

Town of

P.O. Drawer 519
Zoning Department



East Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357
(860) 691-4114
Fax (860) 691-0351

DATE: September 3, 2020
TO: Matthew Walker, Chairman, East Lyme Zoning Commission
FROM: William Mulholland *WM*
RE: Proposed Waiver of Ownership of Right-of-Way
92 Old Black Point Rd

The applicant, Carol York, is requesting that the Commission grant a waiver of the ownership of the right-of-way for a rear lot on the property identified in the application as 92 Old Black Point Road.

The applicant is proposing a one lot subdivision to create a backlot to the rear of 92 Old Black Point Road. A twenty-five (25') foot wide access way is required for a back lot.

Section 20.8 of the Zoning Regulations provides criteria for such lots. It states that:

BACK LOTS – Notwithstanding the minimum frontage requirements for each district back lots are permitted in any zone. Lots created after August 9, 2002 shall have a minimum of 25' frontage on an accepted or approved street and be accessible by a 25' wide permanent, unobstructed access-way of the same ownership. The ownership requirement may be waived by the Zoning Commission by a two-thirds vote of all members upon demonstration by the applicant that the physical features of the property preclude strict compliance with the requirement and that the granting of the waiver will not have a significantly adverse impact upon adjacent property, the environment, or the public health and safety. The following additional requirements shall be met for the creation of back lots:

- A. The minimum lot width at the building line shall be equal to the frontage requirement specified for the district.
- B. The area of the access-way shall not be included in the minimum required area of the lot.
- C. The maximum length of the access way measured from the street line to the front building line of the back lot shall not exceed 1000 feet.
- D. No back lots shall be created on the following streets (Rte. 1, Rte. 156, & Rte. 161) unless access is combined with a driveway serving a lot which fronts on the street.

- E. Lots created using a cluster/open space design which have less than the required average frontage shall not be considered back lots as long as the average frontage requirement for the entire subdivision is met.

The granting of the waiver would allow the use of a "right-of-way" which eliminates the creation of another property line. The elimination of the line resolves potential setback issues from an existing home and allows the proposed subdivision to move forward.

MOTION TO APPROVE: Move to Approve the Request of Carol York, Owner, for a Waiver of Section 20.8 of the East Lyme Zoning Regulations Ownership Requirement for access to a proposed subdivision lot at 92 Old Black Point Road.

MOTION TO DENY: Move to Deny the Request of Carol York, Owner, for a Waiver of Section 20.8 of the East Lyme Zoning Regulations Ownership Requirement for access to a proposed subdivision lot at 92 Old Black Point Road.