

CIVIC ASSOCIATION OF SHORT BEACH

ZONING BOARD OF APPEALS

P.O. BOX 2012

SHORT BEACH, CONNECTICUT 06405

MINUTES FROM THE NOVEMBER 6, 2023 ANNUAL MEETING

Roll Call

The CASB ZBA Regular Meeting was held in-person and called to order at 7:33pm at the Short Beach Union Church, 14 Pentacost Street, Short Beach, Connecticut. Present were Regular Members Barry Beletsky, Andi Hallier and Carleen Davis, as well as Alternate Members Martin Hallier, Sr. and David Steinman. Absent were Regular Members Patricia Hamell and Thomas Perretta. Andi Hallier (Chair) designated Alternate Members Martin Hallier and David Steinman to sit. Mr. Steinman was appointed Secretary.

Also present were Zoning Enforcement Officer David Perkins, CASB Member Connie Smith and applicant 03-2023 Gerald Mastroangelo, owner of 269 Shore Drive.

Executive Session

The Chair called for an Executive Session to discuss details regarding Application 03-2023

Deliberation on Appeal No. 03-2023

The Chair discussed how legal counsel for the ZBA advised that the appeal of the ZEO's Cease and Desist Order of 9/21/2022 was submitted and accepted by the ZBA in a timely manner. As such and in agreement, the ZBA would deliberate the merits of application 03-2023 at this meeting. The Board would consider the ZEO's citing of Zoning Regulation 6.2.3 where 'the conversion of a single-family for use by more than one family is prohibited' and Zoning Regulation 6.3.1 where 'a single, detached dwelling for one family and not more than one such dwelling per lot is permitted. Under no circumstances will a conversion of a dwelling for use by two or more families be permitted'.

A member discussed that the structure at 269 Shore Drive met the criteria of a two-family dwelling per Regulation 3.11 because the ZEO observed a kitchen, bathroom, laundry and a murphy bed forming a single habitable unit.

The Chair discussed the Applicant's testimony that a friend occupied the bonus room above the garage from April through September 2023 and per Zoning Regulation 3.12 did not meet the definition of family. Further, that she agrees with the ZEO's presentation demonstrating no common traffic pattern within the residence which would allow free travel from one end of the home to the other and that this is an accessory dwelling.

A Board Member discussed comparable situations that could exist in the district where a bonus room is built over an attached garage. Further, that the number of utility services, mailboxes or doorbells didn't define a multi-family dwelling, and that in this case, this appears to be a studio apartment in a multi-family dwelling since foot traffic and the ability to communicate between the two living areas appear to be independent from each other.

The Chair discussed how the original Building Permit was conditional and emphasized per Item 4 on the permit, that the bonus room is not to be occupied as a separate dwelling unit, which is what has been done here.

A Board Member discussed a bonus room being a den, a TV room, home office or guest room and not being a fully functional apartment with a kitchen or bathroom.

A motion was made, seconded and unanimously approved finding the ZEO Cease and Desist Order of September 21, 2022 was not in error and that the applicant has converted a single-family dwelling into a multi-family dwelling as defined by Zoning Regulations 6.2.3 and 6.3.1.

Annual Meeting

New Applications

None

Minutes from October 2, 2023 Public Hearing and Regular Meeting

A motion was made, seconded, and unanimously approved to accept the minutes from the October 2, 2023 Public Hearing and Regular Meeting.

Old Business

The Chair discussed the upcoming year-end deadline to take the zoning certification classes and to submit completion certificates at the January meeting.

Bills & Correspondence

None

New Business

The Board welcomed new Regular Member Barry Beletsky.

There was discussion regarding the difference between receiving an application and the acceptance of that application. There was discussion and agreement that listing the date an application is received on top of the form 30 and 30A would be helpful.

A motion was made, seconded and unanimously approved to place “Date Received” on top of forms 30 and 30A. Mr. Steinman agreed to publish said changes.

There was discussion about how certain applications, like the Cease and Desist, don’t necessarily need to include every item in the Manner of Filing and that the board can relay what is actually required during the application process.

Election of Officers

A motion was made, seconded and unanimously approved to seat Andi Hallier as Board Chair.

Discussion was held regarding ZBA Secretary duties, that a sitting board member should not have to be concerned with minutes during public hearings, and that future secretary duties be funded and outsourced. The issue was tabled until the December. Mr. Steinman agreed to continue publishing ZBA material to the website.

ZBA 2024 Meeting Schedule

A motion was made, seconded and unanimously approved to accept the ZBA Meeting Schedule as submitted.

Adjournment

A motion was made, seconded, and unanimously approved to adjourn.

Respectfully submitted,

David Steinman, Acting Secretary, Short Beach Zoning Board of Appeals