

AGENDA
ZONING BOARD OF APPEALS
JUNE 13, 2018 – 7:00 P.M.
TOWN HALL ANNEX – 134 GROTON LONG POINT ROAD
COMMUNITY ROOM 1

I. ROLL CALL

II. PUBLIC HEARING

1. ZBA#18-02 – 51 Ocean View Avenue; Advanced Improvements, LLC – Applicant; Mark & Anna Oberg – Owners; for a variance to Section 5.2 of the Zoning Regulations to increase the maximum lot coverage from 24% to 27% to allow an addition in the southwest corner of the existing residence. PIN# 261805096840, RS-12 Zone.

III. CONSIDERATION OF PUBLIC HEARINGS

1. ZBA#18-02- 51 Ocean View Avenue; Advanced Improvements, LLC – Applicant; Mark & Anna Oberg – Owners*

IV. CORRESPONDENCE

V. APPROVAL OF MINUTES

1. April 25, 2018*

VI. OLD BUSINESS

VII. NEW BUSINESS

1. Election of Officers
2. New applications

VIII. REPORT OF STAFF

IX. ADJOURNMENT

Next meeting: June 27, 2018

MEMORANDUM

TO: Zoning Board of Appeals

FROM:  Deborah G. Jones, Assistant Director of Planning and Development

DATE: May 10, 2018

SUBJECT: Planning Commission Referral regarding ZBA#18-02 - 51 Ocean View Avenue; Advanced Improvements, LLC - Applicant; Mark & Anna Oberg - Owners

At its meeting on May 8, 2018 the Planning Commission reviewed the referral listed below:

Variance ZBA#18-02 - 51 Ocean View Avenue; Advanced Improvements, LLC - Applicant; Mark & Anna Oberg - Owners

The Planning Commission had no comment.

DGJ:klh



TOWN OF GROTON

PLANNING AND DEVELOPMENT SERVICES

DEBORAH G. JONES
ASSISTANT DIRECTOR
DJONES@GROTON-CT.GOV

134 GROTON LONG POINT ROAD, GROTON, CONNECTICUT 06340
TELEPHONE (860) 446-5970 FAX (860) 448-4094
WWW.GROTON-CT.GOV

May 10, 2018

The Day
P.O. Box 1231
New London, CT 06320
legal@theday.com

Please publish the following legal ad on June 1, 2018 and June 8, 2018.

TOWN OF GROTON ZONING BOARD OF APPEALS NOTICE OF PUBLIC HEARING

The Zoning Board of Appeals will hold a public hearing on Wednesday, June 13, 2018, at 7:00 p.m. in Community Room 1, Town Hall Annex, 134 Groton Long Point Road, to hear the following:

ZBA#18-02 – 51 Ocean View Avenue; Advanced Improvements, LLC – Applicant; Mark & Anna Oberg – Owners; for a variance to Section 5.2 of the Zoning Regulations to increase the maximum lot coverage from 24% to 27% to allow an addition in the southwest corner of the existing residence. PIN# 261805096840, RS-12 Zone.

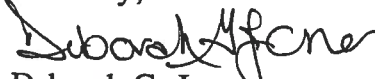
Applications are on file and available for public inspection during normal business hours at the Planning Department, 134 Groton Long Point Road, Groton, CT. Dated this 1st day of June, 2018 at Groton, CT. (On second insertion, please put “Dated this 8th day of June, 2018 at Groton, CT.”)

Ed Stebbins, Chairman

Account #30384

PLEASE DO NOT BOLD PRINT. If you have any questions, please do not hesitate to contact me.

Sincerely,


Deborah G. Jones
Assistant Director

DGJ:klh



E-MAILED

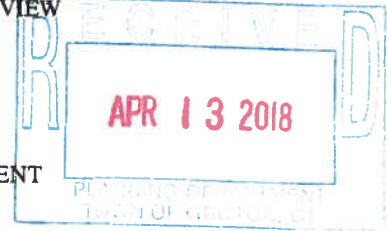
5/10/18



TOWN OF GROTON
LAND USE APPLICATION
Part One

PLEASE CHECK THE APPROPRIATE BOX(ES) AND ATTACH THE REQUIRED APPLICATION(S):

- | | |
|---|---|
| <input type="checkbox"/> SUBDIVISION OR RESUBDIVISION | <input type="checkbox"/> COASTAL SITE PLAN REVIEW (CAM) |
| <input type="checkbox"/> SITE PLAN | <input type="checkbox"/> SPECIAL PERMIT |
| <input type="checkbox"/> ADMINISTRATIVE SITE PLAN | <input type="checkbox"/> ZONE CHANGE |
| <input type="checkbox"/> INLAND WETLANDS PERMIT | <input type="checkbox"/> REGULATION AMENDMENT |
| <input type="checkbox"/> INLAND WETLANDS PERMIT OR NON-REGULATED ACTIVITY | <input checked="" type="checkbox"/> VARIANCE/APEAL |



PROJECT NAME: OBERG, MARK & ANNA
 STREET ADDRESS OF PROPERTY: 51 Ocean View Ave Mystic CT 06355
 IF ADDRESS NOT AVAILABLE, LOCATION: _____
 PARCEL IDENTIFICATION NUMBER: 261865096840 ACREAGE: _____ ZONE: RS-12

PROJECT DESCRIPTION: Remove & replace siding on 3 sides of house
Build 32' x 8' Addition & Bathroom remodel Per Plans

CORRESPONDENCE WILL BE SENT TO THE PRIMARY APPLICANT AS CHECKED BELOW:
 (NAME, ADDRESS, TELEPHONE AND FAX NUMBER)

APPLICANT: Advanced Improvements LLC
 EMAIL: bonnie@advimpro.com TELEPHONE: 860 5367063 FAX: 860 5367094
 APPLICANT'S AGENT (if any): DAVID PREKA
 EMAIL: david@advimpro.com TELEPHONE: 860 5367063 FAX: 860 5367094
 OWNER/TRUSTEE: Oberg, Mark & Anna
 EMAIL: adamo2@vellsouth.net TELEPHONE: 404 3100386 FAX: -
 ENGINEER/SURVEYOR/ARCHITECT: Joseph Lavigne III
 TELEPHONE: 908 6981504 FAX: _____

- Note:
- 1) To be accepted by the Planning Division, this entire application must be completed, signed, and submitted with the required fee(s) and map(s) prepared in accordance with the applicable regulations.
 - 2) The submittal of this application constitutes the property owner's permission for the commission or its staff to enter the property for the purpose of inspection.
 - 3) The applicant hereby agrees to pay all additional fees and/or address such costs deemed necessary by the Office of Planning and Development Services as described in Part Three of this application.

David Preka 3/20/18
 SIGNATURE OF APPLICANT OR APPLICANT'S AGENT DATE

Anna Oberg 3/15/18
 SIGNATURE OF RECORD OWNER DATE
 I HEREBY, CERTIFY THAT I AM THE OWNER OF THE PROPERTY STATED ABOVE

David Preka
 PRINTED NAME OF APPLICANT

Anna Oberg
 PRINTED NAME OF OWNER

Project #: ZBA18-02 Work Type: _____ Fee Received: \$430 Init. _____ Planner: _____

TOWN OF GROTON
LAND USE APPLICATION - VARIANCE

PART TWO
(Attach to Part One)

REQUEST IS FOR A VARIANCE OF:

SECTION: S. 2-Lot Coverage DESCRIPTION OF VARIANCE NEEDED, BE SPECIFIC: TO

increase the existing non-conforming lot coverage from
24% to 27% because of an addition being added
to the property, that can not be seen from the road, and runs

HARDSHIP: parallel with existing footprint on the

SECTION: _____ DESCRIPTION OF VARIANCE NEEDED, BE SPECIFIC: _____

driveway side and back of house.

HARDSHIP: Zoning regulations passed in 1957

caused the residence to be nonconforming since

HARDSHIP: the house was built in 1940.

SECTION: _____ DESCRIPTION OF VARIANCE NEEDED, BE SPECIFIC: _____

HARDSHIP: _____

IS PROPERTY WITHIN A CAM BOUNDARY? YES NO
IF YES, A COASTAL SITE PLAN APPLICATION MAY BE REQUIRED.

Before granting a variance on the basis of unusual difficulty or unreasonable hardship, there must be a finding by the Board of Appeals that all of the following conditions exist:

1. That the difficulties or hardship are peculiar to the property in question, in contrast with those of other properties in the same district.
2. That the hardship was not the result of the applicant's own action.
3. That the hardship is not merely financial or pecuniary.

Residential Property Card

Print Date: 2/13/2018

Card 1 Of 1

Account	Location	Grand List Code	Zoning	Acres
261805096840	51 OCEAN VIEW AVE	RESIDENTIAL	RS-12	0.19
District	Neighborhood	Deed Book/Page	Use Code	
MYSTIC	1041	966/972	SINGLE FAMILY	

Current Owner
 OBERG MARK E & ANNA L
 1368 WYNTER CREEK RD
 ATLANTA GA 30338

Property Picture

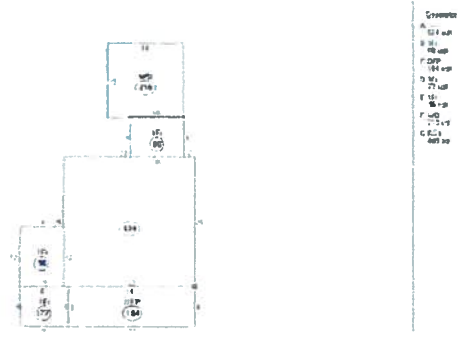


Building Information

Style:	OLD STYLE
Exterior:	ALUM/VINYL
Attic:	NONE
Stories:	2
Basement:	FULL
Year Built:	1940
Tot Living Area:	1496 SqFt.
Fuel:	OIL
Heating:	CENTRAL/AC
System:	WARM AIR
Bedrooms:	3
Full Baths:	2
Half Baths:	1

Building Sketch

Valuation	
Land:	\$133,600
Building:	\$196,000
Total:	\$329,600
Assessed Value:	\$230,720



Recent Sales

Book/Page	Date	Price
966/972	12/20/2006	\$435,000
910/229	6/16/2005	\$245,000

Sketch Legend

MA	Masonry	LSMA	Masonry	2CHS	Attached Greenhouse
FR	Frame	DMR	Open Masonry Porch	CA	Cathedral Ceiling
QRP	Open Porch	BMP	Brick Masonry Porch	SOB	Basement Open Porch
FRB	Frame Porch	MLB	Masonry Balcony	SMA	Staircase Open Masonry Wall
FRB	Frame Porch	MB	Masonry Bay	QRA	Concrete Retention
FRB	Frame Porch	MOB	Masonry Overhang	B	Basement
FRB	Frame Porch	SMA	1-2 Story Masonry		
FRB	Frame Porch	MP	Masonry Pier		
FRB	Frame Porch	WD	Wood Deck		
A(U)	Attic (Unfinished)	CPY	Canopy		
A(F)	Attic (Finished)				

Town of Groton



51 OCEAN VIEW AVE

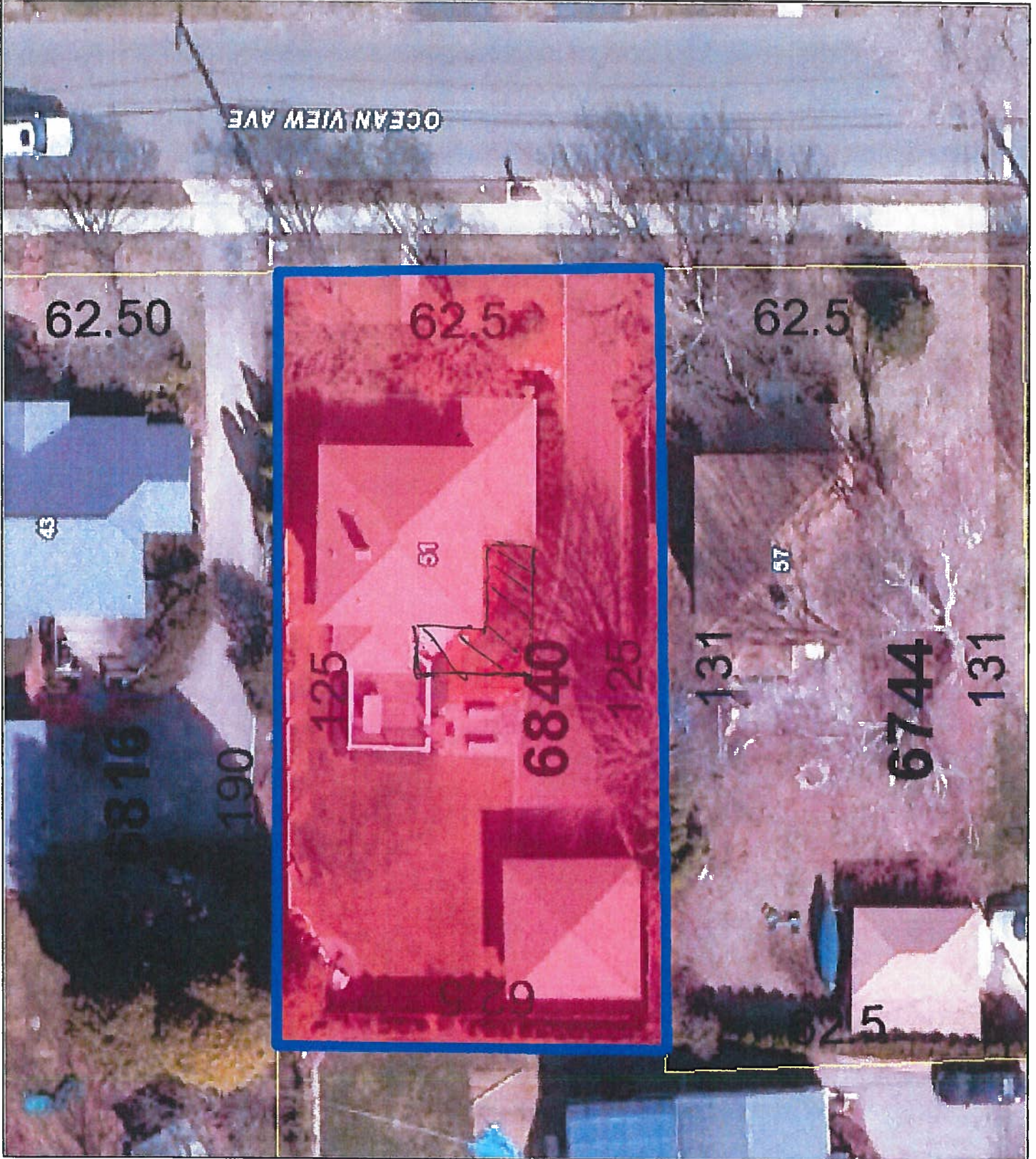
Lot -- 7812.5 #
 2079 - 1562.5 #
 ex. cov. - 1456 #
 Memory Cov. - 1665 #
 new add. - 258 #
 need 1575 #



Disclaimer:
 The planimetric and topographic information depicted on this map was compiled by The Sabban Map Company based on an aerial flight performed in April 2009. The parcel and property line information shown on this map is based on the most recent recorded deed records in the public records and does not constitute an endorsement in the Town of Groton. The intent of this map is to provide a graphical representation of real property information available in the public records for the Town of Groton and is not intended to be used for legal purposes. The Town of Groton and the mapping agencies assume no legal responsibility for the information contained in this data. THIS MAP IS NOT TO BE USED FOR THE TRANSFER OF PROPERTY.

Horizontal Datum:
 Connecticut State Plane Coordinate, North American Datum of 1983 (NAD83) Feet.
 Vertical Datum:
 North American Vertical Datum of 1988 (NAVD88).

Date: 3/13/2018



MINUTES
TOWN OF GROTON
ZONING BOARD OF APPEALS
APRIL 25, 2018 - 7:00 P.M.
TOWN HALL ANNEX - 134 GROTON LONG POINT ROAD
COMMUNITY ROOM 1

Chairman Stebbins called the meeting to order at 7:01 p.m.

I. ROLL CALL

Regular members present: Stebbins, Kravits, Manning, Mencer, Russotto, Fitzgerald

Absent:

Staff present: Zanarini, Hovland

II. PUBLIC HEARINGS-

1. ZBA#18-01 - 84 Route 27; Mystic 84, LLC - Owner; Alan Short - Applicant; for a variance to Section 5.1-3 of the Zoning Regulations allow a legitimate theater for less than 80 persons while maintaining the existing uses approved by variance # 1267. PIN# 271015641416, RU-80 Zone.

The Board reviewed the mailings and found them to be in order.

Alan Short, 216 West 52nd Street, New York, NY 10019, presented his application for a variance to turn a church building located at 84 Route 27 into an 80-person theatre for community plays and musical events. Short stated that the property would not be used for events such as weddings or parties, nor would there be food or alcohol served. Performances would occur year-round.

Twenty-six parking spaces would be necessary for an 80-person theatre per regulations and Short established that there was space for twenty parking spaces at the property. For the additional parking spaces, permission had been granted by Carol Barnes Craig to use the parking lot located at the Old Mystic United Methodist Church, 44 Main Street, Old Mystic, as satellite parking for the theatre for use with a shuttle bus.

The Board questioned how the applicant intended to handle the noise from the building. Short explained that no sound system would be put into the building and shutters will be put up for extra sound buffering.

He stated that the theatre would not be intended to act as a business and that he would be filing for non-profit status. Short felt that if the property doesn't become a theatre it wouldn't thrive and the building would deteriorate.

Manning read the Town of Groton Zoning Board of Appeals Public Hearing Record of Decision #1267 dated January 9, 1985 which allowed two dwelling units in the church. Short did not intend to keep tenants and no one would live at the property.

The hearing was opened and the following people voiced concern about possible noise pollution from the theatre and patrons, infringement of privacy to bordering properties, increased vehicle and pedestrian traffic on an already dangerous road, and issues with the small amount of provided parking which could lead to patrons parking on the street or on lawns.

Penny Costakos, 76 Route 27, Old Mystic
Greg Stone, 58 Route 27, Old Mystic
Gary Schmidt, 55 Route 27, Old Mystic
John Pillar, 1260 River Road, Old Mystic
Christine Sylvester, 1309 River Road, Old Mystic
William Radicioni, 1301 River Road, Old Mystic
Debra Adamson, 36 Shewville Road, Old Mystic
Anita Lighter, 1300 River Road, Old Mystic
Paula Renzi, 1300 River Road, Old Mystic
Michael While, 1309 River Road, Old Mystic

David Atkinson, 1184 River Road, stated he was not opposed to a theatre in the area, but he didn't believe ZBA had authority per Section 8.5-8B of the Zoning Regulations to grant use variances and thought it would be better to give it to the Zoning and Planning Commissions.

Jane Pillar, 1260 River Road, said there is already a luxury theatre in the area that can be rented if the need arise, therefore another theatre would not be necessary.

Charles Pratt, 1288 River Road, said more clarification was needed and had questions regarding when the noise would have to stop, if people would be staying at the property, and who the non-profit would be benefitting.

Bill Turner, Kentford Farm, stated that as a realtor for Stonington and Mystic he would have to disclose the theatre to potential buyers of the neighborhood and that would drop the value of the houses surrounding it.

Manning marked a photo Penny Costakos provided as Exhibit 1 and read aloud letters from Bob Florence, Peter Costakos, and Ethan Gussow opposing the variance. He then read aloud a letter from Carroll Barnes-Craig permitting use of the Methodist Church for satellite parking, and letters from Richard Dixon and Marie Foster supporting the variance. Additionally, Manning read aloud the Planning Commission referral of April 25, 2018.

Chairman Stebbens closed the public hearing at 8:46 pm.

III. CONSIDERATION OF PUBLIC HEARINGS

1. ZBA#18-01- 84 Route 27; Mystic 84, LLC – Owner; Alan Short – Applicant

The Board stated that parking at the property was inadequate for an 80-person theatre. Because people are unlikely to wait for a shuttle bus after a show, the Board voiced concern about the possibility of patrons walking on the roads to get to their vehicles instead, resulting in noise pollution and dangerous circumstances. Additionally, the Board did not find there to be a hardship for a use variance.

MOTION: To approve variance as requested.

Motion made by Russotto, seconded by Manning, so voted 0-4. Variance was denied.

IV. CORRESPONDENCE- None

V. APPROVAL OF MINUTES

1. October 25, 2017

MOTION: To adopt the minutes of October 25, 2017, as written.

Motion made by Russotto, seconded by Mencer, so voted unanimously.

VI. OLD BUSINESS

Staff stated that the court date for the appeal regarding 540 Sandy Hollow Road (ZBA #17-09) is set for May, 2018.

Manning said he would not be attending the next meeting of May 9, 2018.

VII. NEW BUSINESS

1. Election of Officers

The Board decided to postpone the Election of Officers until all members are present.

2. New Applications

a. ZBA#18-02 – 51 Ocean View Avenue – Oberg Residence Addition

VIII. REPORT OF STAFF- None

IX. ADJOURNMENT

Motion to adjourn at 9:06 p.m. made by Russotto, seconded by Mencer, so voted unanimously.

Thomas Manning, Secretary
Zoning Board of Appeals

Prepared by Kara Hovland
Office Assistant II