

TOWN OF WESTON, CONNECTICUT
ZONING BOARD OF APPEALS HEARING
January 25, 2011

MINUTES

Present: Board Members: Chairman MacLeod Snaith, Vice-Chairman Richard Wolf, Nick Noyes, Robert Gardner, Jeff Tallman and Alternates: Ken Edgar and John Moran

Mr. Snaith opened the public hearing at 7:35 p.m. Tracy Kulikowski, Land Use Coordinator, read the agenda into the record. Mr. Snaith then explained the procedure to the applicant.

69 GEORGETOWN ROAD, owners, HERRE, JAMES and THOMPSON, TERESA, Map 1, Block 2, Lot 36, Variance to Sections 321.5, 312.1(a) and 374 of the Zoning Regulations to allow the construction of a new masonry chimney on a nonconforming building that will be set back 38.5 ft. from the front property line

Voting Members: Snaith, Wolf, Noyes, Gardner, Tallman

Paul Harris, architect with Paul Harris & Associates in Westport, came forward to present the application for the owners. He explained that there was a typo in the application and the number should be 38.2 ft., so they are seeking a variance for approximately 11 feet to build a fireplace. He then presented the plans and gave an overview of the project for the Board Members. He explained that the current fireplace is a prefabricated fireplace put in when renovations to the building were done and after 10 years, it is not in great shape and not very energy efficient. They propose to replace the existing fireplace with a masonry fireplace and in order to do so, they would like to build it slightly larger and make it safer and more practical. Mr. Harris indicated that they would need about 20 sq. ft. for the 2.5 ft. x 8 ft. structure. He also noted that the front setback goes through the entire building and anything that they would want to do to the house would require a variance, outside of the existing structure. Mr. Harris then noted the hardships as the pre-existing, nonconforming building and there is no other practical location for the fireplace. Discussion ensued and Board Members asked clarifying questions.

Following discussion and hearing no comment from the public, Mr. Snaith closed the public hearing.

Deliberations:

Mr. Noyes opened deliberations by noting that this application is not asking for a variance to increase the pre-existing nonconformity of the setback in the front so it is not a major increase in the non-conformity. The slight increase in the non-conforming footprint is the 30 inches extending out for the chimney and Section 312.1(a) allows for 36 inches so he believes it to be a reasonable request. Mr. Snaith noted that the lot is also non-conforming with less than 2 acres which is contributing to the hardship. Mr. Gardner noted the safety issue as well, but felt the nonconformity was the real hardship.

MOTION FOR APPROVAL

Mr. Noyes made a motion to approve the variance to Sections 321.5, 312.1(a) and 374 for 69 Georgetown Road, to construct a masonry chimney that will be set back 38.2 feet from the front property line and as shown on plans dated 12/17/10 and prepared by Paul Harris & Associates, based on the hardship of the pre-existing nonconforming lot and building location, as well as the fact that there will be no increase in the nonconformity. Mr. Gardner seconded the motion. All in favor, the motion carried (5-0).

APPROVAL OF MINUTES

Mr. Wolf made a motion to approve the Minutes from the November 23, 2010 meeting, as amended, and Mr. Edgar seconded. All in favor, the motion carried (5-0).

MOTION TO ADJOURN

Mr. Noyes made a motion to adjourn the meeting and Mr. Snaith seconded. All in favor, the meeting adjourned at 9:00 p.m.

Respectfully submitted,

Delana Lustberg
Board Secretary