



ZONING BOARD  
OF APPEALS

LYME TOWN HALL  
480 HAMBURG ROAD  
LYME, CT 06371

LYME ZONING BOARD OF APPEALS  
VIRTUAL PUBLIC HEARING

The Lyme Zoning Board of Appeals held its virtual regular meeting  
On May 20, 2021 at 7:30 p.m.

MEMBERS PRESENT: Fred Harger acting Chair, Jack Sulger, John Kiker, seated alternates Judy Davies and Toni Phillips, and unseated alternate Anna James, Ross Byrne ZEO, Jennifer Thomas Secretary.

Absent Members: David Lahm and Winnifred Gencarella

Harger called the meeting to order at 7:39 p.m.

Alternate members Davies and Phillips were seated for absent regular members Lahm and Gencarella.

Harger called for any changes or comments to the minutes from the April 15, 2021 meeting. With there being none, the minutes were approved with no changes.

Sulger read the public notice.

2021-03-

Peter Watt and Gerard Cattie, 469 Hamburg Road, Tax Map 29 Lot 26; an application for a variance to construct a 288 sq. ft. addition to the east end of the existing structure. The existing structure, located on a corner lot, is located entirely within the two front yard setbacks. The addition will also be located within the front yard with a 16.1 ft. setback vs. the required 50 ft. and encroach within the side yard with a 25.8 ft. setback vs. the required 30 ft.

Harger 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.

**Sulger read the application, appeal, and denial of 2021-03.**

**2021-03-Peter Watt and Gerard Cattie, 469 Hamburg Road, Tax Map 29 Lot 26.**

**Present: Peter Watt and Kenneth McDonnell, attorney**

Harger questioned if the certified mailing receipts have been submitted and Byrne stated that they have been received.

McDonnell presented the board with some photographs of the existing property, as well as the site plan showing the proposed addition. He explained that because of the corner lot configuration the property has two front yard setbacks, and the house falls entirely within

these setbacks currently. The addition will be built in the area currently enclosed by an 8 to 9 foot fence.

Watt stated that the kitchen is currently between 6 and 8 feet wide and extending into the dining area would be difficult because it would require the removal of an antique fireplace.

McDonnell stated that even if they moved the addition to the rear of the house, it would still be within the setbacks. He does not believe the addition will have a negative affect on the neighbors as there is already a shed and a fence in the proposed location and believes that the proposed location preserves the historic nature of the house by keeping the fireplace.

Harger questioned if any letters from the public have been submitted and Byrne said that none have been received. Harger questioned if any member of the public has requested access to the meeting and Thomas stated that no one has requested access and no one from the public is on the meeting.

Harger called for any questions from the board.

Kiker asked if anything on the plan could be altered to reduce the infringement to the front yard setback and Watt stated that if they extended the kitchen towards the rear of the house, it will still be very narrow and would impose on the terrace in the back of the building.

Harger stated that the front yard setbacks from Beaver Brook Road are not mentioned in the application but that would also require a variance as it goes from 18.2 ft. currently to 17.2 ft. with the proposed addition.

Davies questioned why the design is not flush with the back side of the house and Watt stated that it is extended an additional two feet out in order to provide a seating area.

Phillips stated that if the kitchen were to be extended on the south side, the side setback would not be decreased as it is with the proposed application.

McDonnell stated that because the fence is considered a structure because of the height, the side setback is only decreasing by about five inches from what is currently there.

Sulger pointed out that even though the fence is a structure, it is more minimal than a building.

Davies asked if the fireplace was in working order and Watt stated that it was.

Harger stated that the application can be looked at as a similar footprint with a vertical expansion.

James stated that she also views the fence as an existing structure and believes it would be beneficial to bring the kitchen into the 21<sup>st</sup> century.

Byrne pointed out that the omission of the Beaver Brook Road front yard setback was an oversight, and the application should include the variance of the front yard setback going from 18.5 ft to 17.2 ft. and Phillips added that the side yard setback of 26.3 ft to 25.8 ft. is correct on the application.

Harger called for a motion to grant the variance as presented. Kiker made the motion, seconded by Davies. Harger, Davies, and Kiker voted in favor, Sulger and Phillips opposed. With only three voting in favor, the motion did not pass and the variance was denied.

Harger reminded the applicant that there is a 15-day appeal period to appeal the decision by the board.

The Meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Jennifer Thomas, Secretary