



DEPARTMENT OF PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Mark Wujtewicz, Planner

DATE: November 27, 2023

TITLE: CAM Site Plan – PL-23-15
224 Niantic River Road
Response to Commissioner Chenard Comment

The above referenced application is for a Coastal Site Plan review of a single-family residential structure located within the Coastal Boundary. Due to the structure's proximity to the nearest coastal resource, a coastal site plan review is required by the Planning and Zoning Commission.

The minimum lot area for a parcel in the R-40 Zone District is 40,000 sq. ft. The parcel for this application contains 31,372 sq. ft. of lot area and is deemed a legal existing nonconforming lot relative to lot area. In accordance with Section 24.3 of the Zoning Regulations, a single-family dwelling is a permitted use on a nonconforming lot provided it conforms to all other provisions of the zoning regulations.

The location of the existing structure on the parcel is nonconforming relative to the side yard setback to the northerly property line. The required side yard setback for the R-40 Zone District is 25 feet. The existing structure encroaches within the required setback by 2 feet. The applicant has proposed within his General Statement of Activity/Use submitted as part of his application to either relocate the existing structure in conformance with required setbacks thereby eliminating the existing side yard encroachment or demolish the structure and rebuild a new single-family structure in conformance with required setbacks for the R-40 Zone District. Either proposal will result in a structure conforming to the zoning requirements for an R-40 District.

In order for the Commission to approve a site plan application, all improvements on a site plan must conform to the zoning regulations. The Commission may consider adding a condition to the proposed motion to require the location of the single-family dwelling be in conformance with the zoning regulations. Proposed condition #4 contained in the Written Findings and Decisions is to verify that the construction is in accordance with the approved site plan.

From: bleo73pz22@icloud.com
To: [Katrina Kotfer](#); [Jonathan Mullen](#); [Mark Wujtewicz](#); [Greg Massad](#)
Subject: 11-28 meeting
Date: Friday, November 24, 2023 12:44:36 PM

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Hi All,

This is just a heads up. I must attend to a family issue out of town Tuesday. If things run late, I may miss this next meeting.

I did want to share my opinion on one item on the agenda. Regarding the CAM application, I am a bit confused. As I read it, the current house is non-complying, being built in an R-40 zone on a lot of insufficient size. If the applicant intends to take take down the current, grandfathered residence they should not be allowed to build a new house without using the existing foundation. So shouldn't this application be going to Zoning appeals board for a variance rather to us?

Kind regards,

Bert