

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

**MINUTES OF THE MAY 7, 2018 REGULAR MEETING**

Regular Meeting held at The Orchard House, 421 Shore Drive, Branford, Connecticut. Called to order by Chairman, Walter Kawecki. 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, was not present for this meeting. Since all five Regular Members were present, Mr. Hallier was not seated for this Meeting.

**1. Receive New Applications for Appeal**

No new Applications were submitted at this Meeting.

**2. Minutes**

The Chairman entertained a Motion to approve the Minutes of the Board's April 2, 2018 Public Hearing and Regular Meeting as submitted by the Secretary. Mr. Schwall moved to approve the Minutes as submitted. Mr. Perretta seconded the Motion, and it carried unanimously thereafter upon voice vote.

**3. Executive Session**

The Board then held an Executive Session to discuss the status of the pending appeal its decision Application 01-2017 re 63 Little Bay Lane.

**4. Old Business**

**a. Discussion of Merits of Application 2018-2; 63 Little Bay Lane**

The Board then took up discussion of the merits of Application 2018-2 re Little Bay Lane. Chairman Kawecki began by emphasizing strongly that in contrast to the Applicant's previous Application, this new application proposes a structure that is far more in harmony with the comprehensive zoning plan of Short Beach, inasmuch as it maintains the residence's current height. While the Applicant's first Application proposed a completely non-confirming structure, in their second Application, the Applicants made reasonable efforts to conform with the Zoning Regulations, and in fact reduces the structure's non-conformity overall. Mr. Kawecki expressed the opinion that this new design would make the residence safer not only for its denizens, but also for the neighborhood, generally.

Finally, Mr. Kawecki pointed out that public sentiment at the April 2, 2018 was far more supportive of this new plan than of the one the Applicants submitted in 2017.

Mr. Schwall agreed with Chairman Kawecki. He also said he felt this was a good compromise for the neighborhood and the neighbors, most of whom supported the Applicants this time.

Ms. Davis concurred with Mr. Kawecki and Mr. Schwall, and added that she believes the Applicants are reducing the existing non-conformities overall.

Ms. Hallier agreed with the other Board Members, and, having reviewed the case law Attorney Lambert submitted into the record on behalf of the applicants, expressed the opinion that the exception to the requirement that hardship be proven should apply in this case, since overall, the structure will be more conforming to the Zoning Regulations than it is at present.

Mr. Perretta echoed the sentiments of the other Board Members, and noted that the Applicants have been very patient and cooperative with the Board during this process. He also expressed the opinion that this new Application was an appropriate response to the concerns voiced by neighbors and by members of the Board at the Public Hearing held on the prior application (01-2017) on February 6, 2017, specifically with respect to public safety.

After polling the Board Members, Chairman Kawecki registered some concerns that the requested variances, if granted, might permit new construction if the efforts to raise the existing structure prove unsuccessful. He suggested that if the Board were to grant the variances requested in Application 2018-2, then they should be applicable to the existing structure only, and any non-conforming new construction would require another Application for Variance(s) and a Public Hearing on said Application.

Chairman Kawecki then entertained a Motion to vote on Application 2018-2. All five Regular Members voted to grant the Application in its entirety, provided that the variances would be applicable only to the existing structure, and that any new construction would require a new Application for Variance(s) and a Public Hearing.

## **5. Bills and Correspondence**

No bills or correspondence were submitted at this Meeting.

## **6. New Business**

No new business was presented at this Meeting.

**7. Adjournment**

Chairman Kawecky then entertained a Motion to adjourn the Meeting. Mr. Schwall so moved, and Ms. Davis seconded the Motion. The Motion to Adjourn carried unanimously thereafter by voice vote.

Respectfully Submitted,

Andi Hallier  
SBZBA Secretary

