

Minutes of BPBCA ZBA April 20th, 2023, Public Hearing & Regular Meeting - 04/20/23

Date and time: 04/20/23 6:00 PM to: 04/20/23 6:58 PM

Present: Brooke Stevens, Brooke Stevens, Recording Secretary, Marianne Neptin, ZBA Member, Arlene Garrow, ZBA Member, Dan Deknis, ZBA Chair, Pat Kolosowski, Alternate, Jim Ventres, Zoning Enforcement Official, John Cellino, Ex-Officio to Zoning & ZBA

CC: Absent.: Anita Schepker, ZBA Member, Sally Cini, ZBA Member, Kim Craven, Alternate

Location: BPBCA Clubhouse, 6 Sunset Avenue, Niantic, CT, 06357

Topics


1. Call to Order

Note Dan Deknis, ZBA Chair, called the Public Hearing of the BPBCA Zoning Board of Appeals to order at 6:01 p.m.; a quorum was present.

2. Public Hearing

2-1. Black Point Zoning Board of Appeals Case 2-2023 Application of William Budds, request for a variance of setback requirements at 53 Nehantic Drive, Niantic, CT. Said parcel appears on the East Lyme Assessor's map 05.10, lot 88.

Note Mr. Deknis noted the legal ad for this item was published in the New London Day Newspaper, posted on the Black Point website, and filed in the Town Clerk's office. He added that abutting property owners within 50 feet of 53 Nehantic Drive were notified by mail, and certification of the mailings has been received and is presented as Exhibit A, for the record.


Note See Exhibit A, Certification of Mailings
 [53 Nehantic Dr - mailing verification.pdf](#)


Note Ms. Kolosowski was seated as a Regular Member for the evening.

Note The Board members introduced themselves and each indicated they had no conflict in regard to ruling on this application.

Note Mr. Deknis reviewed the rules of a public hearing and noted that a hardship may not be self-created, and 4 affirmative notes are necessary to grant the variance request.

Note Mr. Deknis invited the Applicant to make their presentation, and William Budds, came forward and provided correspondence from neighbors Andrea Hagaman, Gary Suplicki, Elizabeth Borden, Chris Seymour, and Ed Zito, for the record.

Note See attached email from Hagaman.
 [Hagaman_email.pdf](#)

Note See attached note from Suplicki.
 [Suplicki.jpg](#)

Note See attached note from Borden.

 [Borden.jpg](#)

Note See attached text from Seymour.

 [Seymour.jpg](#)

Note See attached text from Zito.

 [Zito.jpg](#)

Note Mr. Budds said some of the following in regard to his variance application:

He thinks the application speaks for itself.

He understands the spirit of the rules and regulations.

Ascetically, the home will change very little, and remain a small cottage, but will better suit their needs.

It's a small ask, 27 inches, and will allow his family to live more comfortably and affordably.

He didn't realize how much side yard he actually had, until the hemlocks overhanging his lawn came down, which is when he made a plan to expand his house.

This will allow him and teenage children to coexist more easily.

He thinks pushing out the bedrooms 5 feet to the west is sufficient for his needs, and better than spending hundreds of thousands of dollars on a new house, so he's here to ask for a variance.

The house was previously expanded twice, and he can't go up, given the foundation.

Like many homes in Black Point, he doesn't actually own much of his front yard.

Note See attached photo for view of side yard photo of post hemlock removal.

 [Photo_of_side_yard_post_hemlock_removal.jpg](#)

Note Mr. Deknis asked if anyone wished to speak in support of the application.

Note John Cellino of 60 East Shore Drive commented that it's a slight addition, and speaking as an individual, and not as a member of the Board of Governors, or as Ex-Officio to the ZBA, he thinks there will be minimal effect, and the architectural design will be an improvement. He added that he personally likes to see improvements, additions, and upgrades in the neighborhood.

Note Mr. Deknis asked if anyone wanted to speak against the application, there were no comments, nor were there any neutral comments.

Note The Board reviewed the proposed plans.

Note See attached schematic 1.

 [schematic_site_plan.jpg](#)

Note See attached schematic 2.

 [schematic_site_plan_2.jpg](#)

Note The Board looked at the schematic, and Ms. Garrow noted the side door on the front corner and asked if there will be a step down or stairs?

Note Mr. Budds said it's not going to come to the front edge of the house and Mr. Deknis and Ms. Garrow observed that the plans don't say that.

Note Mr. Budds replied that it should be on the plans, and that the side will blend right into the house, and the space will be the width of a closet. He further added that one door will be pushed out, while the other is not going to be an egress door, but outside storage.

Note See attached schematic for illustration of door being discussed.

 [side_elevation_illustration.jpg](#)

Note The Board and Applicant further discussed the variance.

Note Mr. Deknis asked about the 16'8" measurement from the sideline referenced in page 2 of his application, and why that measurement isn't illustrated on the other sketches.

Note See attached page 2 of application.

 [page_2_of_application.jpg](#)

Note Mr. Ventres discussed the measurements and application and detailed how the 11'8" along with the 5 feet determined by his immediate neighbor, Mr. Zito's survey equates to the 16'8" measurement.

Note Mr. Ventres noted that the property description cites the distance to the north is 70 feet, and had it been 69 feet, he could have approved the application internally, without the Board's approval.

Note Mr. Ventres said Mr. Budds is looking for 27 inches at the closest.

Note Mr. Deknis pointed out that the property description also says "70 feet, more or less..."

Note Mr. Deknis said from a coverage standpoint, he's below the 35% maximum, so that's not an issue.

Note Ms. Kolosowski asked about the 14 ft side yard and the Board briefly discussed the sliding scale previously instituted to allow some relief to some of the smaller lots in Black Point.

Note Ms. Garrow said the hardship in a sense is the convenience factor.

Note Mr. Budds discussed the measurement and his application. He offered to provide the Board with an updated plan showing the addition starting back 2 feet from the corner, for the record.

Note Mr. Ventres confirmed that the measurements are accurate.

Note Mr. Deknis asked about the 20% rule and Mr. Ventres verified that it was meant for front to back, not side to side.

Note Mr. Ventres said Mr. Budds is asking to go over the side yard in the front corner by 27 inches.

Note Mr. Ventres said if they choose to grant a variance, it's probably best to stipulate that it be no closer than 11ft, 8 inches.

Note Ms. Garrow asked about the landing and stairs and Mr. Ventres confirmed that it will comply with their regulations.

Note Ms. Garrow said since it will only be a step, they won't have to worry about handrails, landings, or anything of that nature.

Note There were no further public comments.

Decision MOTION (1)

Mr. Deknis moved to close the Public Hearing portion of the April 20th, 2023, BPBCA ZBA Meeting at 6:40 p.m.
Ms. Neptin seconded the motion.
Motion carried, 4-0-0.

3. Regular Meeting

3-1. Black Point Zoning Board of Appeals Case 2-2023 Application of William Budds, request for a variance of setback requirements at 53 Nehantic Drive, Niantic, CT. Said parcel appears on the East Lyme Assessor's map 05.10, lot 88.

Note Mr. Deknis said they will now open the Regular Meeting and deliberate.

Note The Board considered the variance request, discussed it with Mr. Ventres, and some of the following comments were made:

Mr. Deknis said if the width was 69 feet, they wouldn't be having this discussion.

Ms. Garrow said they have homes in the community that are much closer than 11 feet, 8 inches, and he would still be further away from the side setback line than most homes.

Ms. Neptin said the amount of space available was realized once all of the shrubbery was removed.

Note Ms. Kolosowski asked why he can't go up, which led to a brief discussion about crawlspaces. Mr. Ventres said half the homes in that area are one level.

Note The Board briefly discussed the variance request and concurred that it's a small request.

Decision MOTION (1)

Mr. Deknis moved to approve the variance of Black Point Zoning Board of Appeals Case 2-2023, Application of William Budds at 53 Nehantic Drive, for a west side yard setback allowing no more than 11ft, 8 inches, where a setback of 14 ft is required, for a proposed one-story addition, and with a 2 ft setback from the existing street side of the corner.

Ms. Garrow seconded the motion.

Motion carried, 4-0-0.

Note Mr. Ventres, Mr. Budds, and the Board discussed how submittal of the corrected plans illustrating the setback 2 ft from the corner, is needed for final approval.

4. Any Business on the Floor, if any by the Majority Vote of the Commission

Note There was none.

5. Adjournment

Decision MOTION (2)

Ms. Neptin moved to adjourn the April 20th, 2023, Regular Meeting of the BPBCA ZBA Meeting at 6:58 p.m.

Mr. Deknis seconded the motion.

Motion carried, 4-0-0.

Note Respectfully Submitted,
Brooke Stevens, Recording Secretary