

Town of Lyme
LYME ZONING BOARD OF ADJUSTMENT
Minutes – March 28, 2015
Site Visit Greenway Property 1 Orfordville Road (Tax Map 407 Lot 107)

Board Members: Present - Frank Bowles, Walter Swift, Alan Greatorex

Absent - Bill Malcolm, Rob Titus

Alternate Members: Present- Michael Woodard, Dan Brand

Staff: David Robbins, Zoning Administrator

Public: Blake Spencer, Matthew Greenway, Hayes Greenway

Continuation of Application #2015-ZB-09, Blake Spencer (Tax Map 407 Lot 107) 1 Orfordville Road in the Rural District.

Blake Spencer, on behalf of Hayes and Matthew Greenway, has applied for a special exception under section 8.23 to build a 672 sf garage in place of an existing 400 sf stable which sits eight feet from the Orfordville Road. The stable will be moved to a new location entirely out of the road setback area. They also wish to build a 960sf studio, of which 560sf will be within the road setback. They are seeking to use the 400sf of the stable footprint as “grandfathered” footprint to offset the expanded footprint of the new garage.

Frank called the meeting to order at 8:30 am.

The applicant had staked out the proposed location of both the garage and the studio. The proposed location is on the edge of a drop in elevation. The proposal is to be able to enter the first floor of the studio from the south and the basement will be a walkout to the lower elevation. Walt asked about moving the entire building out of the setback and onto the lower elevation. Hayes stated that the studio space would be used both Matthew and his elderly mother and that they wished to have the location close to the existing house to allow for easy access. She also expressed a desire to have the building set in such a way that it would not protrude into the view of the pond from the existing house. Blake noted that a majority of the buildings in the area were within the road setback and this was keeping with the character of the neighborhood.

Walt asked where the setback was referenced from. The applicant had used the edge of the roadway based on talks with the Zoning administrator. Walt was concerned that the actual road right of way was closer to the house than the edge of the road. He quoted the definition of “setback”;

SETBACK. The minimum horizontal distance from the property lines established by the requirements of this ordinance. It is defined by a line which runs parallel to a property line. The area between the property lines and the minimum setback line shall remain unoccupied by structures. Road setbacks are measured from the road rights of way lines where such lines are known and otherwise from a line which is 25 feet from the centerline of the road. Where a lot fronts on two or more roads, the minimum setback shall apply to each of the roads. See Table 5.1.

He stated that the setback should be measured from a point 25 feet from the center line of the road. Alan suggested that because of a stone wall across the street the right of way may be less than 50'. After measuring from the stone wall to the approximate center line, Alan concluded that that the road was most likely a 2 rod (Rod = 16.5 feet) road. Walt felt that this should be researched more. Frank suggested that the Zoning Administrator consult “Highways and Trails in the Town of Lyme” by Richard G. Jones to see if the road width was listed. Walt also suggested that the land description in the deed be reviewed to see if it could be used to locate the edge of the property line.

Walt moved and Alan seconded the motion to go into deliberations.

Frank called for a vote and the motion passed unanimously.

Frank asked the Board about handicap status, as the applicant had testified that the studio use would involve a person that is elderly and that placing the studio in the field would make access difficult for them. Frank felt that this was a severe limitation to where the studio could be placed and suggested that the board could grant a waiver under section 10.62.

Walt stated that the board needs a plot plan of the property showing distances to structure edges, setbacks and proposed structure locations, location of well and septic and several datum points showing the edges of the existing building platform and the elevation of the corners of the proposed structures. The outline plan of the structures should show door locations. Plan needs north arrow and should be drawn to scale.

The Board exited deliberations.

Frank asked the applicant if they would be willing to consider a covered walkway between the existing house and the proposed studio. This would make the studio an addition to an existing non-conforming structure and may be easier to allow under the zoning.

Hayes stated that they had considered this but felt that the large structure would be inappropriate for their property,

Blake stated that most of the discussion had surrounded the studio but to determine the amount of expansion in the setback, wherever that may lie, he would first need to know if the Board considered the existing 400 square foot stable to be used as existing footprint that could be applied to the new garage.

Walt suggested that the Board go into deliberations and see if they could settle the issue.

Walt moved to go into deliberations.

Frank seconded the motion and called for a vote, the motion passed unanimously.

Walt stated that he believed that the 400 square feet should be considered a credit because he considered that there was no difference between removing the stable and building a bigger garage on the same location as it would be to approve enlarging the stable. He therefor moved to grant the 400 square feet of the stable as a credit towards the building of the garage on the same location.

Frank seconded the motion and called for a vote, the motion passed unanimously.

Frank moved to continue the hearing to April 16th at 7:35pm

Mike seconded the motion

Frank called for a vote, the motion passed unanimously.

The meeting adjourned at 9:36 AM.