

**Black Point Beach Club Association Zoning Board of Appeals
December 10th, 2019 Public & Regular Meeting Minutes**

Present:

Colleen Chapin, Chairman
Arlene Garrow
Paul Pendergrast
Sally Cini
Joyce Wojitas
Marianne Neptin, Alternate (arrived at 6:07 p.m.)

Absent:

Anita Schepker, Alternate
Kim Craven, Alternate

A Public and Regular Meeting of the Black Point Beach Association Zoning Board of Appeals was held on Tuesday December 10th, 2019 at 6:00 p.m. at the East Lyme Senior Center, located at 41 Society Road, Niantic, CT.

I. Call to Order

Chairman Chapin called the Public Hearing of the BPBCA Zoning Board of Appeals to order at 6:00 p.m.

II. Attendance and Establishment of Quorum

Ms. Chapin introduced the Commission members and noted a quorum was present.

III. Public Hearing

a. Black Point Zoning Board of Appeals Case 4-2019 Application by Brian and Kristin McLaughlin, requesting a variance of setback requirements in order to construct an addition at 23 Sea Crest Avenue, Niantic, CT. Said parcel appears on the East Lyme Assessor's Map 05.15, Lot 27.

- Ms. Chapin detailed the public hearing process for the audience and explained that alternates not seated will be able to participate during the public hearing but will not be able to participate in deliberations.
- Ms. Chapin noted the legal ad published in the New London Day Newspaper on November 27th and December 4th, 2019 and read the public notice into the record.
- She noted the notification mailings sent to abutting property owners within 50 feet of Sea Crest Avenue, as determined by the East Lyme GIS Map.

Mr. McLaughlin shared the following in regards to his application:

- He worked closely with Matthew Chojnicki of Chojnicki Builders, Inc. to determine the best course of action in renovating a 1940s house.
- They would like to add a small one-story addition to the back of the house.

- Currently there is only a half bathroom and no space for laundry.
- The plan developed requires a variance for the back of the house, in order to accommodate the expanded kitchen.
- If approved, the variance would eliminate two of the existing nonconformities.
- Their goal is to preserve the cottage style of the house.
- The expansion will not change the current distance from our neighbor's house and will increase the length of the house by 8ft.
- He and his wife spoke with their neighbors to the west, Ronald and Jean Berg (27 Sea Crest Avenue), and they drafted a letter in support of the project which was included in their application.
- They considered other options but the topography makes it difficult and he feels this is a hardship.
- Expanding to the east would look odd in appearance and wouldn't allow them to achieve their aim; it would look out of place with the other homes in the neighborhood.

Ms. Chapin noted the two letters in support of the application from Ronald and Jean Berg and from Jerry and Joyce Pope (of 18 Sea Crest Avenue), which she read into the record.

Ms. Chapin called for Public Comment. there was none.

Ms. Chapin called for Board questions:

- Mr. Pendergrast asked what their intention is for the 2nd floor and Mr. McLaughlin responded that it will remain as is and the footage from the upstairs is included in the total square footage of 1,248.
- Ms. Garrow asked about the bathroom and for confirmation that there would be no expansion upstairs.
- Ms. Cini said she is very familiar with the house layout and footprint since this is exactly what her own home originally looked like.

The Board discussed the application and examined the photographs submitted in the application.

The Board discussed the 8' wide by 24' long proposed addition.

Ms. Neptin and Ms. Wojitas had no questions.

Ms. Chapin confirmed that the garage will be removed and asked about the difficulty of the boulders. Mr. McLaughlin and his builder Mr. Chojnicki explained that a large boulder prevents eastern expansion since it would fall within the framing. Mr. Chojnicki added that he had seen similar configurations and the proximity of the boulder to the existing structure was detrimental as well as costly.

Ms. Chapin asked about extending the addition more to the rear so as to acquire space, but not impact the side setback since there is about 48' of available space to the rear. Mr. Chojnicki indicated that that would change the pitch of the addition roof since they don't want to impact the existing window location on the second floor; the roof pitch was already at the minimum slope requirement for architectural shingles.

Mr. McLaughlin said they're not trying to add an exorbitant amount of square footage, they merely want to retain the cottage appearance and fit in with the rest of the neighborhood.

Ms. Chapin asked what the roof pitch is and Mr. Chojnicki said 4 over 12. Ms. Chapin asked if a metal roof could be used instead.

Ms. Chapin about the front porch depth of 10 ft and confirmed that the back depth is 8 ft. Mr. Chojnicki explained that symmetry works best. He said given the existing topography this is the best option.

The Board discussed how the boulder is a big unknown. Mr. Chojnicki said he has significant concern about removing the boulder and doing a great deal of damage.

Mr. McLaughlin said the way the house is placed today you can't expand to the left and expansion in back continues that existing nonconformity but eliminates the two others that currently exist. He said they can't be closer to the road and the boulder is in the way.

Ms. Cini said you could argue that there is no reasonable alternative.

Ms. Chapin closed the Public Hearing at 6:35 p.m.

IV. Regular Meeting

Ms. Chapin called the Regular Meeting to order at 6:35 p.m.

Ms. Chapin reminded the Board members what the setback requirements are.

Ms. Cini said the home was purchased with the hardship there and asked if the boulder is one large rock and Mr. Pendergrast said nobody knows. Ms. Chapin noted that what we don't see is probably pretty significant.

Ms. Cini said the addition seems reasonable to her given that it's exactly what she had to do prior to any zoning; she recognizes the need.

Mr. Pendergrast said he thinks this issue lies more on the fairness side.

Ms. Cini said she thinks the completion/consistency of the neighborhood is important.

Ms. Wojitas said she has no problem with the application; an addition on the side would look funny. She noted that she also has the same kind of house.

Ms. Garrow said she couldn't find the property deed online or Mr. McLaughlin's name on the Assessor Field card and wants to confirm that he is in fact the owner.

Ms. Chapin acknowledged that there is sometimes a delay in getting deeds online and property cards updated by the Town. She said we will confirm the deed prior to publishing the approval notice.

Ms. Chapin discussed the 15 ft setback with new construction and the 30 foot distance from the neighbors. Mr. Pendergrast said they're essentially talking about 4 ½ feet and asked if that's significant. Ms. Chapin said it is, according to our zoning regulations.

MOTION (1)

Mr. Pendergrast moved to approve the variance request of Brian and Kristin McLaughlin, requesting a variance of setback requirements in order to construct an addition at 23 Sea Crest Avenue, Niantic, CT. Said parcel appears on the East Lyme Assessor's Map 05.15, Lot 27 as submitted in the application and contingent upon confirmation of ownership.

Ms. Wojitas seconded the motion.

Motion passed, 4-1-0.

Yay: Ms. Wojitas, Ms. Cini, Ms. Garrow, Mr. Pendergrast.

Nay: Ms. Chapin.

Ms. Chapin said that for consistency she had to vote no; she doesn't believe the existing hardship has an impact on the proposed addition.

MOTION (2)

Mr. Pendergrast moved to adjourn the Regular Meeting of the Zoning Board of Appeals at 6:50 p.m.

Ms. Garrow seconded the motion.

Motion carried, 5-0-0.

Respectfully Submitted,

Brooke Stevens,
Recording Secretary