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OPINION

Today's Business: Coastal homes – protecting your investment

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One of Connecticut's treasures is its coastline. Owning a home near the coast can be an invaluable asset worth passing down through generations.

But in these times of rising sea levels and increasing storms, the federal, state and local regulation of coastal property in Connecticut has become more complex. Thus, care must be taken when buying, building, rebuilding or renovating coastal homes to ensure that they meet the latest standards.

FEMA Compliance: Each Connecticut municipality has zoning and building code provisions for construction in coastal areas. The Federal Emergency Management Agency imposes minimum requirements for things such as a

home's elevation above sea level, flood vents to allow passage of water in a storm, floodproofing standards for construction, and other protections. Older homes may not meet these standards, but to rebuild or renovate such a home it may be necessary to bring it up to FEMA compliance; many municipalities impose additional requirements beyond what is required by FEMA.

This could include lifting an existing house to be higher above sea level – a significant undertaking to be sure, but one which many homeowners have done successfully. One first step in exploring options – including whether a house needs to be lifted – may be to obtain an “elevation certificate” for the property from a surveyor or engineer, which will have information about its flood elevation and FEMA compliance.

Variations: Regardless of whether a house should be lifted, construction or renovation of a coastal home may require a variance from the local zoning board of appeals in order to depart from existing zoning regulations. That could be because of the home's height (especially if it needs to be lifted), setbacks from neighbors/roads, lot coverage (how much of your lot's area you can take up with structures), or other aspects of your plan that may not conform to current zoning.

For example, when you lift a house, a deck or porch that previously was at grade level may move up several feet, and may now count toward (and make you exceed) your maximum allowed lot coverage so as to require a variance. Similarly, when you lift a house you often will need to construct a lengthy set of stairs up to the front door, which may result in encroachment on required front-yard setbacks.

Connecticut zoning authorities and courts have recognized that the need to lift a house or take other steps to comply with FEMA-imposed requirements can be an “unusual hardship” that may justify a variance. But the zoning board of appeals has significant discretion in variance applications. As a practical matter, variances routinely are granted when there is no objection by a neighbor, yet often denied if a neighbor objects. So, the fact that a house needs to be made FEMA-compliant does not automatically guarantee a variance will be granted.

Coastal Site Plan Review: Coastal homes in this state also are subject to the Connecticut Coastal Management Act, an environmental law designed to protect

coastal resources, such as Long Island Sound's ecosystem, from overdevelopment. While some minor renovations are exempt from complying with coastal area management regulations, owners wishing to do any significant building/rebuilding likely will have to apply for "coastal site plan review," which involves analysis of the plans by zoning officials and other agencies. These applications often require a report from an expert concluding that the proposed construction will not harm any coastal resources. The application is also provided to the state Department of Energy and Environmental Protection to see whether that agency has any concerns about the project's impact.

Thus, building or renovating a coastal home in Connecticut can involve a somewhat complex and potentially lengthy regulatory process. But for an investment in a coastal home whose comfort, safety and beauty are meant to be enjoyed for years to come, it is worth taking the time and effort to do it right.

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