

**CRESCENT BEACH ASSOCIATION ZONING BOARD OF APPEALS  
CRESCENT BEACH CENTER  
37 BAYVIEW AVENUE  
NIANTIC, CT 06357  
REGULAR MEETING MINUTES  
JUNE 14, 2022**

- I. The meeting was called to order by J. Pasquale at 7:41pm
- II. Roll Call: Regular members present: J. Pasquale, P. Byrnes, S. Osso, T. Flanagan, P. Bryan  
Alternates present: T. Deshefy-Longhi, D. Beachy
- III. Determination of Quorum: Five regular members present
- IV. Approval of Agenda: Motion to add approval of minutes of May 10, 2022: Moved P. Byrnes, second Sal Osso; MMC
- V. Approval of minutes from May 10, 2022: Moved P. Byrnes, second S. Osso, MMC
- VI. Old Business: none
- VII. New Business

Discussion of Appeal #22-03 for variance by Jose David Gonzalez for property located at 45 Central Avenue, Assessor's Map No. 08.1, Lot No. 141, of Section 3.2.7 (division of conforming lot) of Crescent Beach Association General Regulations. and of Sections 2.4.1 (lot size), and 2.4.2 (lot frontage) of Crescent Beach Association Zoning Regulations.

Motion to deny Appeal #22-03 variance request:

The Crescent Beach Association Zoning Board of Appeals, having considered the factors pursuant to Section 6 of the Bylaws, Ordinances and Regulations of the Crescent Beach Association and Section 8 of the Connecticut General Statutes, written and oral information provided by the applicant, information received from the public during the Public Hearing of the CBA Zoning Board of Appeals on June 14, 2022, regarding the applicant's proposed activity, the Commissioners' knowledge of the area finds:

- 1) The subject property is an existing conforming lot;
- 2) The subject property contains multiple pre-existing non-conforming use structures;

**FILED**

June 21 20 22 AT 12:45 AM (PM)  
Kenneth M. [Signature]  
EAST LYME TOWN CLERK

- 3) The proposed division of the subject property into two lots will result in the creation of two non-conforming lots in violation of the CBA General Regulations Section 3.2.7;
- 4) The proposed division is not necessitated by the presence of a hardship of a particular kind related to the land;
- 5) The applicant presented no evidence of a hardship owing to the condition especially affecting the subject property but not affecting generally the district in which the subject property is located;
- 6) The presence of multiple pre-existing non-conforming use structures is not a hardship arising from the land;
- 7) The applicant expressed the opinion it was not financially feasible to improve the subject property in absence of creating two non-conforming lots;
- 8) No evidence was presented that demonstrates that any unnecessary hardship arises from the land itself per Crescent Beach Association Zoning Regulations Section 5.4.2 therefore not meeting the burden of establishing a legal hardship to vary the CBA General Regulations Section 3.2.7.

Therefore, based on the foregoing and other information of record, the Appeal #22-03 for variance by Jose David Gonzales for property located at 35 Central Avenue, Assessor's Map 08.1, Lot 141, of Section 3.2.7 of Crescent Beach Association Zoning Regulations. is denied. Further this denial renders the request for variance of Sections 2.4.1 and 2.4.2 moot.

Moved S. Osso, Second T. Flanagan – Motion approved unanimously all members expressing agreement with the reasons for denial.

VII. The meeting was adjourned at 8:00pm

Attest:  
Pamela J. Byrnes, Secretary

06/16/2022