

**ZONING BOARD OF APPEALS
SPECIAL VIRTUAL MEETING
Final Minutes
June 9, 2020**

The Special Virtual Meeting was called to order at 7:00 p.m.

Roll Call:

Bill Lyman, Mark Mitsko, James Kading, Jeff Walker, James Stanton (alternate), Nat Trumbull (alternate), and Diana Lurie Boersma (alternate). Also present, Zoning Enforcement Officer Candace Palmer. Absent: Raymond Dussault.

Seated for the meeting were Bill Lyman, Mark Mitsko, James Kading, Jeff Walker, and Nat Trumbull (seated for Raymond Dussault).

Commission members and applicants accessed the meeting remotely via Webex by computer or phone.

Public Hearings:

ZBA #20-04 & CAM RL Mystic, LLC (William R. Sweeney, Esq.-Agent) – Seeking a variance from ZR 7.7.8.3.1 Coastal Jurisdiction Line setback from 100' to 59.6' to permit reconstruction of existing single-family residence and detached garage. Property located on 68 Masons Island Road, Mystic. Assessor's Map 160 Block 6 Lot 9; Zone MC-80/RC-120.

Attorney William Sweeney presented the application on behalf of RL Mystic, LLC. The applicant is requesting a variance of the Coastal Jurisdiction Line for reconstruction of a single-family home and garage. The property was purchased in 2015 after being abandoned and have multiple blight complaints. Mr. Sweeney presented photographs of the home that is currently abandoned and empty. The property is overgrown and uninhabitable. There is a stone seawall on the waterfront and had a floating dock. The applicant had purchased it with the intent to restore the property but a significant amount of the property falls in the AE flood zone and in order to make substantial improvements they must comply with FEMA standards. Due to the current assessed value of the home, they must rebuild the home and raise it above the flood line. The home is a legal pre-existing non-conforming home in the MC-80 zone. The vast majority of the property is contained in the 100' from the Coastal Jurisdiction Line. The applicant presented the proposed plans to demolish the existing structures and construct buildings which are more compliant with the zoning regulations. The plans will adhere to regulations or be permitted as a legal pre-existing non-conforming. There is not enough area on the property to build anything on the site without encroaching into the 100' Coastal Jurisdiction Line.

Mr. Kading asked if the house can be made livable under the substantial improvement threshold. Mr. Sweeney stated it cannot due to the \$17,000 threshold. Mr. Walker asked about the distance from the detached garage to the property line. It will be pulled in about one foot

from the current placement but is protected as a legal pre-existing non-conformity. It will only be used as a garage. Mr. Trumbull asked about the non-infringement area.

Public Comment in Favor:

George Overton, 60 Masons Island Road, spoke in favor of the application.

Joyce Overton, 60 Masons Island Road, stated they feel it is an improvement to the neighborhood and resolves a blighted property.

James Stanton, resident at 46 Masons Island Road, spoke as a neighbor to the property spoke in favor of the application and the improvement to the property.

Fran Wiehn, 4 Joyce Street spoke in favor of the application.

Public Comment Against:

None.

There have not been comments received from DEEP on the CAM application however it must still come before Planning and Zoning for CAM approval.

Mr. Lyman closed the public hearing.

Mr. Walker moved to approve the application, seconded by Mr. Mitsko. The commission stated that the hardship was clearly explained, there will be non-conformity reduction and is consistent with the neighborhood. The vote was taken all in favor 5-0, motion approved.

Mr. Mitsko moved to approve the CAM application, seconded by Mr. Walker, the vote was taken all in favor 5-0, motion approved.

ZBA #20-05 Brian Robinson & Jay LeClaire (Gregory W. Piecuch, Esq.-Agent) – Seeking a Variance from ZR 5.1.1 to reduce the front yard setback from 30' to 25.4' and ZR 7.15.2 to permit a swimming pool within the RA-20 district front yard requirement. Property located on 3 Chippechaug Trail, Mystic, CT 06355. Assessor's Map 176 Block 2 Lot 3; Zone RA-20.

Mr. Walker recused himself from the application and Mr. Stanton was seated.

Attorney Gregory Piecuch presented on behalf of the applicant. The applicant is requesting a 4.6' variance to the front yard setback on Seagull Lane. Unfortunately, the work has already been completed and the pool has been constructed. The applicant provided survey information and to the pool contractor who ensured them they would build to compliance. The owner discovered the issue after an as-built survey was conducted after the pool was complete. They are making the application to come into compliance and will demonstrate the hardship. Mr. Piecuch presented the as-built survey. The front of the home faces Chippechaug Trail and the side of the home faces Seagull Lane. The lot has a unique shape creating a difficult building envelope. 45% of the lot is restricted by the front yard setbacks. Swimming pools are allowed in

the rear and side yard setbacks per ZR 7.15.2. They have been left with a small part of the pool encroaching on the front yard setback to Seagull Lane. The pool is just under 40' to the edge of the pavement of Seagull Lane. The neighbors have submitted letters of support for the application. The lane is short and narrow for access to a few homes. There have been previous variance approvals in the neighborhood for corner lot situations due to front yard setbacks. There is a fence and screening to the pool from Seagull Lane.

Jay LeClaire spoke and provided background on the property and pool construction. The applicant has had significant issues with their pool contractor. The neighbors have been very supportive and they have twenty letters in favor. Mr. Piecuch discussed the precedence discussed in their brief.

Public Comment in Favor:

Marler Beebe, 3 Seagull Lane spoke as a neighbor to the property and stated there is plenty of space to the road and support the application.

Negest Retta, 207 Masons Island Road resident, formerly of Seagull Lane spoke in favor of the application and their support for the project.

Todd Mannarino, 6 Plover Lane resident spoke in favor of the application and feel it is in a good spot and would not like to see more construction on the lot.

Public Comment Against:

None.

General Comment:

None.

Mr. Lyman closed the public hearing.

Mr. Kading moved to approve the application, seconded by Mr. Mitsko. The vote was taken all in favor 5-0, motion approved.

Minutes

Mr. Kading moved to approve the minutes of the March 10, 2020 meeting, seconded by Mr. Walker, the vote was taken 4-0-1, motion approved. Mr. Trumbull abstained.

Mr. Walker moved to adjourn, seconded by Mr. Kading, all in favor 5-0, the meeting adjourned at 8:46 p.m.


Jeff Walker, Secretary