



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 July 18, 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 7:30 p.m.

Lahm entertained a motion to approve the minutes from both the March 2019 meeting and the September 2017 meeting. Harger made the motion, seconded by Sulger, and the minutes were approved unanimously.

Harger read the public notice.

2019-02

Hamburg Cove Yacht Club, 13 Cove Road, Tax Map 27 Lot 9; an application for a variance to modify a deck and add an entrance portico on a non-conforming lot. The deck will have a front yard setback of 11 feet vs. the 40 feet required per section 5.4.1 and a side yard setback of 19 feet vs. the 20 feet required per section 5.4.1. The portico will have a front yard setback of 9 feet vs. the 40 feet required per section 5.4.1. In addition, lot size is 6,969.6 square feet vs. minimum 20,000 square feet required per section 5.4.

2019-03

Daniel Routhier, 93 Shore Drive Tax Map 40.3 Lot 43; an application for a variance to construct a storage shed. The shed would have a front yard setback of 70 feet vs 75 feet and 10 feet vs 20 feet required per section 7.3.

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

**2019-02-Hamburg Cove Yacht Club, 13 Cove Road, Tax Map 29 Lot 9.**

Harger read the application, appeal, and denial.

Present at the meeting was Andy East, representing the Hamburg Cove Yacht Club.

Lahm asked East to explain the hardship.

East stated that as part of a larger renovation, providing a safe, code compliant way to go from the main level of the Yacht Club to the back portion of the property has been one of the Club's goals. The previously approved plan has been modified to be less intrusive and code compliant. The existing stairs are not code compliant. The previously approved deck was a total of 340 square feet, and the newly submitted application has a square footage of 456 square feet.

Lahm questioned whether this plan allowed emergency services to get directly to the rear of the property and East stated that the new configuration will allow this access.

Lahm questioned if any letters from the public had been received and Gigliotti stated that 15 letters have been submitted.

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

The members of the commission took a few moments to read the submitted letters.

Lahm asked East to talk about the proposed portico. East stated that the intent is to create a code compliant entry to the building, which moves the entry slightly to the right of its current location. It would be 7 feet by 3 feet with a canopy over the door, handrails, and code compliant stairs. Lahm presented the board with some visual materials to provide an example of what the portico would look like.

Sulger questioned how high off the ground the deck will be and if there will be access to the deck from the front. East stated that the rear of the deck is about five or six feet, and the front of the deck is about a foot and a half. There will be one step in the front to access the deck.

Gigliotti asked East to explain to the board what will happen to the existing chimney. East stated that the existing chimney will be removed, which will take about 18 inches off the front of the building, becoming less intrusive.

Lahm opened the meeting to public comment.

Skip Hine, member of the Yacht Club, stated that he is in support of the application.

Peter Friel, member of the Yacht Club, spoke in support of the variance, and pointed out the newly proposed deck grants more access to the rear of the building. He also stated that the immediate neighbors are all in support of the application, and that 55% of the Club's members are over 60, and so safety is important.

James Connor, both a member of the Yacht Club and a property owner with a view of the Club, is in favor of the application. He submitted photos showing that each of the properties on Cove Road are unique and have unique challenges with physical limitations and constraints. Connor stated that these types of limitations have been found in CT courts to constitute hardships,

examples include *Carberry v Stamford Zoning Board of Appeals 2001*, and *Merlo v Wethersfield Zoning Board of Appeals*.

Jacqueline Connor, member and neighbor of the Yacht Club, voiced her support of the application.

Sharon Tracy, neighbor, also endorses the application.

Chris Roosevelt, members of the Yacht Club, spoke in favor of the application and proposed that all in favor might stand in support.

Lahm asked that any opposed to granting the variance speak. With no opposition voiced, Lahm stated that the record will reflect that all the public in attendance were in favor of the variance.

Lahm called for any additional comments or questions from the board, and with there being none, entertained a motion to approve the variance as proposed. Harger moved the motion and Sulger seconded.

Lahm called for a vote. Davies in favor, Phillips in favor, Sulger 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 the board's decision to the superior court. You may proceed now but you do so at your own risk, if there is a successful appeal.

**2019-03- Daniel Routhier, 93 Shore Drive, Tax Map 40.3 Lot 43.**

Harger read the application, appeal, and denial.

Present at the meeting was Daniel Routhier.

Lahm asked Gigliotti if the certified receipts have been submitted. Routhier turned the receipts in to Gigliotti. The certified mail receipts, available return receipts, and post office receipt were submitted. The certified mail receipts incorrectly listed Mr. Routhier's address as opposed to the abutting neighbors' addresses. With all but one of the return receipts submitted, and sufficient evidence the letters were sent, Lahm agreed to move forward with the application and asked that Routhier submit the return receipt when he receives it.

Lahm questioned if any letters have been received, and Gigliotti stated that one letter in opposition was received. The board took a moment to read the submitted letter.

Lahm asked when the building was constructed and noted that Routhier had been in for a variance several years ago when renovating his home.

Routhier stated the original house was constructed in 1949 and was renovated three or four years ago.

Routhier presented a plan showing the location of the proposed storage shed.

Lahm asked Routhier to indicate on the map where the proposed shed will be placed. Lahm questioned why the shed could not be placed on the other side of the house, and Routhier stated that the land drops off.

Lahm asked Routhier to describe the building because no plans or diagrams have been presented. Routhier stated that it will be ordered from a shed company and will be prefabricated. It will be used to store a portable generator and an electric lawn mower.

Lahm stated that it seems like an unusually large structure for the stated purpose. Routhier indicated that until it is designed by the company, he is unsure of the actual dimensions and wanted wiggle room. Lahm stated that a variance is granted for specific plans and must be followed exactly.

Routhier went on to state that the shed will be designed to look like the house, with a 45-degree pitch roof, shed doors, and several windows.

Lahm asked Routhier to explain the hardship on the land. Inability to go up and down stairs is a personal hardship, not a hardship that is unique to the property. Routhier stated that all of the neighbors have some type of outdoor storage.

Lahm stated that the board is wary of incremental projects. The board has already granted a variance on the property and the time to request this shed would have been with the original renovation.

Phillips questioned why the shed couldn't be moved to a location that would comply with the setbacks. Phillips questioned why it could not be moved 5 feet back and 10 feet over to meet the setback requirements.

Harger questioned how tall the proposed shed would be and Routhier stated it would be no more than 15 or 16 feet.

Lahm cautioned the applicant that speaking in generalities and submitting an incomplete proposal does not allow the board to make an informed decision. Lahm suggested that tabling the application until the next meeting and returning with certified mail return receipts, updated maps, photographs of the property, and accurate drawings of the proposed shed would benefit the applicant.

Routhier formally asked the board to table the application to the September meeting.

Lahm agreed to table the application to the September meeting. The letter from the Gatti family was supplied to Routhier and Lahm agreed to contact the Gatti's regarding the next meeting date.

Sulger reiterated that the proposed size versus the stated need seems incongruent and other board members agreed.

The meeting was adjourned at 9:02 p.m.

Respectfully submitted,

Jennifer Thomas, Secretary