

LYME ZONING BOARD OF APPEALS
PUBLIC HEARING
November 19, 2009
7:30 P.M

The Lyme Zoning Board of Appeals held its regular meeting on the third Thursday of month,
November 19, 2009 at 7:30 p.m.
at the Lyme Town Hall, 480 Hamburg Road, Lyme, CT.

MEMBERS PRESENT: David Lahm Chairman, Jack Sulger, Ross Byrne Alternate, LeRay McFarland,
Fred Harger, Bernie Gigliotti ZEO, and Patsy Turner Secretary.

Lahm entertained a motion to approve the minutes of the August 20, 2009 meeting; the motion
was moved by Harger and seconded by Sulger. The minutes were approved unanimously by all
members present.

Byrne read the public notice.

2009-05

Roy Lee Owens, 4 Honey Hill Road, Tax Map 12 Lot 18; an application for a variance to
construct an addition on a non conforming lot. When complete, the front yard setback
would be 27 feet 6 inches 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.

Byrne read the appeal and denial.

Gigliotti stated the certified letter receipts were received, reviewed, and the receipts were all
accounted for.

Present at the meeting was Roy Lee Owens.

Owens stated the home is very old and at the top of the stairs there is a three foot knee wall.
Dormers were placed on the house with an eight foot porch beneath; a section of the porch
violates the setback.

Lahm questioned whether the measurements shown on the plans were taken by the applicant.

Owens answered he did measure the area which is documented on the drawing.

Gigliotti added the dimensions are correct.

Owens explained the layout on the drawing and the location of the house on the corner of Honey
Hill Road and Rt. 82.

Gigliotti commented the confusion of the location is due to the relocation of the driveway onto
Honey Hill Road.

Lahm stated the property does not give main options without the need for a variance.

Harger questioned the wording in the appeal; the increase in living space does not include the
porch. The second level, the dormers, will expand the living space.

McFarland commented the property was visited.

Lahm called for comments from the board members.

Lahm called for questions or comments from the public present.

Member of the public present, Jan Morris, 8 Honey Hill Road, the lot borders the Owens' property
on north and west; a letter in favor of the variance was entered into the record.

The board members took a moment to read the letter.

Lahm called for comments from other members of the public present.

Roxanne Chapman, 8 Honey Hill Road, also in favor of the variance; the property was viewed and
the addition is already built. If the variance is denied the structure would have to be removed.

The original front of the home faces Route 82 and the new porch has been constructed on the side
of the home. The addition does not affect the property.

Lahm commented the applicant is asking for forgiveness instead of permission.
Owens apologized for not receiving the proper paperwork; the builders swayed the applicant he did not need permits. The drawings were left at the Town Hall for Gigliotti's viewing.
Lahm questioned if the document were given to Gigliotti before the structure was built.
Owens stated the sketches were given to Gigliotti before the construction started.
Gigliotti clarified the cease and desist was sent to Owens.
Owners stated the sketches were left at the Town Hall for Gigliotti.
Gigliotti added the sketches were not received.
Lahm stated the sketches do not authorize the beginning of the construction.
Owens commented the information is understood. The builders are two local men.

Harger stated the concern is that this type of situation has been happening around town; people construct and then ask for forgiveness; each variance is viewed on a case by case basis.
Lahm stated the permit application will be viewed on its own; there are issues with the construct being already built. If the variance is denied the structure would have to be removed. The hardship of the property should be considered.
Byrne commented viewing the variance application from the need for the expansion to solve the 3 foot knee wall and the porch would be added to complete the structure.
Lahm stated there are many homes in the town which are built on nonconforming lots and are nonconforming structures. It was questioned whether or not he applicant had more information to support the hardship.
Owens added the house was had additions in the past; the repairs to the structure was started with the rear roof being re-shingled due to buckling in the roof. The stairs in the home are 3 ½ feet wide and steep; when ascending the staircase there is a need to bend to round the corner at the top because of the knee wall. The bedrooms are located on the second floor of the home.

Morris commented the appraisal information on the internet shows the home as being to separate boxes placed together and the original porch runs along the front nearest to Route 82.
Lahm questioned if the original porch still exists.
Owens stated the original porch is still attached and the new porch was constructed on the side of the house.

Harger questioned if the building permit had been requested prior to construction, would the stairway been required to be brought up to code.
Gigliotti stated that question falls under Building Inspector's purview; if the stairs are relocated the need to bring up to code would be a must.
Lahm commented the builders have put the applicant in a predicament.
Sulger commented the fact that the structure is completed needs to be overlooked.
Lahm added the application for a variance has to be viewed as a clean application; regardless of what has already been built.

Lahm called for a motion to grant the variance as currently constructed.
McFarland moved to grant the variance as constructed, Sulger seconded the motion.
Lahm called for a vote; Harger in favor, Sulger in favor, McFarland in favor, Byrne in favor, and Lahm in favor. The variance was passed by all members present.

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 8:03 p.m.
Respectfully submitted,

Patsy Turner Secretary