



ZONING BOARD
OF APPEALS

LYME TOWN HALL
480 HAMBURG ROAD
LYME, CT 06371

LYME ZONING BOARD OF APPEALS
PUBLIC HEARING

The Lyme Zoning Board of Appeals held its regular meeting
on March 21, 2019 at 7:30 p.m.

at the Lyme Town Hall, 480 Hamburg Road, Lyme, CT.

MEMBERS PRESENT: David Lahm, Chairman, Jack Sulger, Fred Harger, Judy Davies (alternate present seated for Winnifred Gencarella), Toni Phillips (alternate present seated for John Kiker), Bernie Gigliotti ZEO, and Jennifer Thomas Secretary.

Lahm called the meeting to order at 7:34 p.m.

Lahm tabled approval of the minutes until the next meeting to verify the board was sent the correct minutes for review.

Harger read the public notice.

2019-01

Anne V. Ahern, 163 Rogers Lake Trail, Tax Map 40.3 Lot 10; an application for a variance to construct a new garage and accessory apartment on a non-conforming lot. Several lots will be merged into one lot which will result in a lot of 33,661 square feet vs. 80,000 square feet required per section 4.5. Also, the merged lot will have frontage on two town roads. The resulting lot width along Rogers Lake Trail will be 138 feet vs. 200 feet required per section 4.5 and the lot width along Shore Drive will be 159 feet vs. 200 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 application, appeal, and denial.

2019-01 - Anne V. Ahern, 163 Rogers Lake Trail, Lot 40.3 Lot 10.

Lahm questioned Gigliotti if the certified mail receipts were received.

Gigliotti state the receipts have been received.

Gigliotti stated that a correction should be made to the lot width along Rogers Lake Trail to read 153 feet, not 138 feet.

Lahm questioned if any letters from the public had been received and Gigliotti stated there were none. Present at the meeting were Anne V. Ahern and Edward Cassella, attorney representing Ms. Ahern.

Cassella provided the board with a memorandum outlining the proposed project, and the board took a moment to read the memorandum. Cassella also submitted the approval letter from Ledge Light Health District and the state regarding the septic system.

Cassella described the proposed merger of lots and garage construction. The lot would increase from approximately 12,000 square feet to 33,661 square feet. This would reduce the non-conformity and also bring the lot coverage from 12.4% to 7.2%, which is within the limit of 8%.

Cassella stated that they are asking for a variance of section 4.2.3, 23.2, 23.3, and 4.5. These relate to lot size, nonconforming buildings and lots, and lot width size.

Cassella stated that case law has said that the ZBA can grant variances when the applicant is taking affirmative steps to reduce nonconformities, independently from establishing a hardship.

The applicant is reducing the nonconformities by increasing the lot size and eliminating currently nonconforming lot coverage. Construction of the proposed garage is within all zoning setback regulations. The proposal is aligned with the character of the neighborhood and does not cause any public health or safety concerns.

Ahern stated that the garage may help her stay in her property longer, as it will open up a bedroom in the residence for help if needed, and the garage will help ease the burden of snow removal in the winter months.

Lahm stated that while the neighborhood consists of many nonconforming properties, this is due to the houses predating the zoning regulations. Those properties are grandfathered in and do not have any bearing on the current proposal.

Lahm questioned the lot population increase, and Cassella stated that although the population could potentially increase with the proposed addition, the zoning regulations would indicate based on lot coverage that the population does not exceed what the lot can handle.

Lahm also stated that a hardship has to be a hardship with the land, not a personal hardship, like clearing snow in the winter.

Phillips questioned if there would be additional parking spots, and Ahern stated that the two parking spots would be the garage.

Lahm questioned whether the existing shed was included in the calculations for lot coverage and Ahern confirmed that it was, as well as the existing deck.

Harger asked for clarification on the side yard setback regulation, and Gigliotti stated that it is 30 feet.

Davies questioned why the additional adjoining lots owned by Ahern were not being combined along with what has been proposed. Ahern stated she has no plans to do anything with the remaining lots. Lahm suggested that adding the remaining lots would decrease the nonconformity even more, but would also create an odd lot configuration which would not be of any benefit.

Lahm called for any additional questions from the board, and with their being none called for any questions from the public.

Abutting neighbor Carolyn Reed asked for clarification of where the garage access would be and expressed concern over the pitch of the property and how drainage would be affected.

Ahern and Cassella stated that the driveway off Shore Drive that is already in existence is what would be used. There will be new gravel put down.

Lahm called for a motion to grant the variance as proposed with the condition that the lots proposed in the draft title be merged. Harger moved the motion, seconded by Sulger. Davies in favor, Sulger in favor, Phillips in favor, Harger in favor, and Lahm in favor. The variance has been granted.

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 board discussed and adopted the proposed 2019 regular meeting schedule.

The meeting was adjourned at 8:19 p.m.

Respectfully submitted,

Jennifer Thomas
Lyme ZBA Secretary