com

P.O. Box 519
108 Pennsylvania Avenue
Niantic, Connecticut 06357

Phone 860-691-4112



Jennifer Lindo
Administrative Assistant
Notary Public
East Lyme, Connecticut
www.eltownhall.com
Email: Jlindo@eltownhall.com

Land Use Office
P.O. Box 519
Niantic, Connecticut 06357

Off (860) 691-4114
Fax (860) 691-0351



Steven E. Way
Building Official
East Lyme, Connecticut
www.eltownhall.com
Email: Seway@eltownhall.com

Building Department
108 Pennsylvania Ave.
P.O. Box 519
Niantic, Connecticut 06357

Cell (860) 861-1482
Off (860) 691-4114
Fax (860) 691-0351

From: [Alex Klose](#)
To: strzeg@comcast.net
Subject: RE: Second driveway prohibition in EL
Date: Wednesday, October 06, 2021 1:25:48 PM

Joe,

That is correct, generally the number of access points to a property should be limited in order to reduce the number of intersections, thus potential conflict/crash points.

From the US Department of Transportation, Federal Highway Administration, "Appropriate driveway spacing presents another major access issue. Large numbers of driveways increase the potential conflicts on the road. Fewer driveways spaced further apart allow for more orderly merging of traffic and present fewer challenges to drivers." You can read the full text of the *Benefits of Access Management Brochure* here: https://ops.fhwa.dot.gov/access_mgmt/docs/benefits_am_trifold.htm

This is just one example of guidance that discusses why multiple drives (when not warranted for emergency access) can hinder traffic.

In the case presented of your property, this office will not grant a ROW permit for multiple driveways since it goes against accepted guidelines.

Alex Klose, PE
Town Engineer
Phone: (860) 691-4112
aklose@eltownhall.com

Town of East Lyme
PO Box 519
108 Pennsylvania Avenue
Niantic, CT 06357

From: Joe Strzegowski <strzeg@comcast.net>
Sent: Wednesday, October 6, 2021 12:40 PM
To: Alex Klose <aklose@eltownhall.com>
Subject: Second driveway prohibition in EL

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Alex,

I talked with you on the morning of September 30 about access issues (curbed storm-drain, curb valve, etc.) to our property located at 16 Bellaire Rd in Black Point. You informed me that it was DPW policy, following Federal DOT guidelines, to not allow a second R-O-W (second driveway) on a building lot.

I'm applying for variance to add a structure to our existing driveway, and it was suggested by our zoning official I obtain something in writing from the town to support my application.

Can you provide same, or respond to this email.

Alex, Thanks for your response.

Joe

Joe Strzegowski
strzeg@comcast.net
413.530.8962 (cell)
16 Bellaire Rd, BPBC

From: [Joe Strzegowski](#)
To: [BP ZBA Colleen Chapin](#)
Bcc: [Robert \(Bob\) Guenther \(rjguenther@Snet.net\)](#)
Subject: Variance request 302021 16 Bellaire Rd
Date: Thursday, September 30, 2021 6:42:00 PM
Attachments: [East Lime Variance contacts 29SEP2021Scan.pdf](#)

Colleen,

Per our discussion at the Variance hearing , I visited the East Lyme Town hall for clarification on the issues raised during the discussion.

Attached please find the contact information for the Town officials that I spoke with that can provide additional clarification if needed.

While I appreciated that the ZBA brought forth issues regarding the structure,(wrong drawing) etc., please note that it was clearly stated by town officials multiple times that building code and DPW regulations are not within the purview of the ZBA.

1) Water service line depth – Town records are limited to the document submitted with our application. Town water lines are usually installed 4 – 6 feet below grade. There is no indication to the extent of the ledge outcropping surrounding the town water line.

2) Curbed Storm drain – Generally not replaced unless beyond repair.

3) Right of way permit (curb cut) – East Lyme DPW follows the Federal DOT Guidelines and does not issue R-O-W permits for a second driveway on a building lot. It was clear that a request for a second driveway on our parcel would be denied. Please add this to unusual hardship considerations submitted with our application.

4) Hurricane anchors – Detached structures under 200 Sq. Ft. are not required to obtain a building permit and are therefore not required to follow Hurricane regulations. As good practice, we agree to install hurricane anchors on our storage shed.

5) Setback from a Dwelling to Detached garage – East Lyme follows the International Building Code w/ Connecticut amendments – Detached garages that require building permits and are located less than 5 feet from a dwelling are required to include elements from the Fire Code to prevent fire spread from the garage to the dwelling (similar to the Fire Code requirements for attached garages).

I believe I have provided all of the requested additional information. If I have missed something please contact me.

Thanks for all your support with this apparently complex variance request. After some self-deliberation we are considering limiting our request to a storage shed to simplify our variance request.

Colleen, Thanks again, I know well this is many times a thankless process.

Joe

Joe Strzegowski
strzeg@comcast.net
413.530.8962 (cell)
413.369.4937 (ph)