

Minutes of regular meeting of the Civic Association of Short Beach Zoning Board of Appeals on January 4, 2016 at The Orchard House, 421 Shore Dr. Branford, CT 06405

Minutes of January 4, 2016 Public Hearing of the Civic Association of Short Beach Zoning Board of Appeals Concerning the Application for Variances for Property at 40 Beckett Ave.

Present: Tom Horrigan (chairman), John Elgee (secretary), Norma Bennum, Dave Steinman, Walter Kawecki.

Absent: Martin Hallier (present but not sitting as a board member)

Meeting called to order at 7:34 P.M.

Minutes of Public Hearing: Application #2015-2. 51 Beckett Ave. Requesting variances for the following:

Schedule A

Section 7.3 Height. From 30.7 feet to 39.6 feet where 30 feet is maximum is allowed.

Section.74 (5A) Setbacks. From street 10.2 where 20 feet is required.

Section 7.4 (5D) Setbacks. From Long Island Sound. 25 feet to less than 25 feet where 25 feet is required.

Section 7.4 (5E) Setbacks. From critical coastal resources 25 feet to less than 25 feet where 25 feet is required.

Section 7.4 (5F) Setbacks. From side or other property. 5.2 feet where 10 feet is required.

Section 7.5 (6) Building lot coverage. 40% where 30% is maximum allowed.

Section 7.5 (7) Total floor area as a percentage of lot area. From 55.3% to 63.3% where 50% is maximum is allowed.

Section 7.5 (8) Maximum aggregate lot coverage. From 81.9% to 80.1% where 75% is maximum is allowed.

Owner Nancy R. Clifford

Applicant John Clifford, Jr.

Present in the audience were:

John Clifford-Applicant

Bret Holzwarth-Civil Engineer for 51 Beckett Ave.

Aris Crist-Architect for 51 Beckett Ave.

Jane Bouley-61 Beckett Ave.

Carole & Ken Boucher- 44 Bristol St.

Martin Hallier, Jr. & Andi Hallier- 52 Beckett Ave.

Mr. Clifford began by describing short history of property. His parents purchased the property and house in 1965 and house was rebuilt in late 1980's with a certificate of occupancy issued in 1989. Because of the damage caused by two recent storms, hurricane Irene and hurricane Sandy in October of 2012 there was great damage to the property and he wants to elevate the house 8.9 feet. House is located in both the V-E and A-E zones. Said FEMA has told him that the seas are rising and that the height restriction of CASB zoning regulations is very limiting. Wants to make the property safe so that his mother who lives there will not have to live off site if another storm would come and force her to evacuate while the house was repaired from the potential damage.

Mr. Holzwarth then explained the flood zones, elevations, velocity zones. Said setbacks though nonconforming were not being increased except for the deck on the south side of the property. Said aggregate lot coverage decreasing from 81.9% to 80.1%.

Mr. Clifford said their coastal site plan had already been approved by the Town of Branford. Continued by stating "all houses in the neighborhood in time will be raised like theirs".

Dave Steinman questioned the height of the south side deck, said it would be increased by about 9 feet. Tom Horrigan stated stairs off the deck could be designed as being less protruding than proposed and Mr. Holzwarth agreed. Mr. Horrigan also pointed out that in a large storm stairs are the first things to be ripped off a house and float away. Mr. Horrigan also questioned peak height elevation and was told it would be 39 feet from grade.

Norma Bennum asked what the height requirement was for grant approval. She stated that raising the house 4 foot was the FEMA requirement not raising it 9 feet. Said 9 feet was not absolutely necessary. Mr. Holzwarth agreed that that was the case.

Dave Steinman asked for documentation of FEMA requirements for minimum elevation and elevation requirement for grant approval.

Tom Horrigan asked what were the requirements for FEMA funding for rebuilding as opposed to leveling a building. Was told complete leveling of house or when rebuilding of house was over 50% was applicable.

Walter Kawecki pointed out that the hardship they were asking for was not unique because all the properties in the area were in the same situation as 51 Beckett Ave. was.

John Elgee pointed out that FEMA was not forcing the owners to raise the house.

Tom Horrigan stated that he thought the zoning regulations in Short Beach would be changed in the future.

Mr. Clifford cited FEMA publications concerning flooding. He also cited the CASB regulations concerning the health safety and welfare of the community.

Tom Horrigan rebutted his assertion by stating that the regulations specifically allow variances only for the minimum of changes.

Jane Bouley asked about garage being removed. Mr. Holzwarth said it was being removed and there would be parking under the raised house.

Martin Hallier questioned nonconforming aspects of existing house and asked Mr. Clifford where these variances were. Mr. Hallier stated that if variances are not recorded on land records then they are not granted. That is why he was asking for the actual variances approved. Mr. Clifford stated that he did not know.

Martin Hallier and Martin Hallier, Jr. questioned parking spaces needed per CASB requirements. Mr. Crist explained that adequate parking was afforded under the raised house. Question of having an elevator to get to raised first floor was answered by Mr. Clifford who said they were going to install a chair lift for his mother to use. Mr. Clifford also stated that he plans to retain ownership of the house.

Martin Hallier, Jr. also questioned how raising the house would be safe as the house was located in a high velocity zone. Mr. Clifford responded by explaining that a high velocity zone was descriptive of the velocity of the waves coming ashore.

Martin Hallier, Jr. questioned how with the limited space the house could be raised and if the house was able to withstand the lifting in its present condition. Mr. Clifford said he has been assured by engineers that lifting of the house was possible in its present condition.

Andi Hallier pointed out that FEMA does not require them to raise the house. She asked, "Where is the hardship"? Said house right next door is in the same predicament as Mr. Clifford's house and therefore theirs is not a unique hardship. She also pointed out that a base flood elevation variance was granted in 1988 by the Flood Erosion Control Board (the municipal arm of FEMA). She asked "are you legally required by FEMA or anyone to raise the house"? She also stated they were doing it to protect the house, but the law does not require them to do it. She then presented a copy of the 1988 variance to the board and said the variance is a self imposed hardship and it lets them stay at the present bfe without forcing them to raise their house because they are exempt from FEMA regulations. She also presented a copy to the board a copy of the March 10, 2015 Verrillo case. Stated that raising the house to the minimum required would be a personal hardship because they would not receive a grant unless they raised the house to 40 feet.

Mr. Clifford said that the hardship was not unique citing 269 Shore Dr. and Justine Gillen's house. Stated that the uniqueness applies to the whole zone

Andi Hallier asked why 53 Beckett Ave. was rebuilt to a height of 30 feet why could they do that at 51 Beckett Ave... Mr. Clifford said that 53 Beckett Ave. was in a different flood zone. She also asked how elevating the house to 40 feet was keeping in conformity to the district (reg. 1.1). Mr. Clifford responded that he needed to raise the house to preserve the safety and value of the home.

Andi Hallier stated that the rise of the water level is not unique to his house but to the whole area.

Martin Hallier, Jr then stated that this proposed change to 51 Beckett Ave. would affect the character of the neighborhood.

Ken Boucher then asked about the general changes being done.

Martin Hallier then asked if Mr. Clifford had found any variances granted previously for the property and Mr. Clifford said they had found none that they were aware of. Mr. Hallier then presented a copy of a variance for 51 Beckett Ave., dated March 31, 1989 for a side variance, which states in part "no other variances will be granted on the property". Mr. Clifford stated that restriction would not hold up in court.

Dave Steinman asked about attic space for the building and was told by Mr. Clifford that there is limited space and included a pull down stair access to the attic.

Martin Hallier asked why the plans were not draw to scale as any variances granted would not be specific because of the lack of scale drawings. Mr. Crist explained that that was the only way to plan the rebuilding project.

Tom Horrigan questioned the ability to raise the house with the limited space available on the lot. Mr. Clifford assured him that the professionals doing the project had experience with raising houses and were capable of completing the job successfully.

Mr. Clifford then made a closing summation of what he hoped to accomplish. He said the planning for the changes proposed had been a long drawn out process. He wants to preserve and protect the property. Said the neighborhood will all be raising their houses. He said his house could withstand high winds but needed to be changed so it could withstand waves.

A motion to close the public portion of the meeting was made by Tom Horrigan at 9:25PM and seconded by Norma Bennum and passed unanimously.

Tom Horrigan told Mr. Clifford that he will be notified of the decision of the ZBA in a couple of days.

Minutes of the regular portion of the Civic Association of Short Beach ZBA. 1/4/2016.

A motion was made by Norma Bennum and seconded by Dave Steinman to approve the minutes of the ZBA meeting of 12/7/2015. Approval was unanimous.

A motion was made by Tom Horrigan and seconded by Dave Steinman to table the discussion and vote on the appeal for 51 Beckett Ave. until the next scheduled ZBA meeting on 2/1/16.

Motion passed unanimously.

There being no further business to attend to a motion was made by Tom Horrigan and seconded by Dave Steinman to adjourn the meeting. Vote was unanimous and meeting adjourned at 9:34PM.

John Elgee
Secretary CASB, ZBA