



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 November 21, 2019 at 7:30 p.m.
at the Lyme Town Hall, 480 Hamburg Road, Lyme, CT.

MEMBERS PRESENT: David Lahm, Chairman, John Kiker, Jack Sulger, Fred Harger, Toni Phillips (alternate present seated for Winnifred Gencarella), Judy Davies (alternate present but not seated), Anna James (alternate present but not seated), and Ross Byrne ZEO.

Lahm called the meeting to order at 7:32 p.m.

Lahm entertained a motion to approve the minutes from the October 2019 meeting. Harger stated that approval wasn't necessary unless there were changes. Lahm stated that the minutes stand.

Harger read the public notice.
2019-04

Kathleen Pfannenstiel, 13 Oakland Avenue, Tax Map 27 Lot 2; an application for a variance to construct a deck on an existing dwelling. The deck will have a rear yard setback of 59.9 feet vs. 100 feet required per section 14 within the Gateway Conservation Zone and a side yard setback of 19 feet vs. 30 feet required per section 4.5. Due to the orientation of the dwelling the deck will not extend any further into the side yard setback than the existing dwelling.

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.

2019-04 – Kathleen Pfannenstiel, 13 Oakland Avenue, Lot 27 Lot 2.

Harger read the application, appeal, and denial.

Lahm questioned Byrne if the certified mail receipts were received, and Byrne stated that they were received.

Present at the Meeting: Kathleen Pfannenstiel, owner and Brooke Girty of Brooke Girty Design

Girty stated that one of the main hardships of the property is the topography. Girty presented a topographic map to the board showing steep slopes on the water side of the property. The house is already built about half in the setback, so there is very little that could be done to the house that would not violate a setback. After looking at the site, it was determined the best place for the deck was on the back side of the house, where there is currently an existing deck on the upper level. This location is also the safest place to construct the deck.

Lahm questioned how many egresses exist in the house's current state. Girty stated that there was a front door and a side door off the kitchen that will be eliminated.

Lahm questioned that the new deck will provide one more egress and Girty stated that was correct.

Girty stated that there is an existing deck with a roof that extends 14 feet from the side setback. The new deck will reduce the nonconformity to 17 feet at its closest. The existing deck will be removed which will reduce the nonconformity overall.

Lahm presented the board with several letters of support from both the Connecticut River Gateway Commission and neighbors. Byrne stated that he received a phone call from Maddy Mattson as representative of the Board of Directors at Camp Claire in support of the application as well.

Byrne stated that he was not sure Torrance Downes from The Connecticut River Gateway Commission was aware of the retaining wall.

Lahm stated that the board will take notice that the wall was there and that the commission had an opportunity to see the wall.

Girty went on to discuss with the board the elevations of the house and show the current house configuration versus the proposed improvements and the minimal difference that would be seen from the water side of the house.

Harger questioned what material would be used for the deck railing. Girty stated the railing would be glass, framed with wood to lessen visual impact.

Lahm stated that the house appears to be hard to get in and out of, and this improvement will make it easier to exit in an emergency.

Lahm called for any questions from the board.

Phillips pointed out that the letter from the Connecticut River Gateway Commission asks the Zoning Board of Appeals to inquire whether any trees between the deck and the cove will be removed. Lahm stated that he believed from the presentation that only trees that are in the construction zone would be removed and no trees will be removed to simply improve the view and Pfannenstiel agreed that this is the case.

Byrne questioned if the applicant was planning on removing the garage. Pfannenstiel stated that the garage has been renovated on the interior but the footprint was not changed.

Lahm questioned when the house was constructed and Girty and Pfannenstiel stated it was constructed prior to the implementation of Zoning Regulations.

Lahm called for a motion to grant the variance as proposed with the condition that no trees except those necessary for construction are removed and if any trees are modified to improve the view they should be trimmed up from the bottom. Harger moved the motion, seconded by Sulger. Sulger in favor, Harger in favor, Kiker in favor, Phillips 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 meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Jennifer Thomas
Lyme ZBA Secretary