

TOWN OF WESTON, CONNECTICUT
ZONING BOARD OF APPEALS HEARING
June 28, 2011

MINUTES

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

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

107 LORDS HIGHWAY, OWNER, KURTZ, ROBERT, MAP 20, BLOCK 2, LOT 19
EXTENSION REQUEST TO VARIANCE APPROVAL DATED 5/27/03.

Sylvia Erskine, on behalf of the owners, came forward to describe original proposal and explain that the owners could not complete the project because of financial reasons until after the ZBA approval expired. She stated that there are no changes from the original approval. Mr. Noyes suggested that the approval be extended to one year from obtaining all approvals.

MOTION TO APPROVE EXTENSION OF TIME

Mr. Noyes made a motion to extend the approval for 107 Lords Highway to one year after obtaining all necessary approvals. Mr. Gardner seconded the motion. All in favor, the motion carried (5-0).

118 GEORGETOWN ROAD, owner, LENHART, AUGUST, MAP 3 BLOCK 2 LOT 19
VARIANCE TO SECTION IV A OF THE FLOODPLAIN MANAGEMENT REGULATIONS
TO ALLOW THE BASEMENT FLOOR OF A HOUSE TO REMAIN AT ITS CURRENT
ELEVATION OF 6 INCHES BELOW FLOOD ELEVATION.

August Lenhart, owner, came forward and read a letter he sent to FEMA indicating that the basement is not below the flood elevations. He presented the flood plain map for the Board to review. Tracy Kulikowski, Land Use Coordinator, explained that part of the property is currently identified as a Zone AE and that Zone X is not in the 100 yr. flood plain area. The issue is that the line of Zone AE crosses the back 3 feet of the house. Mr. Wolf stated that he doesn't think the Board should determine where flood plain is and if the applicant approaches this on that basis, they should not hear this application. Discussion ensued.

Following discussion, Mr. Snaith suggested that the discussion be continued pending additional information. Discussion on the application was continued to the next meeting.

32 NORFIELD ROAD, owner, AKERS, SCOTT F., MAP 22, BLOCK 4 LOT 45, VARIANCE
TO SEC. 321.6 OF THE ZONING REGULATIONS TO CONSTRUCT A 2-BAY GARAGE
TO REPLACE A COLLAPSED NON-CONFORMING 1-BAY GARAGE TO BE SET BACK
30 FT. FROM WILLOW DRIVE AND 2) A PORCH/ENTRY WITH SMALL CORNER
WITHIN 48 FT OF WILLOW DRIVE.

Tom Tuttle, architect, representing the owner, and Mr. Akers came forward to discuss the application. Mr. Tuttle explained that the owner wants to replace an existing garage that collapsed during the winter and construct bedrooms to make for a more coherent structure of house. Mr. Tuttle indicated the location of the original detached garage which is now just a concrete slab. The proposed garage would be in the original location, 30.3 feet from Willow Road and the hardship is based on the non-conforming lot of just over $\frac{3}{4}$ acre, with the additional burden of having two 50 ft. setbacks. In order to do bedrooms, they would have to build them over the new garage. Discussion ensued.

Following discussion, Mr. Noyes stated that he would like to have a definitive answer on whether Willow Road is a road or not. The discussion on the application was continued to the next meeting in order to get additional information.

1 NORFIELD ROAD, owners, BALOTESCU, CHRISTIAN & CHRISTINA, MAP 30, BLOCK 1 LOT 1 VARIANCE TO SEC 312.1 , 321.6 AND 321.7 OF THE ZONING REGULATIONS TO CONSTRUCT A SHED ROOF AND POSTS OVER A PATIO TO BE SETBACK 45 FEET FROM NEWTOWN TURNPIKE. THE CONSTRUCTION WOULD INCREASE THE MAXIMUM BUILDING COVERAGE OF THE NON-CONFORMING LOT TO 16%

Paul Harris from Paul Harris & Associates, architect and Mrs. Balotescu came forward to discuss the application. Mr. Harris explained that the owners are trying to create a covered terrace on the west side of house and indicated the location on the plan. He noted that this property is a corner lot with two 50 foot setback requirements. It is a nonconforming lot of approximately $\frac{1}{2}$ acre and the building is maximized at 15% coverage. He explained that anything over that requires a variance and they are asking for a 1% variance to 16% coverage. Discussion ensued.

Following discussion, the public hearing was closed at 9:07 p.m.

Deliberations:

1 Norfield Road:

Mr. Snaith commented that under normal circumstances, he thinks he would have no problem granting a variance because of the lot size and additional corner lot aspect. However, when they look at what the request is, for a porch, not a garage, it seems like a reasonable request. Mr. Noyes questioned the necessity. While the property would qualify for a variance, it is the amenity itself that he has a problem with. Mr. Wolf commented that he has a tough time with the hardship requirement. Mr. Tallman commented that he has a different take on it and it is not his place to say what is more important than something else and they do have two significant hardships on the property. Mr. Snaith stated that he feels that based on what they usually consider in terms of hardship, this meets those conditions. Mr. Noyes stated that he feels that this does not justify a variance. Mr. Gardner commented that based on the hardship of the size of the lot, the nature of the remedy is pretty small, it's not a 10% change, just 1% and they are arguing over something little. He further commented that it seems reasonable, it is out of sight and not extravagant.

MOTION FOR APPROVAL

Mr. Tallman made a motion to approve a variance to sections 312.1, 321.6 and 321.7 of the regulations to allow construction of a shed roof and posts over a patio to extend 5 ft. into setback and to allow lot coverage to go from 15% to 16% as shown on plans prepared by Leonard Surveyors, LLC dated 1/11/02, revised 6/19/07 and 6/10/11 and on as-built and proposed floor plans drawing A101 prepared by Paul Harris & Associates, dated 6/6/11. The hardship is based on the lot size of approximately .514 acres and the restriction of the corner lot setbacks. Mr. Gardner seconded the motion. The motion was voted on and carried (4-1 [Noyes]).

APPROVAL OF MINUTES

Mr. Gardner made a motion to approve the minutes from the January 25, 2011 meeting and Mr. Wolf seconded. All in favor, the motion carried (5-0).

Mr. Wolf made a motion to approve the minutes from the March 22, 2011 meeting and Mr. Noyes 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 9:35 p.m.

Respectfully submitted,

Delana Lustberg
Board Secretary