



ZONING BOARD
OF APPEALS

LYME TOWN HALL
480 HAMBURG ROAD
LYME, CT 06371

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CONTINUATION OF PUBLIC HEARING

The Lyme Zoning Board of Appeals held its regular meeting
on September 19, 2019 at 7:30 p.m.
at the Lyme Town Hall, 480 Hamburg Road, Lyme, CT.

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

Lahm called the meeting to order at 7:31 p.m. Lahm explained to the applicant that a Zoning Board of Appeals approval requires at least four votes in favor. Because there are only four members present, Lahm gave the applicant the option to table the hearing until there are all five members present. The applicant stated that he would like to continue with the appeal.

Revised application packets were distributed to the board members.

Lahm entertained a motion to approve the minutes from the July 2019 meeting. Phillips made the motion, seconded by Davies, and the minutes were approved unanimously.

Sulger read the public hearing notice.
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 side yard setback of 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.

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

Davies read the revised application, appeal, and denial.

Present at the meeting: Daniel Routhier

Lahm stated that the denial from the previous appeal still stands with the revised application materials. Gigliotti confirmed that the certified mail receipts had been received.

Several letters from surrounding neighbors were submitted. The board took a few moments to read the letters to themselves, noting that one letter was opposed and the remaining were in favor of the proposed shed. The board noted that some of the letters stated the shed would be 8x10 but the revised application is for 10x12.

Routhier presented the board with photos of the property and a picture of a shed as an example.

Lahm asked why the shed could not be placed in the current parking area and Routhier stated that the septic is located under the parking area and the shed needs to be at least 10 feet from that according to code.

Davies pointed out that the original application was showing a front yard setback of 70 feet vs 75, but the revised plan indicates the setback is 40 feet vs 75.

Davies questioned what the height of the shed would be. Routhier stated that he did not have a figure but it would not be more than 15 feet. He estimated it would be between 12 and 14 feet.

Davies asked if the trees along the property line were deciduous and Routhier confirmed that they were.

Lahm opened the meeting for public comment.

James and Sandra Gatti, abutting neighbors, spoke against the appeal. S. Gatti stated that the submitted plans are unclear. She believes the building is too large for his needs and will block the views of the lake from her property. She believes a shed could be placed elsewhere on the property. J. Gatti also stated that he is opposed to the plan.

Lahm reminded the Gattis that property owners do not have light and air rights or viewshed rights unless that is specifically stated in the deed to the property. The Zoning Board of Appeals is tasked with determining whether there is a true hardship with the land that would justify a variance.

S. Gatti asked what the hardship would be. J. Gatti submitted for the record some photos showing the view from their property across the property of Routhier.

Davies asked what was on the other side of the house and Routhier stated that the land was not level on that side.

Sulger stated that the plan is lacking specific dimensions. The height has not been specified. Gigliotti stated that the building must be under 15 feet to qualify as an accessory building. A taller structure would change the setback requirements.

Lahm commented that the hardships listed are personal hardships and not hardships unique to the land. Lahm also stated that the Zoning Board of Appeals is not required to follow precedent and each application stands alone.

Lahm asked the applicant if he wished to modify the proposal.

Routhier amended his proposal to an 8x10 shed with a maximum height of 14 feet in the same location as previously submitted.

Lahm called for any additional comments or questions from the public or applicant. Lahm entertained a motion to approve the variance as amended by the applicant. Sulger moved the motion, seconded by Davies.

Lahm called for a vote. Davies opposed, Phillips opposed, Sulger in favor, and Lahm opposed. The variance has been denied.

The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Jennifer Thomas, Secretary