

TOWN OF WESTON, CONNECTICUT
ZONING BOARD OF APPEALS HEARING
May 26, 2009

MINUTES

Present: Board Members: Chairman Richard Wolf, Vice-Chairman MacLeod Snaith, Nick Noyes, Carolyn Mulcahey, and Alternates: Marianne Murray and Ken Edgar

Mr. Wolf opened the public hearing at 7:35 p.m. The Board Secretary read the agenda into the record. He then explained the public hearing procedure to the applicant.

159 GODFREY ROAD EAST, OWNERS, CONLON, RICHARD & TERESA KENDREGAN, Map 15 Block 2, Lot 8, variance to Sections 321.5 and 374 of the zoning regulations to construct a 20 ft. by 24 ft. addition on an existing nonconforming residence with front yard setback of 18.5 ft.

Mr. Conlon came forward to discuss the application. He noted that at the last meeting, they did not focus enough on the topography of the property. There is a pond in the middle of the property and on the east and west the land slopes up into two different cliffs. At the last meeting, the Board had asked for a reduction in the relief that they were seeking by either moving the building back a little from the road or reducing its size, and meeting the side setback. Mr. Conlon presented the revised plans and noted that they reduced the overall footprint by 19% and now conform to the side setback. Also, there was a proposed porch on the back of the addition which they have eliminated and also eliminated the proposed fireplace and chimney. Mr. Conlon also addressed the concern about the pool equipment and explained that the pool heater will either be relocated or eliminated if it cannot be placed within the setback.

Mr. Snaith commented that his questions have been answered. Mr. Edgar commented that the current plan is responsive to the things that the Board had asked for at the last meeting. Ms. Murray noted that they have minimized the encroachment and addressed all the concerns expressed at the last meeting. Mr. Noyes commented that there is no practical way to move the pool so the elimination of the porch and opening it up, the applicant has achieved what the Board was hoping to see. Ms. Mulcahey stated that she concurred and had the least problems with the application to begin with.

The public hearing was closed at 7:48 p.m.

88 LYONS PLAIN ROAD, owners, MCGINNIS, PETER J. & CHESMAN, MELISSA H., Map 27, Block 1, Lot 35, variance to Sections 321.5 and 374 of the zoning regulations to construct additions to an existing non-conforming residence with a front yard setback of 31 feet.

Mr. Wolf recused himself from the discussion because he is a neighbor on the other side of the river. Mr. Snaith took over as vice-chair.

Ms. Chesman came forward and explained that they bought a small antique prior to having children. Their builder was previously before the board in 2005 when they were doing renovations because the house was falling apart. At that time, they had one child and knew that they wanted second so they made it a 4-bedroom house. They now have 3 children, Mr. McGinnis has a new job that requires him to work at home and she has also started working from home so they need more space. The Board then reviewed the plans while Ms. Chesman explained the proposal.

Ms. Chesman noted that 95% of the house is in the setback. She showed pictures of the existing conditions and discussion ensued regarding the interior layout of the house. Ms. Chesman explained that the house is on the flat part of the property at the top and then slopes down to the river and gets really steep at the end. Mr. Edgar questioned whether they had considered placing the proposed extension to the right at the rear of the house which would not increase the footprint on the road. Ms. Chesman explained that the architect recommended the most appropriate and least costly proposal. Mr. Snaith commented that this is a situation that preexists zoning, it is in the historic Lyons Plains area and all of the house is in the setback. Discussion ensued regarding extending to the rear of the house.

Following discussion, Mr. Snaith stated that if there are reasonable alternatives, they need to explore those. He noted that they do have hardships with some topographical constraints and the fact that the entire house is within the setback, but because it seems like there is a reasonable solution that allows them to expand, although it may not be exactly the way they want it, the Board would be hard-pressed to find a hardship. Discussion continued.

Following discussion, the sense of the Board was that there are alternatives and the application would be denied if they were asked to vote on it tonight. Ms. Chesman then decided to withdraw the application and re-apply at a later date.

DELIBERATIONS:

159 Godfrey Road East:
(Voting Members: Snaith, Noyes, Mulcahey, Murray and Edgar)

MOTION FOR APPROVAL:

Mr. Edgar made a motion to approve the application for a variance to sections 321.5 and 374 of the zoning regulations to construct an addition to an existing nonconforming residence as shown on a plot plan prepared by Leonard Surveyors, LLC, dated 4/21/09 and revised 5/4/09. Further reference is made to the proposed first floor plan, prepared by MRJB Home Designs, as part of the modification, dated 4/30/09 and received by the Board on 5/26/09. The hardships are based on the preexisting nonconforming dwelling with topographical features preventing reasonable modifications that did not further impinge on setbacks. Ms. Murray seconded the motion. All in favor, the motion carried (5-0).

APPROVAL OF MINUTES:

Mr. Noyes made a motion to approve the minutes from April 28 and Mr. Snaith seconded. All in favor, the motion carried (5-0).

MOTION TO ADJOURN:

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

Respectfully submitted,

Delana Lustberg
Board Clerk