

PUBLIC HEARING
CRESCENT BEACH ASSOCIATION ZONING BOARD OF APPEALS
CRESCENT BEACH CENTER
37 BAYVIEW AVENUE
NIANTIC, CT 06357
DECEMBER 1, 2022
6:30PM
MINUTES

RECEIVED FOR RECORD
EAST LYME, CT

2022 DEC 12 P 1:38

Councilman
TOWN CLERK

- I. Meeting Called to Order at 6:30pm
- II. Roll Call:
Present regular members P. Byrnes, P. Bryan, S. Osso
Alternates present: T. Deshefy-Longhi, D. Beachy
- III. Determination of Quorum (seating of alternates as necessary)
3 regular members present; alternates T. Deshefy-Longhi, D. Beachy seated
- IV. Approval of Agenda – Moved by S. Osso, second D. Beachy, MMC
- V. New Business

Appeal #22-04 for variance by Terry and Anne Cohn for property located at 45 South Washington Avenue, Assessor's Map No. 08.2, Lot No. 72, of Section 2.4.3 of Crescent Beach Association Zoning Regulations.

I. Applicants presented variance request:

1. There is an existing 8' by 10' shed that was installed in the Cohn's backyard over 25 years ago by Morris Cohn, applicant's father. A recent A-2 survey showed that the shed is located over the property line of 34 Prospect Avenue, previously owned by Arnold Orde, Sr. and now owned by Pamela Orde and Arnold Orde Jr. The Cohn's will move the shed and will maintain the required side-set back but are requesting a variance of Section 2.4.3 of the regulations, rear set-back requirement, allowing them to place the shed 3 feet off the rear property line instead of 10 feet. The variance for 3 foot setback will lessen the existing nonconformity of the shed's current placement, which presently has no setback from rear property line. The Cohn backyard measures 27 feet from the house to the rear property line. Placing the shed 10 feet back from the property line would put it in the middle of the backyard, 8 feet from the rear of the house and 10 feet from the property line creating

two mini-backyards and in effect making the backyard unusable. This condition was an unexpected consequence of actions taken by previous owners and not due to any action by the present applicants.

2. Questions and comments from ZBA members
 - a. Noted that the request improves the existing setback violation.
 - b. Noted that the hardship derives from the small size of the lot.
3. Zoning Enforcement Officer:
 - a. Expressed support for the request noting that the request improves on the present setback violation.

VI. Public Input: None

VII. Meeting adjourned at 6:40pm: Moved by S. Osso, second by D. Beachy, MMC

Attest:
Pamela J. Byrnes, Secretary

12/09/2022

**CRESCENT BEACH ASSOCIATION ZONING BOARD OF APPEALS
CRESCENT BEACH CENTER
37 BAYVIEW AVENUE
NIANTIC, CT 06357
SPECIAL MEETING
MINUTES
DECEMBER 1, 2022
7:00PM**

RECEIVED FOR RECORD
EAST LYME, CT

2022 DEC 12 P 1:38

Carroll Hill
TOWN CLERK

- I. Call to Order at 6:50 following adjournment of the public hearing
- II. Roll Call:
Present regular members P. Byrnes, P. Bryan, S. Osso
Alternates present: T. Deshefy-Longhi, D. Beachy
- III. Determination of Quorum (seating of alternates as necessary)
3 regular members present; alternates, D. Beachy seated
- IV. Approval of Agenda – Moved by T. Deshefy-Longhi, second D. Beachy, MMC
- V. Old Business: None
- VI. New Business

Discussion of Appeal #22-04 for variance by Terry and Anne Cohn for property located at 45 South Washington Avenue, Assessor's Map No. 08.2, Lot No. 72, of Section 2.4.3 of Crescent Beach Association Zoning Regulations.

Motion:

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 applicants, information received from the public, the Commissioners' knowledge of the area finds:

The lot located at 45 South Washington Avenue, Assessors Map No. 08.2 Lot No. 72 is a grandfathered non-conforming lot as described in the land records of East Lyme.

1. There is an existing 10' X 8'shed that was installed in the Cohn's rear yard over 25 years ago by Morris Cohn.

2. A recent A-2 survey showed that the existing shed is located over the property line of 34 Prospect Avenue, previously owned by Arnold Orde, Sr. and now owned by Pamela Orde and Arnold Orde Jr.
3. The Cohn's will move the shed and will maintain the required side-set back but are requesting a variance of Section 2.4.3 of the regulations, rear set-back requirement, allowing them to place the shed 3 feet off the rear property line instead of 10 feet.
4. The variance for 3 foot setback will lessen the existing nonconformity of the shed's current placement, which has no setback from rear property line.
5. The Cohn backyard measures 27 feet from the house to the rear property line. Placing the shed 10 feet back from the property line would put it in the middle of the back yard, 8 feet from the rear of the house and 10 feet from the property line creating two mini-backyards and in effect making the backyard unusable.
6. This condition was an unexpected consequence of actions taken by previous owners and not due to any action by the present applicants.

Therefore, in view of the foregoing and other information of record the Crescent Beach Association Zoning Board of Appeals approves the appeal #22-04 for variance by Terry and Anne Cohn, applicants, for property located at 45 South Washington Avenue, Niantic, CT 06357, Assessor's Map No. 08.2, Lot Number 72, of Section 2.4.3 of the Crescent Beach Association Zoning Regulations. With the stipulation that no further variances will be granted.

Moved: D. Beachy, second P. Bryan

Approved by unanimous vote

VII. Meeting adjourned at 7:00pm

Attest:

Pamela J. Byrnes, Secretary

12/09/2022