



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 a virtual regular meeting
on September 17, 2020 at 7:30 p.m.

MEMBERS PRESENT: David Lahm, Chairman, John Kiker, Jack Sulger, Fred Harger, Toni Phillips (alternate present seated for absent regular member Winnifred Gencarella), Judy Davies (alternate present but not seated), Anna James (alternate present but not seated, entered meeting 7:35 p.m.), Ross Byrne ZEO, and Jennifer Thomas Secretary.

Lahm called the meeting to order at 7:30 p.m.

Lahm asked for any comments or corrections to the minutes from the November 21, 2019 meeting. With there being none, the minutes were accepted.

Harger read the public notice.

2020-01 Kathleen Pfannenstiel, 13 Oakland Ave Tax Map 27 Lot 2; an application for a variance to construct a roof on an existing deck. The deck is entirely within the 100 ft. Gateway Conservation District setback as defined in Chapter 315, Article 14.2 of the Zoning Regulations.

Lahm read into the record Section 8-6(3) of the Connecticut General Statutes the five (5) requirements that must be met before a variance can be granted.

2020-01 – Kathleen Pfannenstiel, 13 Oakland Avenue, Tax Map 27 Lot 2.

Present at the meeting: Kathleen Pfannenstiel and Jim Powers.

Harger read the application, appeal, and denial.

Lahm read into the record Chapter 315 Article 14.2 Setback from water bodies.

Lahm asked Byrne if the certified mailing receipts had been received and Byrne stated that he has received the receipts.

One letter of support was received and was read into the record by Harger.

Pfannenstiel explained the proposed project, which includes adding a roof to an existing deck and removing an existing structure with roof that houses kayaks, etc.

Powers explained that the platform will have a 36-inch handrail around the perimeter.

Lahm questioned how high the structure will be and Powers stated that it will be under the 15 foot requirement, but the thought was about 12 feet.

Lahm asked Pfannenstiel to explain what she sees as the hardship that prevents her from using her land. Pfannenstiel explained that the current kayak storage area is at a greater distance from the house and more subject to items being taken or stolen. The proposed area has security cameras. Lahm stated that is a benefit but not a true hardship.

Pfannenstiel also mentioned having a shaded area to sit would allow her to enjoy that part of her property and Lahm explained that there are other areas of her property to enjoy in this was and this was also not a hardship on the land.

Harger asked Lahm to read the hardship stipulations once more for clarification and Lahm complied, reminding the applicant that the burden is on the applicant to prove that hardship.

Pfannenstiel noted that by removing the second structure entirely she is reducing the total square footage of structures within the 100-foot setback and is removing the roof on one structure to add a roof on the remaining platform.

Kiker asked Byrne for his thoughts and Byrne stated that he believes the application should be seen by the Zoning Board of Appeals but sees the removal of one structure as a positive.

Harger asked Pfannenstiel to clarify that if the applicant wanted a structure near the water with a roof on it, she would be able to rebuild the existing structure that has a roof but then the property would still have two structures rather than the one that is being proposed and Pfannenstiel agreed that would be the case.

Lahm asked Pfannenstiel to explain what would happen to the land once the structure is removed and she stated that it would revert to its natural state.

Lahm stated that he does not see a hardship but there is an opportunity to better the cove by the complete elimination of the structure on the northwestern corner of the property and the addition of a roof of no more than 12 feet on an existing structure.

Lahm called for any further questions.

Phillips noted that the last application seen last November for this property did not show the structure on the northwestern side of the property and Harger stated it was not on the assessor's map either.

Lahm entertained a motion to approve the variance for construction of a roof over the footprint of the existing platform not to exceed 12 feet in height and that the auxiliary structure on the northwest section of the property be completely removed and the land allowed to return to its natural state.

Harger made the motion, seconded by Sulger. Phillips in favor, Kiker in favor, Sulger in favor, Harger 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.

The meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Jennifer Thomas
Lyme ZBA Secretary