ZONING BOARD
OF APPEALS

LYME TOWN HALL
480 HAMBURG ROAD
LYME, CT 06371

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November 21, 2024

The Lyme Zoning Board of Appeals held a Public Hearing/Regular meeting on Thursday, November 21, 2024, at 7:30 p.m. at the Lyme Town Hall, 480 Hamburg Road, Lyme, CT 06371.

Members Present: Fred Harger (chair), Henry Lahm, Toni Davies, Anna James, Jeanne Rutigliano (alternate), Ross Byrne (ZEO), Lannie Mossberg (secretary).

Absent members: Dave Gage, Adam Brevoort (alternate).

CALL TO ORDER - 7:30 p.m.
SEAT ALTERNATE MEMBERS - Alternate member Rutigliano was seated.
APPROVAL OF MINUTES FROM October 17, 2024 - The minutes were approved.
PUBLIC HEARING
2024-06 Humble; 94 Brush Hill Rd. Map 12: Lot 67: An application for a variance to expand the area of a deck. Per section 315-23.2 Yard setback, 315-4.5 expansion of a deck requires a side yard setback of 12.1 feet instead of the required 30 feet.

Present was Chris Bessier; representing Mr. Humble

Bessier explained the project. The house is about 70% non-compliant because of where the house was built. The deck would be constructed on the west side. There is a door with existing stairs and a landing. A slider that would be accommodated by a deck connecting the existing stairs and landing. A photo of the home when originally purchased was shown. Bessier presented two letters from neighboring properties that have no objection to the deck.

2024-07 Koch Northeast, LLC, 0 Avenue B Tax Map 40.4 Lot 4 An application for a variance to construct a three-bedroom, single-family home on an existing nonconforming lot. The lot does not meet the minimum 15,000 sq. ft. requirement per Chapter 315- 23.3. The structure, as presented, will not meet the yard setbacks, maximum building or impervious coverage, net buildable area, and minimum lot width per Chapter 315-4.5.

Present was Bill Koch.

Koch started by requesting the letter from Attorney Carey received by ZEO today be read aloud. Rutigliano read the email. Harger stated that the application material went out a month before to ensure everyone could view it because so many exhibits would be part of the record. Koch argued that 4.5 was only for new lots and didn't apply to his non-conforming lot. Koch also discussed his memorandum and believes it should be seen as a new lot since it has never had a structure. After the prior denial, he feels he has no alternative use of the property. Koch went through each of the 22 Exhibits and summarized them. Byrne commented on the email exhibit Koch had read. The Chair welcomed comments from the public.

Sorenson explained when she first moved to the neighborhood, there were only 3 or 4 homes, and now it's getting a little crowded with about 7.
Burke said the neighborhood was never allowed to be developed, even though it was tried, so why change it? It should stay the current regulation.
Noniewicz explained that there are other empty lots, with no alternate use, and questioned whether it is an investment. This is the same application as the prior, and the setbacks are too close with the proposed home.
Freberg questioned alternative use and producing any property value.
Discussion of value and use.
Zaino questioned why there is no alternative use when he sees family parking on the street when they fish and kayak, which is an alternative use. For the beach that is used, Zaino has paid for and provided a porta-potty.
D. Lahm spoke and said it's clear that this is the same application, just more of a presentation. It was denied three years ago, and the board should not overturn the ruling.
Burnham said he has two non-conforming lots, which don't prove a unique hardship, and has never asked for a variance.
Weissinger said the CT law states he has the right to build, and walking to the beach does not give value.
A neighbor asked about home setbacks.
Koch spoke about the public comments.
Phillips commented there is no LLHD approval; it's just noted, and she has concerns with the brook.

REGULAR MEETING
2024-06 Motion to accept the application made by James, seconded by Rutigliano. No discussion.
James- In favor because the house itself is within the setback, and to build a deck instead is in support of both neighbors, and it goes around the house in a way that will facilitate entrance and exit.
Lahm- In favor: For the same reasons, plus the Slider being there without any deck could prove to be a safety hazard in the future.
Phillips—In favor: The strict application would create a new hardship, but a skinny walkway with a deck towards the back would just as easily work.
Rutigliano- In favor: The same reasoning. The house is squished into one corner of the lot, and the infringement is not much of an issue based on the property's basic location.
Harger- In favor; the continuance of the nonconforming lot, and the use of that continuance as cited by regulations. Nothing is changing as far as going further into the setback. It's moving further away from it. This deck and the side of the house it's on are not the parts in contention. The backside yard setback is not contingent, only the side. And that's why we see it moving further away from the existing landing and stairs. There are fewer setbacks.
Variance approved.

2024-07 Motion to continue to next month made by Lahm. Seconded by James. Board in favor of continuance.

NEW BUSINESS – Harger questioned if there was any new training available. Byrne said, not yet.
ADJOURNMENT – 10:23 p.m.