




MEMORANDUM

TO: East Hampton Planning & Zoning Commission

FROM: John Guskowski, AICP, CZEO – Interim Town Planner 

RE: Proposed Text Amendment to Zoning Regulations, Section 8.2.H. Minimum Required Setback on Non-Conforming Lots of Record in the R-1 Zone

DATE: December 27, 2023

I have reviewed the proposed text amendment referenced above, seeking to create a sliding scale of reduced front-yard and side-yard setbacks for pre-existing, non-conforming lots of record in the R-1 Zoning District (principally in the immediate area around Lake Pocotopaug). I have also reviewed the extensive analysis and justification provided by Town Planner Jeremy DeCarli in proposing the amendment.

Without seeking to re-create Jeremy's comprehensive analysis included in his memo of March 1, 2023, I would offer my support for the proposed amendment. There is a general Planning & Zoning principle that states, "If you are getting the same Variance applications over and over, and they're generally getting approved, you should probably adjust your Zoning Regulations."

Variations, by their definition in the Connecticut General Statutes, are to be provided very rarely, and only in conditions that are unique to the physical characteristics of an individual parcel in a way that is not generally applicable in the surrounding area, or the town in general. As you are all aware, the condition of very small lots surrounding the Lake created prior to the current Zoning Regulations is neither a physical characteristic of the land (like wetlands or ledge outcropping) nor is it a unique condition. Literally hundreds of lots near the Lake are non-conforming for reason of inadequate lot size, depth, or frontage.

The Regulations have already been structured in a way that provides for reduced lot sizes and setbacks within the R-1 Zone for properties served by public sewer lines – reducing minimum lot size from 60,000 square feet to 20,000 square feet. There are, however, many lots that do not even have 20,000 square feet or the space to comply with the other area reductions.

As Jeremy documented, there have been dozens of setback variances sought for properties in the R-1 Zone in the last decade, nearly all of them approved by the ZBA. The variance approvals may not all have been statutorily valid, but they were generally considered to be acceptable because they reflected a reality of the history of development around the Lake, and that they created no public health or safety concerns. If that has been the repeated case, over and over, we are certainly at the above-noted principal that the standards of the Zoning Regulations should be reconsidered.

In recent years, the Towns of Columbia, Ashford, Woodstock, Ellington, Bolton, Coventry, and Voluntown have revisited their Zoning Regulations concerning very similar circumstances. All of those communities have historic lake areas where seasonal cottages have, over decades, been converted to year-round residential neighborhoods. Most of these Towns have either adjusted their Regulations to reflect the development patterns on the lakes (or are actively considering amendments) in a very similar sliding-scale way. Certain setback minima are necessary to ensure sufficient emergency access to all structures, but the relaxation of the overall R-1 standards will ensure a continued development pattern that reflects not only the historic development patterns of the lake community, but also the ability of property owners to continue to improve and invest in their land in a way that does not compromise public safety and welfare. In short, I believe this is an eminently reasonable and appropriate revision for the Commission's consideration.

I look forward to discussing this matter with you at the January PZC meeting.