

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – July 15, 2021

Board Members: Present - Frank Bowles, chair; Sue Ryan, Lynne Parshall, Judith Timchula

Alternate Board Members: Present Helena Whitte

Absent: Bill Malcolm, Sue Ryan

Staff: David Robbins, Zoning Administrator;

Public: Margaret Caldwell, David Mather, Lindsay Mather

Chair Frank Bowles called the meeting to order at 7:30 pm. Minutes of the June 29th, 2021 meeting were approved on a motion by Lynn seconded by Judith.

Frank appointed Helena Whitte to sit as a regular member.

Frank, noting that there were only four Board members, asked the applicants if they wished to proceed without a full Board. The Zoning Administrator stated that for a motion to pass the Board it requires an affirmative vote of three members. Both applicants agreed to going without a full Board.

Application #2021-ZB-34 –Tim and Margaret Caldwell (Tax Map 409 Lot 85) 2 Baker Hill Road

The Caldwell's have applied for a Variance from section(s): 5.13, 5.14, 5.15. To construct a new garage and a ramp for access to the residence. The garage will have 384 sf of intrusion into the setback but adds a total of 576 sf of footprint and lot coverage. The ramp will add an additional 95 sf of lot coverage.

Margaret gave the Board a short overview of the project stating that in planning for the future they decided that they needed covered parking and a ramp to replace the stairs into the house.

There were no members of the public present for the hearing and none provided comment prior to the hearing.

The Board asked several questions to clarify the plans.

The Zoning Administrator stated that there was an area on the property that was defined by FEMA as a Flood Zone but based on the LIDAR data the proposed garage was at higher elevation than the flood elevation.

The Board entered deliberations.

Frank noted that it would be a basic point of operations that the Zoning Administrator would be permitted to comment during deliberations. Frank had written proposed findings for the board to start their deliberations. The Board amended the proposed language and adopted on the following findings:

The house was built in 1840 so it predates zoning

House has a footprint of 2,321sf and an existing deck has an area of 64 sq. ft.

The garage will add 576 sq. ft. to both footprint and lot coverage. The ramp will add an additional 95 sq. ft. of lot coverage. For the purposes of the calculations, the ramp was treated as a deck.

Lot allows 369sf. footprint and 2.213 sq. ft. lot coverage.

The revised structure exceeds the allowable dimensional controls in the Lyme Center district and is greater than would be allowed under as Special Exception granted under section 8.20 and thus requires a variance.

The current access to the house makes it difficult for elderly or handicapped people to gain entrance. The parents of the property owners have to be carried into the house.

The Board reviewed the variance criteria and found the following:

Not contrary to the public interest: increases public safety by allowing vehicles to turn around on the property rather than having to back in Baker Hill Rd.

The spirit of the ordinance is observed: the house predates zoning and the proposed garage cannot be located elsewhere on the property. The ordinance provides for a variance as a remedy for additions and modifications which accommodate the needs of the owners and which do not have a negative impact on others.

Substantial Justice is done: Garages and/or barns are common in the Lyme /center district so the increase in built space on the subject lot is in keeping with the character of the area. The changes to snow removal and parking will increase safety on Baker Hill Rd.

The values of surrounding properties are not diminished: construction of the garage and handicapped access has no impact on neighboring properties.

Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship: 5A: the conditions of the property are unique due to its size and location and the proposed use is reasonable.

Frank moved to approve the variance based on the Boards findings.

Judy seconded the motion.

Frank called for a vote and the motion passed unanimously.

Application #2021-ZB-60 –Lindsay Mather (Tax Map 407 Lot 121) 124 Pinnacle Hill Road

Lindsay and Dave Mather applied for a Special Exception under section: 8.22 to construct a 300sf addition to the rear of an existing barn.

David Mather described the project to the Board. He is proposing to build a 300sf lean-to on the back side of the existing barn. Because the barn, originally constructed in the 1970s was built entirely within the road setback the entire addition would be in the road setback. He noted that the barn had an addition built in the early 2000s that had been approved by the Zoning Board.

The Zoning administrator explained to the Board that the property had been subdivided in 2008 but the Zoning Administrator at the time had not completed the paperwork for the tax map. The current tax map, provided to the Board showed the undivided lot. He had performed the lot size calculations for the subdivided portion of the lot and the addition to the barn would not exceed the maximum building footprint or the lot coverage.

Lynn asked if it was a building and needed approval. Noting the definition of building and structure in the Ordinance the Zoning Administrator he believed it fit those definitions.

In deliberations:

Using proposed findings written by Frank, the board to start their deliberations. The Board amended the proposed language and adopted on the following findings:

The barn was built in the 1970's and predates zoning. 384 sf was added in 2003. The structure has a current area of 768 sf and is entirely within the front setback of the road.

The 2003 addition used 384 sf of the allowable 1000 sf, so 616 sf is available.

The proposed addition is a 300sf lean-to addition to the back side of the barn. This leaves 316 sf available for future expansion.

The allowable lot coverage is 17,026 sf and maximum allowable building footprint is 2828 sf. The proposed structure does not conflict with the dimensional controls since it has a total area of 1068 sf.

The Board reviewed section 8.22 and found that the conditions were met.
The Board then reviewed section 10.40 and also found that the conditions were met.

Lynne moved to approve the Special Exception based on the Boards findings.
Judy seconded the motion.
Frank called for a vote and the motion passed unanimously.

The meeting adjourned at 8:22 pm.

Respectfully submitted
David A. Robbins
Lyme Planning and Zoning Administrator.