



Town of Lyme  
Zoning Board of Adjustment



Your Guide to the ZBA and the Appeal Hearing Process



## Your Permit Was Denied - Now What??

You filled out all the paper work, you gathered all the requested documentation—and the Zoning Administrator denied your building & zoning permit!! Hang on, there are still possibilities.

Lyme's Zoning Ordinance specifies the conditions that must be met in order to receive a permit from the Zoning Administrator. If your application does not meet these conditions, it cannot be approved directly by the Zoning Administrator and must be denied.

You may then make an appeal for review and approval by the Zoning Board of Adjustment (ZBA) within 21 days of the denial. The Zoning Administrator will send you a letter explaining why the application requires ZBA approval, and an application for an appeal will be provided.

### Should I Appeal the Denial?

Review of the Zoning Ordinance and talking with the Zoning Administrator will help you decide if and how to appeal. The Ordinance can be reviewed in the town offices, or a copy may be purchased for \$3.

There are three main types of appeals: *Special Exception, Variance, and Administrative Appeal.*

*Special Exception* - Under certain circumstances, an application will require a Special Exception. This is spelled out in the Ordinance. If you meet the conditions of the special exception, the ZBA will likely grant your appeal. Your permit denial letter refers to Ordinance sections which may provide you with a Special Exception.

*Variance* - If there is no Ordinance provision for your proposal, either as a permitted use or permitted by Special Exception, you may apply for a Variance. To apply for a Variance, your appeal application must address *all* of the requirements referenced on the Application for Appeal form.

*Administrative Appeal* - If you feel that the Zoning Administrator denied your permit application in error, you may request an Administrative Appeal. It's not personal—the Administrator can help you file the appeal.



## How Do I Appeal to the ZBA?

- 1.) Review the Zoning Ordinance.
- 2.) Submit a completed Application for Appeal form to the Zoning Administrator. Cite sections in the Zoning Ordinance to make your case!! The Zoning Administrator will help you.
- 3.) Provide a mailing list of your abutters including their tax map & lot numbers and any holder of a conservation or preservation easement, or agricultural preservation restrictions on your and abutters' property. This information is available at the Selectmen's office.
- 4.) You must pay a \$40 fee to cover the hearing costs.

### Preparing for the Hearing

The Zoning Administrator will provide your *Application for Appeal* and all relevant documents to each member of the ZBA. A public hearing will be scheduled for your appeal. It must be scheduled within 30 days from your appeal request unless the request is submitted less than 10 days before the regular ZBA meeting. The ZBA typically meets on the third Thursday evening of the month.

The Zoning Administrator must also send certified notices of the appeal hearing to your property's abutters and interest holders, post notices in Town, and submit a legal notice for publication in the Valley News.

### What are the Procedures in a ZBA Hearing?

Your hearing will be scheduled for a set time. (However, sometimes the preceding hearing runs over, and your hearing might start a little bit late. Please be patient—everyone wants to be heard.) The Board's Chair opens the hearing, and Board members are introduced to you. The Zoning Administrator then presents your case including any calculations, dimensional data, and other factors that are relevant to criteria in the Ordinance. You should look through the Zoning Ordinance to review definitions and applicable sections so you will have an understanding of the hearing discussion.

The ZBA Chair will then ask if you have anything more to add. Attending abutters and interest holders in your property will also be allowed to speak. These people

may submit letters to the ZBA if they are not able to attend the hearing. ZBA members may also ask questions to clarify their understanding of the application.

After all public comment is taken, the ZBA will go into "deliberations." The public does not participate in this discussion although they remain in the room to listen. The ZBA may request additional information during this time.

And finally, the ZBA makes a decision about your appeal. If the appeal is granted, it may be granted subject to you the applicant providing more information or meeting certain requirements. For example, the ZBA might approve your appeal subject to you submitting a State approved wetlands permit for your proposed alligator farm.

The ZBA has written Rules of Procedure as guidance for holding hearings. This document is available at the Selectmen's office, and you are welcome to read it there or purchase a copy.



### Who is on the ZBA?

The Zoning Board of Adjustment or ZBA is a group of residents from Lyme. You may know some of them. They volunteer their time to listen to cases like yours. Their job is to interpret the Zoning Ordinance and listen to appeals and make decisions based on the Zoning Ordinance. They don't write or amend the Ordinance—that's the Planning Board's job.



### Questions?

Feeling stressed about the hearing process? Call the Zoning Administrator to answer any questions you might have. ZBA members are not allowed to discuss specific cases with applicants like you or with other ZBA members—except during the public hearings. Remember, the ZBA members are just people from Lyme like you.