



LYME ZONING BOARD OF APPEALS
PUBLIC HEARING

The Lyme Zoning Board of Appeals held its regular meeting
on May 19, 2016 at 7:30 p.m.
at the Lyme Town Hall, 480 Hamburg Road, Lyme, CT.

MEMBERS PRESENT: David Lahm Chairman, Winnifred Gencarella seated for Jeanne Rutigliano, Jack Sulger, Fred Harger, Ron Wojcik, Bernie Gigliotti ZEO, and Patsy Turner Secretary.

Lahm called the meeting to order at 7:35 p.m.

Lahm entertained a motion to adopt the minutes of the February 2016 meeting.

Harger read the public notice.

2016-03

Michael and Anna James, 43 Joshuatown Road, Tax Map 27 Lot 37; an application for a variance to enlarge an existing garage that was damaged in a winter storm. A portion of the garage sits within the sideline setback. The current sideline setback is 22 feet and the proposed expansion will encroach an additional 4 feet into that setback so that the resulting sideline setback will be 18 feet vs. 30 feet required per section 4.5. In addition, the entire garage is currently within the front yard setback and the proposed 7 foot bump out to the rear of the garage and the proposed 2 foot expansion on the left side of the garage and the 4 foot expansion to the right side of the garage will also be within the front yard setback. When complete the new garage will have a front yard setback of 4 feet, the same as the existing garage, vs. 50 feet required per section 4.5.

Lahm read into the record Section 8-6 (3) of the General Statutes the five- (5) requirements that have to be met before a variance can be granted.

Harger read the appeal and denial with attached addendum.

2016-03

Michael and Anna James, 43 Joshuatown Road, Tax Map 27 Lot 37.

Lahm questioned Gigliotti if the certified mail receipts were received.
Gigliotti stated the receipts have been received.

Lahm questioned if there were letters received from neighbors/public.
Gigliotti stated one letter was received from their neighbor (Spencer) and they have no objection.

The board took a minute to review the letter.
Lahm waived the reading of the specific section of our zoning regulations.

Present at the meeting were Michael and Anna James.
Lahm asked the applicants to explain the project.
M. James: stated during a storm this winter a tree came down on the corner of the garage; the insurance company agreed with the builder that the garage should be torn down and rebuilt. The garage is very narrow which makes it difficult to maneuver in and out of the cars in the garage. The house is located on ledge; there is little storage in the house. The proposal will expand the garage 2 feet to the left, 4 feet to the right, and 7 feet added to the rear; the area to the back of the garage will be used for storage. There is no other location on the property for a garage.
A. James added that the house was built in 1804.

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and recorded by me at 9:00am 1
Attest: Jack Sulger, Asst. Town Clerk

Lahm commented the existing garage is dug into the hillside; site work will have to be done to create an area for the expansion.

M. James answered the builder for the garage will be Rich Yeomans and he feels there is enough space to create the expansion.

Lahm asked the applicant to state the hardship.

M. James explained the hardship is the inability to access the cars easily while parked in the garage. The structure is too small for today's automobiles. There is no storage in the existing garage; the generator will be located in the garage. Upcoming surgery will further limit the access and exiting of the garage.

Lahm sympathizes how difficult recovering from surgery can be but the disability will be temporary and the change to the land will be permanent.

A. James added the boulder next to the garage limits the location of the expansion also. The hardship is that the cars cannot be entered easily when parked in the garage.

Lahm clarified a hardship should be a hardship with the land not a personal hardship. If there is a use for the land than there really is not a hardship.

Lahm called for questions or comments from the board.

Sulger questioned the height and pitch of the roof.

M. James answered the builder has stated the roof should not get any higher but if there is an issue the back portion of the garage will have a shed roof.

Gencarella questioned if the existing garage is average for today's standards for garage size.

Harger stated a garage is not meant to be a storage shed but an area for cars to be parked.

Lahm stated the photographs of the existing garage shows that currently there are many items being stored in the structure.

M. James added if there was the ability to have other outbuildings on the property there would be no need to use the garage for storage. The existing garage was believed to have been built in the late 1920's.

Sulger stated there are not drawings included in the application which show the design of the garage.

M. James commented that the builder had stated he didn't need plans to build the structure. The building will be similar but just a little larger; two garage doors to the front, adequate lighting, and the same pitch to the roof.

Lahm added the letter from the neighbor does state the concern for height. The board could motion to approve with height limitations.

M. James stated that the contractor says the roof will remain the same pitch. If there is an issue the solution is to have a shed roof on the back portion of the garage.

Lahm entertained a motion to grant the variance as proposed with the stipulations that the height of the new structure not exceed the height of the existing structure and for the exterior dimensions not to exceed the proposal and the orientation remain the same. Sulger moved the motion and Gencarella seconded.

Wojcik added that there should be more details of the structure but the intent for the garage is understood.

Lahm called for a vote; Wojcik in favor, Gencarella in favor, Sulger in favor, Harger in favor, and Lahm not in favor. The variance is passed.

Lahm reminded the applicant that there is a 15 day waiting period after the decision has been published during which time an appeal can be made of this board's decision to the superior court. You may proceed now but you do this at your own risk, if there is a successful appeal.

The meeting was adjourned at 8:09 p.m.

Respectfully submitted,

Patsy Turner, Lyme ZBA Secretary