

TOWN OF WESTON, CONNECTICUT
ZONING BOARD OF APPEALS HEARING
November 27, 2012

MINUTES

Present: Board Members: Chairman MacLeod Snaith, Richard Wolf, Jeff Tallman, Robert Gardner and Alternates: John Moran, Glenn Van Deusen and Marilyn Parker

Mr. Snaith opened the public hearing at 7:30 p.m. The Board Secretary read the agenda into the record.

12 GLORY ROAD, owner, RONNI ARKIN, Map 13, Block 6, Lot 19, Variance to Section 321.6 to allow a pool to remain 26.8 feet from the side property line, a spa to remain 19.9 feet from the side property line and the pool equipment to remain 3.9 feet from the rear property line.

Mr. & Mrs. Arkin and Larry Weisman, Esq. came forward to present the variance request. Attorney Weisman explained that they built the pool in 1987 and presented copies of letters and the pool permit. He explained that there had been a property line issue between the Arkins and the neighboring property owner, Mr. Gunn. When a title search was done, a discrepancy on the line was discovered and they decided to cut the area in question down the middle and re-established a new property line boundary. When that occurred, it made the pool location 28.7 feet from the side property line. They are asking for a variance for that few feet that it encroaches into the setback. Attorney Weisman also noted that the Arkins have a pre-existing non-conforming lot and the pool has been there for 25 years without anyone realizing that it was encroaching and it was just discovered when they applied for permits to do work on the house and an A-2 Survey was done.

Attorney Weisman then addressed the pool equipment that sits behind the stone wall and noted that the pad and pool equipment have been there since the pool was built. The equipment has been replaced recently but in same place as it always has been, 3.5 feet from the property line. Neighbors have building lot and think property will be affected by having that pool equipment in that location. He also explained that it is hard to find another place on the property to put the pool equipment and it should be allowed to stay in its current location since it has been there for over 20 years. Discussion ensued.

Attorney Weisman then addressed the hardships noting the pre-existing non-conforming lot and the uncertainty about the property lines for years. Mrs. Arkin also noted that they put their trust in the building inspector and pool contractor and have had it that way for 25 years.

Curtis Gunn, 16 Glory Road, commented that he has lived here for 26 years and the Arkins have been great neighbors. He was taken aback when he learned that the shed and fence were on his property, but they have worked that out and he would completely support the variance. Although the lots are small, the pool and equipment have been there for 25 years and it has not adversely affected him.

Wendy DeMonchaux and David MacWilliams, 9 Hills End Lane came forward and noted that they own the wooded lot to the east of the Arkin's property. She noted that there are wetlands back there and she has concerns that the pool equipment is 3 feet from property line. She further noted that the pool equipment is quite visible and they now see it when then drive into their driveway. They also pay taxes on the lot as a buildable lot, but if there were to be a house built there, the people would look right at the pool equipment. Ms. DeMonchaux stated that her interest is to have things try to conform closer to the rules and also to have some type of screening between the pool equipment and their property.

Mr. Arkin commented that the slab is in the original location and has never been changed, and the equipment has become more visible because they had done some clearing in the wood. He also noted that they would be willing to put trees up for screening.

Mr. MacWilliams commented that he doesn't really have an issue with the pool or spa, they have been there for 25 years. His issue is more with pool equipment and how close it is to the property line.

Mr. Gunn commented that he has only seen the pool equipment in that current location.

Mr. Snaith reviewed the stated hardships as the undersized lot and the fact that the pool has been there for longer than 21 years. Mr. Tallman questioned whether the Town is to fault for the issue and discussion ensued.

Following discussion, the public hearing was closed at 8:19 p.m.

DELIBERATION

Voting Members: Wolf, Snaith, Gardner, Jeff, Moran

Mr. Tallman began by commenting that this seems to have been a result of sloppy paperwork on the part of the Town and homeowner. The fact that the neighbor objected to the pool equipment should be enough to not allow that to remain, but he has no problem with the pool location.

Mr. Moran commented that the pool equipment should be moved, it just too close to the line. Whether the neighbors objected or not, he feels it is still too close.

Mr. Gardner stated that he would concur.

Mr. Wolf stated that he was in agreement with the positions of the other board members.

Mr. VanDeusen commented that there were a number of places that the spa could be relocated and felt that the pool equipment should be moved.

Ms. Parker commented that great effort was made to shield the pool equipment for the homeowners but not for the neighbor.

Mr. Snaith commented that while the spa issue is slightly troubling, it has been there for 25 years. He agrees with Mr. VanDeusen that removing the spa would not be a problem and agrees with moving the pool equipment.

MOTION:

Mr. Tallman made a motion to approve a variance to Sec. 321.6 to allow a pool to remain 28.7 feet from the side property line and the spa to remain 21.7 feet from the side property line, but denied as to the pool equipment. The hardship is based on the undersized lot and the pool and spa have been there for 25 years. Mr. Gardner seconded the motion. All in favor, the motion carried (5-0).

APPROVAL OF MINUTES

Mr. Van Deusen made a motion to approve the Minutes from the October 23, 2012 meeting 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. Snaith seconded. All in favor, the meeting adjourned at 8:37 p.m.

Respectfully submitted,

Delana Lustberg
Board Secretary