

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

DRAFT MINUTES FROM THE APRIL 3, 2017 REGULAR MEETING

Meeting held at The Orchard House, 421 Shore Drive, Branford, Connecticut. Called to order by Chairman, Walter Kawecki at 7:34 p.m. The Secretary called the roll. Present at this meeting were Chairman Walter Kawecki, Secretary, Andi Hallier, and Regular Members, Carleen Davis, Robert Schwall, and Tom Perretta. Also present was Alternate Member, Martin J. Hallier, Sr. Alternate Member, David Steinman, did not attend this meeting. Since all five Regular Members of the Board were present at the Roll Call, Mr. Hallier was not seated at this meeting.

1. Receive New Applications for Appeal

No applications for appeal were submitted to the Board at this meeting.

2. Minutes

Mr. Perretta moved to approve the Minutes from the Board's March 6, 2017 Regular Meeting as drafted and submitted by the Secretary. Mr. Schwall seconded the Motion to approve the Minutes. The Motion carried unanimously thereafter.

3. Old Business

Discussion of Bronson/Wong Application

The Chair polled the Board Members regarding their individual positions on Application #01-2017, pertaining to the variances requested with respect to the residence located at 63 Little Bay Lane.

Mr. Schwall expressed his belief that the basis for the Application was financial.

Ms. Davis concurred, and pointed out that the application of the Short Beach Zoning Regulations does not prevent the Applicants from using and enjoying their property.

Mr. Kawecki agreed that the Applicants' basis for the requested variances was primarily financial, and noted his concerns regarding the Applicants' lack of due diligence when they purchased the flood-prone property in 2000.

Ms. Hallier echoed the sentiments of her fellow Board Members, and, citing Verrillo v. Branford ZBA, AC 36196 (Mar. 10, 2015), recited the court-prescribed paradigm that the Board must apply as follows: in order for the Board to grant the variances the Applicants seek,

(1) granting of the variances must not affect substantially the comprehensive zoning plan of Short Beach; and

2) the Applicants must prove that strict adherence to the Short Beach Zoning Regulations would cause an unusual hardship unnecessary to the carrying out of Short Beach's comprehensive zoning plan, which hardship is unique to the parcel located at 63 Little Bay Lane, and not to its current owners.

Ms. Hallier expressed the opinion that the Applicants had met neither of these standards.

Mr. Perretta acknowledged the Applicants' interest in the restoration of their property value, as well as their professed safety concerns, but stated that he believes both issues can be alleviated in other ways.

Thereupon the Chair entertained further discussion on the effect granting the requested variances would have on Short Beach's comprehensive zoning plan. Ms. Hallier noted that elevation of the structure would be incongruent with the character of Little Bay Lane, where many small cottages are situated. She also expressed the opinion that the proposed structure would be incongruent with the character of Short Beach, generally.

Mr. Kawecki and Ms. Davis agreed that the proposed structure would be too tall and out of character with the other residences along Little Bay Lane and in Short Beach. Mr. Schwall also noted his concern about the impact the raising of the 63 Little Bay Lane residence might have on the houses located behind it, once the normal tidal surge is no longer blocked by the existing structure and sea walls. Ms. Davis echoed Mr. Schwall's concern about the impact the demolition of the existing seawalls upon which the 63 Little Bay Lane residence currently sits might have upon the neighbors whose properties are located to the north of that of the Applicants.

Having exhausted discussion on this topic, the Chair moved on to the issue of hardship. Mr. Kawecki expressed his view that the arguments and evidence submitted by the Applicants in support of their variance requests were purely financial, and as such, not legitimate grounds upon which to grant their Application.

Ms. Hallier pointed out that there *could* be grounds under the law for varying a zoning regulation when strict adherence to the letter of the regulation would greatly decrease or practically destroy the property's value, or when it would amount to a taking of the owner's property interest without due process of law. Ms. Hallier then expressed her own view that the evidence presented by the Applicants in this particular case did not support such an argument. In particular, the evidence presented by the Applicants themselves supported the conclusion that the current market value of the premises is comparable to the recent sale prices of several properties located in Short Beach that also directly face Long Island Sound, and are within zones designated by FEMA as AE and VE.

Mr. Perretta reiterated his position that the arguments and evidence presented by the Applicants in support of their variance request were financial in nature, and not related to anything peculiar to the land upon which the Applicants' residence is situated.

Hearing no further discussion on the issue of hardship, the Chair entertained a Motion for a vote as to whether there would be a significant impact upon Short Beach's comprehensive zoning plan if the Board were to approve Application #01-2017. Ms. Hallier moved for a vote on this issue, and Ms. Davis seconded her Motion. Thereupon a vote was taken, and all five Regular Members of the Short Beach Zoning Board of Appeals voted affirmatively; Mr. Schwall, Ms. Davis, Mr. Kawecki, Ms. Hallier and Mr. Perretta all agreed that granting the requested variances would significantly impact Short Beach's comprehensive zoning plan.

The Chair then entertained a vote on the issue of whether the Applicants had demonstrated that the strict application of the Short Beach Zoning Regulations would work an unusual hardship upon owners of the property, based upon the unique characteristics of the parcel. Ms. Hallier moved for a vote on this issue, and Mr. Perretta seconded her Motion. Thereafter, the Members of the Board voted unanimously that the Applicants had failed to prove that the strict application of the Zoning Regulations of Short Beach would work an unusual hardship upon owners of the residence located at 63 Little Bay Lane. Mr. Schwall, Ms. Davis, Mr. Kawecki, Ms. Hallier and Mr. Perretta all agreed that the Applicants had failed to prove hardship.

Finally, the Chair entertained a motion to vote on the merits of Application #01-2017 as a whole. Ms. Hallier moved for a vote, and Ms. Davis seconded her Motion. Thereupon, a vote was taken and the Board unanimously denied Application #01-2017 in its entirety, on the grounds that the requested variances, if granted, would substantially impact the comprehensive zoning plan of Short Beach, and on the grounds that the Applicants had failed to demonstrate that strict adherence to the existing Short Beach Zoning Regulations would result in an unusual hardship upon owners of the residence located at 63 Little Bay Lane based upon the unique characteristics of the parcel of land.

4. Bills and Correspondence

None.

5. New Business

The Chair inquired of Mr. Perretta if any progress has been made with respect to his review of the re-vamped CASB website. Mr. Kawecki suggested that the SBZBA should have its own website. David Perkins, CASB ZEO, who was present as a member of the audience, suggested that Mr. Perretta attend next Monday, April 10, 2017's CASB Monthly Meeting and coordinate with Mr. Perkins regarding the website issue. Mr. Perretta agreed to attend the CASB Meeting on April 10, 2017 and report back to the Board at its next Regular Meeting.

6. Adjournment

Mr. Kawecki moved to adjourn the meeting. Ms. Hallier seconded the motion, which carried unanimously, and the meeting was adjourned at 8:06 p.m.

Respectfully submitted,

Andi Hallier, Secretary
Civic Association of Short Beach Zoning Board of Appeals