

**Town of Lyme**  
**LYME ZONING BOARD OF ADJUSTMENT**  
**Minutes – October 18, 2012**

**Board Members:** Present - Frank Bowles, Walter Swift, Rob Titus, Bill Malcolm

**Alternate Members:** Present - None

**Staff:** David Robbins, Zoning Administrator

**Public:** Keith Borgstrom

Frank Bowles called the meeting to order at 7:30 pm.

**Minutes:** Minutes of September 20, 2012 were amended and approved

**Application # 2012-ZB-060 Keith Borgstrom (Tax Map 401 Lot 75) 61 River Road in the Rural District.**

Chairman Bowles informed Mr. Borgstrom that only four Board members were present and that he could request that the hearing be continued until a full board could convene or he could proceed with a four member Board. Mr. Borgstrom wished to be heard by the four member Board.

Mr. Borgstrom has applied for special exceptions to construct a 10' X 12' garden shed. The proposed location of the shed will be in the side and road setbacks and the additional footprint will exceed the maximum allowed lot coverage. The Lot size calculations are as follows:

Total lot size after reductions	17,204 square feet
Maximum Lot Coverage	2,064 square feet
Maximum Building footprint	344 square feet
Current Lot coverage	3,460 square feet

In 1995 an addition to the deck used 720 square feet of the 1000 square feet of expansion allowed under section 8.25 leaving 256 square feet for future expansion.

Mr. Borgstrom was issued a permit to build an addition to the house in 1997, he had expected to have to obtain Zoning Board approval but was told by the Zoning Administrator at that time, because the addition was to enclose space occupied by the deck, he would not need Zoning Board approval. Mr. Borgstrom stated that approximately 40 ft<sup>2</sup> of the addition did not occupy previous deck space. Mr. Borgstrom stated that there was some confusion with the Zoning Administrator, at that time as to whether a deck without a roof was to be included in lot coverage.

The Zoning Administrator gave testimony that the majority of the property was located in the Shoreland Conservation District. The only place that the shed could be placed outside of the Shoreland Conservation District is on a small sliver of land near the garage where Mr. Borgstrom has proposed to locate the shed.

Deliberations: The board considered the issue of if a deck did not have a roof, should it be considered part of the Lot coverage. Bill and Walter had gone back and forth with this issue over the years but both felt that a deck without a roof should be included as part of the lot coverage. Frank and Rob agreed. The Board asked the Zoning Administrator to ask the Planning Board to consider clarifying decks in the Ordinance.

The Board discussed the issue of the 40 ft<sup>2</sup> that had not been approved by the Zoning Board. The Board felt that this should be included in the lot coverage calculation to determine how much of the 1000 ft<sup>2</sup> of additional lot coverage allowed under section 8.25. The Board concluded that a total of 760 ft<sup>2</sup> of footprint had been used in the 1995 and 1997 additions. This left 240 ft<sup>2</sup> left for future expansion. The current shed application would use 120 ft<sup>2</sup> leaving 120 ft<sup>2</sup> for future expansion. The Board reviewed section 10.61 Equitable Wavers, to see if it would be

necessary at this time. The board concluded that because the 120 ft<sup>2</sup> expansion of footprint was still under the 1000 ft<sup>2</sup> maximum allowed under section 8.25, If the applicant needed over the remaining 120 ft<sup>2</sup> of lot coverage for a future project he could apply for an Equitable Waiver at that time.

Walter crafted a motion as follows:

The Lyme Zoning Board of Adjustment grants special exceptions under sections 8.25 and 8.23 to Keith Borgstrom at 61 River Road, Tax map 401 Lot 75 to construct a 120 ft<sup>2</sup> shed to be located and build as per the plans submitted with the application and dated 09/18/12 with the following finding of facts:

- At the time of the passage of the Ordinance the residential building footprint was 2100 ft<sup>2</sup>, the garage footprint was 480 ft<sup>2</sup>, and total lot coverage was 2580 ft<sup>2</sup>. This was over the allowed lot coverage of 2060 ft<sup>2</sup>.
- In 1995 the Zoning Board approved a 720 ft<sup>2</sup> expansion for a deck.
- In 1998 under the approval of the Zoning Administrator the applicant added a 216 sf<sup>2</sup> addition, all but 40 ft<sup>2</sup> used area that was occupied by the existing deck.
- Virtually the entire lot is located in the Shoreland Conservation District.
- The proposed location of the shed is not in the Shoreland Conservation District.
- The Board found that the Building Permit issued in 1998, representing 40 ft<sup>2</sup> of net residential building footprint was issued by an error in applying the ordinance by the Zoning Administrator.
- The proposed shed meets the requirements of section 8.23(a) because the proposed location is the only area that is not within the Shoreland Conservation District.
- The proposed shed meets the requirements of section 8.23(b) because the addition of the sheds footprint to the lot will not exceed the 1000 ft<sup>2</sup> allowed under section 8.23(b).
- The proposed shed meets the requirements of section 8.23(c) because the principal structure was built in 1961, prior to the adoption of Zoning.
- The proposed shed meets the requirements of section 8.25(a) because the addition of the sheds footprint to the lot will not exceed the 1000 ft<sup>2</sup> allowed under section 8.25(a).
- The proposed shed meets the requirements of section 8.25(b) because the addition of the sheds footprint to the lot will not exceed the 7000 ft<sup>2</sup> maximum building footprint allowed in the rural zoning district.
- The proposed shed meets the requirements of section 8.25(c) because the principal structure was built in 1961, prior to the adoption of Zoning.

Conditions of the approval will be as follows:

- Best construction practices will be used including for sedimentation control.
- The Shed shall be built substantially as per the plans

Bill called the motion and Rob seconded it. Frank asked for a vote and all four members voted for approval.

The meeting adjourned at 8:52pm

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