

**BLACK POINT BEACH CLUB ASSOCIATION  
ZBA MEETING MINUTES  
MARCH 22, 2019  
6:00  
EAST LYME SENIOR CENTER**

**Present:** Collen Chapin, Chairman, Sally Cini, Joyce Wojtas, Arlene Garrow, Marian Neptin, alt.

**Absent:** Paul Pendergast, Anita Schepker, alt. Kim Craven, alt.

**Also Present:** Jim Ventres, ZEO

**Call to Order:** Chairman Colleen Chapin called the meeting to order at 6:00.

**Public Hearing:**

- 1. Black Point Zoning Board of Appeals Case 1-2019; Application by Joseph Katzbek, requesting a variance of setback requirements in order to build a garage at 9 Billow Road, Niantic, CT, East Lyme Assessor's map 05.2, lot 64**

M. Neptin was seated for Paul Pendergast.

C. Chapin stated the application was received on January 31, 2019 and the legal notice was published on March 9, 2019 and March 16, 2019. She read the list of abutters who were notified of the public hearing.

Joseph Katzbek, applicant gave a history of the property. He stated the garage he wants to replace was built in 1925 and has severe structural issues. The existing garage is 18' x 22' and will be taken down and a proposed 22' x 34' garage will be constructed. The roof will be a 12/12 pitch to accommodate storage. He would like to be able to park two cars in the garage and have room for a work bench and items from a shed that is also deteriorating and will be torn down.

J. Katzbek stated his land has an unusual circumstance in that it is the only property in Black Point that has a main sewer line with an easement going through his property.

C. Chapin asked if there was any comment from the public; there was none.

C. Chapin stated that the applicant is looking for a variance of Section V- 2a and sections VII-3, 7, 8, 9.

J. Katzbek stated that if he moved the proposed garage forward to meet the rear setback he would be blocking the access to the deck. The lot is a "triple lot" with three original parcels joined into one. The lot to the rear of his property has no structures and the current owner informed J. Katzbek that he does not have an issue with the requested variance.

J. Ventres stated that due to the sewer line going through the property there is an easement that prohibits any permanent structures within the easement. He agreed that the easement and sewer main qualified as an unusual circumstance. If the sewer main were not on the property, the garage could be built to make it more conforming to the zoning regulations.

J. Katzbek stated that he was aware of the sewer main when he bought the property.

C. Chapin stated she was concerned that the proposed garage was twice as large as the existing garage, making the non-conformity greater. She stated she looked up the AIA standards for a two-car garage and they suggest a 24'x24' structure. She said she looked at the town's GIS and some of the neighborhood houses are about the same size as the applicants proposed garage.

J. Katzbek stated that because he is in the middle of a triple lot he meets all the setbacks but the rear yard setback. If he was in a regular lot, he would not be asking for a garage this size. He pointed out that many of the structures in Black Point have a setback of 5 ft., not the required 15 ft.

**MOTION: (Chapin/Wojtas) to close the Public Hearing. 6:40. Vote: Approved Unanimously.**

**REGULAR MEETING (6:41)**

- 1. Black Point Zoning Board of Appeals Case 1-2019; Application by Joseph Katzbek, requesting a variance of setback requirements in order to build a garage at 9 Billow Road, Niantic, CT, East Lyme Assessor's map 05.2, lot 64**

The members discussed a number of options to make the proposed garage more conforming.

They discussed whether the variance would adversely affect the neighborhood and was it in harmony with the neighborhood.

J. Ventres stated the Board could either approve, deny or modify the application request. He stated that most garages have to be bigger now to accommodate trucks and wider vehicles. The typical garage has two-10 ft. doors with 2 ft. on each end and a 2 ft. divider for a total of 26 ft.

**MOTION: (Wojtas/Garrow) to approve Case 1-2019; Application by Joseph Katzbek, requesting a variance of setback requirements at 9 Billow Road, Niantic, CT, East Lyme Assessor's map 05.2, lot 64 for the purpose of constructing a garage 34' x 22' not to exceed 20' high and to be sited no less than 5' from the rear lot line. The variance is approved due to the sanitary sewer easement which is unique to this Black Point property. Vote: Approved. In favor-Cini, Wojtas, Garrow, Neptin. Opposed-Chapin. Abstaining-none.**

C. Chapin informed the applicant that a certified letter will be sent to him from the Board which he will take to the East Lyme Town Clerk who will file as part of the deed to the property. The decision will be published in The Day paper and the public has 15 days from the date of publication to appeal the Board's decision.

**ADJOURNMENT**

**MOTION: (Cini/Neptin) to adjourn at 7:30. Vote: Approved Unanimously.**