

**Black Point Beach Club Association Zoning Board of Appeals
November 17th, 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 continuation of a Public Hearing of the Black Point Beach Association Zoning Board of Appeals was held on Wednesday November 17th, 2021 at 6:00 p.m. via Zoom.

I. Call to Order

Chairman Chapin called the Public Hearing of the BPBCA Zoning Board of Appeals to order at 6:06 p.m., noted it's a continuation of the September 29th, 2021 Public Hearing, and that the application is slightly amended.

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.

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 everyone that the application is seeking a variance on setbacks for the use of a garage/shed; during the initial part of this public hearing back in September, they did a continuation so that Mr. Strzegowski could consider his request and clarify whether he was looking for a shed or a garage. Ms. Chapin noted there are different setback requirements for a shed versus a garage and the additional time allotted Mr. Strzegowski the opportunity to check with the Town to further understand what hardships there might be with respect to some of the waterline services at the roadside of the property.

Mr. Strzegowski said some of the following:

- He amended his application after speaking with Jim Ventres, the Black Point Beach Club Zoning Enforcement Officer.
- He decided it would be best that he apply for a 10 x 16 shed only.
- The placement that he's looking for is still in the setback on the left side of the property, would be located 40 feet from the front boundary or 50 feet from the road, and it would be set back two and a half feet from the property line.
- That would make it 2 ½ feet from the building, so it'd be centered in the 15 foot setback.
- He did find out that a second driveway on a parcel is not permitted in East Lyme.
- He would like to have access via a car with a trailer to put things into the shed that would be brought in on a trailer, in addition to the golf cart, so he's asking for a location where he can access it from the existing driveway.
- He sent an email to Ms. Chapin which might be helpful to enter into the record- it was a preliminary report on his discussions with the Town Officials.
- One of the questions the ZBA raised was about extending the footprint and Mr. Ventres confirmed that he was also of the opinion that the shed would not expand the footprint of the existing dwelling.
- He also spoke with a zoning official in Massachusetts who is licensed in Connecticut and in Massachusetts, and he said that the one time that he ran into this, they resolved it by putting it in a deed.
- If they look favorably on his request he will have to file with the Town Officials, the ZBA approval.
- They could include a restriction on expanding the footprint in that approval.

Ms. Chapin clarified that setback requirements for sheds up to 160 square feet are 50' from the front lot line and 10' from all other lot lines. Thus, Mr. Strzegowski is seeking a variance to reduce the front setback to 40' and the side setback to 2'6".

Ms. Chapin called for Board comments and questions and some of the following was discussed:

- Ms. Craven said she understands that the Applicant wants a shed but there are other places on the property where the shed could be located so that it wouldn't be in any of the setbacks.
- She doesn't understand what the hardship is.
- Mr. Strzegowski replied that he spoke with the Town Engineer who indicated they're unwilling to remove the curbed stormwater drain since there is no need on the Town's side to do so, and they also wouldn't support a second driveway.
- He added that access from the left side or the east side of the property is technically not legally available to him at this point for a vehicle with a trailer since he can't put a driveway in.
- The curb storm drain can't be removed and they would need to pass over the waterline anyway.
- Mr. Strzegowski said the hardship is accessibility from the east side of the property is extremely limited and if he went in through the west side, it wouldn't be possible to bring a trailer in and get around behind the back of the house.

- This is the only location where they can have storage that is accessible by a car with a trailer.
- Ms. Chapin said if he keeps going down his driveway, he has space behind his house where he could put a shed.
- Mr. Strzegowski said the slope of the land is somewhat of an issue and accessibility by a car with a trailer is the other issue; they want to put stuff in there that they can't physically carry to the shed.
- Sharon Strzegowski explained that they're trying to back a jetski on a trailer so you can't physically take a car on the west side of the house and back it along that side of the house and then make a 90 degree angle and to unpack the jetski.
- She added that they would have to disconnect and physically walk the jet ski around that corner, and part of the reason for having the shed is to have easy access to store and secure the jetski.
- Mr. Strzegowski said the other big item that would be stored in the shed is the golf cart.
- Ms. Garrow asked if a driveway is really required.
- She noted they could physically back over their lawn with a jetski and asked how often they're really talking about driving over the lawn to get to a shed or on the opposite side of the house.
- Ms. Cini said she's having a similar thought and noted when the sewers were put in here, berms were put up along a lot of the streets and she can think of several even right now, and if people want to access the other part they drive over the berm onto their grass and to get to wherever they need to be.
- She acknowledged that it's not a permanent driveway, but to get trailers and golf carts and items of that nature, and that's not even remotely unusual around here.
- She added that if they're only talking about weekend summer access, there's 10 weekends, and if you do it twice a day, that's 20 times a year and that's not going to ruin your lawn so to speak.
- Ms. Garrow said in terms of the golf cart, if they put it on the other side they could go up their driveway on the other side, across their backyard as opposed to up over the curb and over the berm.
- Ms. Cini said doing so is the norm around here rather than something unusual.
- Ms. Craven said that although it's not their concern regarding what the shed will be utilized for, she wanted to let the Applicant know that she has a pontoon boat that they take in and out of their garage; their garage is at a 90 degree angle and they're able to do this with a large pontoon boat, backing up the vehicle, and getting it into the garage.
- Mr. Strzegowski said his son-in-law drives trailer trucks for a living and he doesn't think we have access from the right side property.
- He said they would have to modify the deck to get in on the westerly side or right side and he feels it's a hardship to have to back over the curb.
- Ms. Cini asked the Applicant to repeat what he believes the hardship is and Mr. Strzegowski replied that the hardship is that the accessibility to the east side of the property is challenged by a number of issues, including the high curved storm drain,

driving over the curb valve for the water supply, and given the possibility of weather and rain, they would prefer to put in gravel and have a firm base to for access to the shed.

- Ms. Cini said that's not technically the hardship, the hardship he's claiming is the access difficulty

Ms. Chapin closed the Public Hearing at 6:38 p.m.

IV. Regular Meeting

Ms. Chapin called the Regular Meeting to order at 6:38 p.m. and called for Member comments.

Ms. Garrow offered the following remarks:

- She understands the concern about the storm drain and knows he spoke with the Town about making it flat.
- At the previous meeting she mentioned how she had gone through Black Point and looked at other people's driveways who have a storm drain and there is a pitch to it.
- She knows that there will be some modification; the storm drain would not necessarily be flat like the others in the street, but we do have some that have their storm drains right at the end of the driveway.
- To what extent the Town would fight that and say that they would or would not do this, she doesn't know but we have them here in Black Point.
- She thinks there needs to be some sort of more due diligence in regards to what they would or wouldn't do.
- She doesn't know if changing the location of the actual driveway is a significant hardship for her.

Ms. Chapin said it sounds like the Town is really starting to crack down on second curb cuts, and it's a little challenging in our community because for the most part we don't have a whole lot of curbs, we have a lot of people that just drive on the yard. She appreciates wanting to store these items out of the weather but there are a lot of people that don't have a garage or shed and leave their vehicles out in the elements. She doesn't think that's really a unique hardship in this community and although she sympathizes, she doesn't see an actual hardship to the extent that they would allow for essentially taking over the entire setback. Ms. Chapin added it's unfortunate where the house is sited and it's unfortunate that there's an old leach field that is raised up, but she doesn't think those are necessarily insurmountable challenges.

Ms. Craven said she feels that there are other places on the property that a shed can be placed so she doesn't see the need for putting it where they're asking for it.

Ms. Chapin said these situations are very challenging because there's a difference between a hardship and an inconvenience, and a hardship has to be something that runs with the land and is unique to that property, and not necessarily the use of the property.

Ms. Cini said she agrees, t's a little inconvenient for what you want to do with it and to have to move a shed somewhere else but she keeps looking at the drawing and there's a lot of property here; the fact that it's kind of inconvenient is not enough of a hardship to enable them to take up almost the entire side setback.

Mr. Deknis said he agrees with the previous comments and that there are other places on the property that could be utilized for a shed and the curb situation could be solved with some blocks to get over the curb once a weekend.

MOTION (1)

Ms. Chapin moved to approve the Application of Joseph and Eileen Strzegowski for variance setbacks, reducing the front setback for a shed from 50 feet to 40 feet and reducing the required side setback of 10 feet to 2 ½ feet.

Ms. Garrow seconded the motion.

Vote:

Nay-

1. **Ms. Garrow voted to deny the variance request because the shed would be too much in the setback.**
2. **Ms. Cini voted to deny the variance request because it would take up too much of the setback, and is more of an inconvenience than a hardship.**
3. **Ms. Craven voted to deny the variance request because it would be too much in the setback and there are other spaces on the property where it could be located.**
4. **Mr. Deknis voted to deny the variance request because there are other places the shed could go that aren't in the setback.**
5. **Ms. Chapin voted to deny the variance request because she doesn't think a hardship was demonstrated and it's a significant amount of the setback that's taken up.**

Motion failed, 0-5-0.

Ms. Chapin said the variance request is denied and they have 2 weeks from the decision publication date to appeal this decision with the Superior Court, and she will look to publish it next Wednesday. She said she is sure there is disappointment all around and is sorry they are unable to accommodate their request.

V. Adjournment

MOTION (2)

Ms. Chapin moved to adjourn the November 17th, 2021 Meeting of the Zoning Board of Appeals at 6:55 p.m.

Ms. Cini seconded the motion.

Motion carried, 5-0-0.

Respectfully Submitted,

Brooke Stevens,
Recording Secretary