

CIVIC ASSOCIATION OF SHORT BEACH
ZONING BOARD OF APPEALS
P.O. BOX 2012
SHORT BEACH, CONNECTICUT 06405

MINUTES FROM THE JANUARY 4, 2021 REGULAR MEETING

Meeting held remotely via Google Meeting at 7:30 p.m. Called to order the Chairman. The Secretary called the roll. Present at this meeting were Chairman Walter Kawecki, Secretary, Andi Hallier, and Regular Members, Robert Schwall and Carleen Davis. Regular Member, Thomas Perretta did not attend. Also present were Alternate Members, David Steinman and Martin Hallier, Sr. All Regular and Alternate Board Members were seated for purposes of this Meeting.

In addition, Applicants Robert and Patricia Deschamps, Attorney Timothy Lee, Tony Thompson, James Pretti, Dennis Pantani and David Perkins were in attendance.

1. Receive New Applications for Appeal

No new Applications were received.

2. Minutes of the December 7, 2020 Public Hearing and Regular Meeting

Secretary Hallier advised that she has nearly completed transcription of the recording of the Board's December 7, 2020 Public Hearing on Application No. 01-2020 and the Board's Regular Meeting, which were of unusually lengthy duration. She indicated that she would circulate the Minutes to the Board Members electronically for their review and comment, so that may be approved at the Board's next Meeting. She further advised that the Minutes of the Board's November 2, 2020 Annual Meeting were circulated to and approved by all Board Members.

3. Adjournment of Public Hearing on Application 01-2020 & Discussion of Merits

The Chairman polled the Board Members inquiring as to whether anyone had any additional questions or requests for additional information pertaining to Application No. 01-2020. Hearing none, the Chairman entertained a Motion to Adjourn the Public Hearing on this Application. Secretary Hallier moved to adjourn, and Ms. Davis provided a second. The Motion carried unanimously thereafter, and the Public Hearing on Application No. 01-2020 was adjourned.

Thereafter, the Board took up discussion of the merits of the Application. The Chairman asked each Board Member to comment individually. Secretary Hallier began by noting her appreciation for the Application's reduction of existing non-conformities with respect to parking spaces, front, side and rear setbacks, and of the Applicants' desire to comply with FEMA Regulations. She took issue with Attorney Lee's assertion, however, that the proposed reductions in the existing non-conformities is, in and of itself, a legal basis for granting the Applicants' requested variances of Height, Total Floor Area and Minimum Ground Floor Area, which would present new non-conformities. In addition, Secretary Hallier noted that the Applicants purchased the premises only three years ago, and with full knowledge of its small lot size and proximity to Long Island Sound, and therefore it would appear that any hardships that might exist were financial and/or self-created. Finally,

Secretary Hallier noted that during the Public Hearing, Mr. Thompson acknowledged that grading the land might be a feasible alternative to increasing the height of the structure above the 30-foot maximum prescribed by the Zoning Regulations. She suggested that the Applicants work with their engineers to devise and submit an alternative proposal that would permit them to comply with both the Height restriction and FEMA Regulations.

Mr. Schwall commented next. His main concern was the proposed Height of the structure, which he believes would not be in harmony with the general character of the neighborhood. He agreed with Secretary Hallier that he would like to see a revised plan that conforms to the 30-foot height restriction.

Ms. Davis echoed Secretary Hallier and Mr. Schwall's concerns regarding the proposed height of the new residence. She also expressed reservations regarding the aesthetic appeal of the proposed dormers, and questioned whether the mechanicals need to be located on the residence's third floor, rather than simply above the ground floor of the structure.

Mr. Steinman also took issue with the request for variance of the 30-foot height restriction, noting that the owner of the premises located at 53 Beckett was recently able to build new, FEMA-compliant construction that complied with the height restriction. He feels that the height restriction is very important to preservation of the character of the neighborhood. He too, suggested that the Applicants could construct a FEMA-compliant residence that also complies with the current height restriction, and he encouraged them to revisit their plans and submit a proposal that is less non-conforming than the one currently before the Board.

Mr. Hallier stated that although his main concern about the Application was the proposed height of the structure, he also took issue with the substantial increase in Total Floor Area when compared with the residence currently located on the premises. He suggested that the Applicants could build a suitable house on the premises that would comply with the Zoning Regulations' Total Floor Area and Height restrictions while also complying with the FEMA Regulations.

Finally, Chairman Kawecky noted the constraints presented by the small lot size, but expressed reservations about the proposed height, and reiterated Secretary Hallier's point about the possibility of grading the land such that the Applicants would not need a variance of the 30-foot height restriction. He agreed with Mr. Steinman that maintaining the height restriction is essential to preserving the character of the Short Beach neighborhood. Finally, he noted that although the proposal and requested variances would give the Applicants the house they want, they bought it only three years ago, and in its present condition and location. He encouraged the Applicants to submit a revised plan, reducing the proposed non-conformities.

Discussion thereafter focused on whether the Board should vote on the requested variances individually, or on the Application as a whole. Chairman Kawecky argued that it would be inappropriate to vote on them individually, as the Applicants requested. Mr. Hallier agreed, as did Secretary Hallier, Mr. Schwall and Ms. Davis. Thereafter the Chairman polled the Board Members as to whether to vote on the Application as whole, or line-by-line. All Board Members voted for a vote on the Application as a whole, as opposed to voting on a line-item basis.

Mr. Hallier then raised the issue of whether the Board should afford the Applicants an opportunity to withdraw their Application prior to the Board's vote on its merits. The Chairman entertained a Motion to permit the Applicants to withdraw their Application prior to the vote. Mr. Hallier so moved, and Mr. Schwall

provided a second. The Motion to permit the Applicants to withdraw their Application was approved unanimously thereafter.

Subsequent to this vote, there was a brief recess, during which the Applicants and their counsel conferred off of the record. Attorney Lee then formally withdrew his client's Application, noting that his clients intend to submit a new Application which addresses the Board Member's concerns regarding the proposed residence's zoning non-conformities.

4. **Old Business**

None.

5. **Bills and Correspondence**

Chairman Kawecky submitted into the record correspondence from Timothy Lee, Esq., received in connection with Application No. 01-2020 requesting a line-item vote on the Applicants' three requested variances.

6. **New Business**

None.

7. **Adjournment**

The Chairman entertained a Motion to adjourn the Meeting. Secretary Hallier so moved, and Ms. Davis provided a second. The Motion carried unanimously thereafter, and the Meeting was adjourned.

Respectfully submitted,

Andi Hallier
Secretary