

TOWN OF WESTON, CONNECTICUT  
ZONING BOARD OF APPEALS HEARING  
July 26, 2011

MINUTES

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

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Mr. Snaith opened the public hearing at 7:34 p.m. The Board Secretary read the agenda into the record. Mr. Snaith then explained the procedure to the applicants.

118 GEORGETOWN ROAD, OWNER, LENHART, AUGUST, MAP 3 BLOCK 1 LOT 19  
VARIANCE TO SECTION IVA OF THE FLOODPLAIN MANAGEMENT REGULATIONS  
TO ALLOW THE BASEMENT FLOOR OF A HOUSE AT ITS CURRENT ELEVATION.

Tracy Kulikowski, Land Use Coordinator, came forward and noted that she prepared a memo on the issue after confusion at the last meeting about what the correct elevation level numbers are. She noted that the engineer submitted a larger plot plan regarding the Zone X vs. Zone A boundary. The applicants have not heard back from FEMA yet and requested that the meeting be continued to August.

32 NORFIELD ROAD, OWNER, AKERS, SCOTT F., MAP 22 BLOCK 4 LOT 45,  
VARIANCE TO SECTION 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 FEET FROM WILLOW DRIVE, AND 2) A PORCH/ENTRY WITH A  
SMALL CORNER WITHIN 48 FEET OF WILLOW DRIVE

Tom Tuttle, builder/designer, and Mr. Akers came forward to discuss the application. Mr. Snaith noted that Tracy Kulikowski has investigated the issue and discovered that Willow Road is technically a road so they are dealing with a corner lot. Mr. Tuttle reviewed the issues noting that it is a corner lot that is nonconforming and the garage collapsed during the winter, and they want to replace that with 2 bay garage. Between the wetlands and the septic, they have no other place to put the garage. Mr. Noyes expressed concern that the 1 bay, 1 story garage is being replaced with a 2 bay, 2 story structure which is 3 times more imposing in the setback area. Discussion ensued.

Mr. Snaith questioned whether the existing residence has a basement and Mr. Tuttle noted that there is a small crawl space with a small area for utilities and the interior of the house has cathedral ceilings with virtually no storage space. Mr. Wolf commented that Willow Road visually reads as a driveway and doesn't seem like it should meet the requirements and he doesn't think that encroaching on that 50 ft. setback would be offensive. Mr. Noyes questioned whether the applicant would entertain a one story garage and Mr. Tuttle explained that that would eliminate their desire for bedrooms above the garage which they need for their children. Mr. Snaith then reviewed the hardships of the lot size of .82 acres, the corner lot with two

setback requirements and the added burden of the location of well and septic system and wetlands on the property.

The public hearing was closed at 8:01 p.m.

29 CARTBRIDGE ROAD, OWNER, SUARES, DAVID, MAP 24 BLOCK 4 LOT 37 & 38, VARIANCE TO SECTIONS 321.5 AND 321.6 OF THE ZONING REGULATIONS TO CONSTRUCT A NEW DWELLING TO BE SET BACK 35 FEET FROM THE FRONT PROPERTY LINE ON AN EXISTING LOT WHERE THE LOT WIDTH IS LESS THAN THE MINIMUM OF 170 FEET

Richard Bennett, P.E. from Richard Bennett and Associates, and David Soares, owner, came forward to discuss the application. Mr. Bennett explained that they were before the Board in March 2010 and they were before looking for two variances, one for the requirement that the house be placed within the 170 ft. square. He noted that it is not possible to get the house in the 170 ft. square, it is a narrow lot and cannot be done. They are looking for a variance to the front setback, and also asking to reduce that setback to 30 ft. The hardship is the very narrow lot, which is less than 170 ft. in width and they also have steep topography in the rear of the lot. Mr. Bennett then indicated the location of the proposed house, indicating the 70% slope on the back third of the property. Mr. Bennett noted that there are also wetlands on the property and chose the location of the house because it is a little flatter in front and they can get a driveway to the house. The proposed dwelling would have less encroachment than the existing house. Mr. Bennett also noted that they were asking for 30 feet setback in the previous application, now they are asking for 35 ft. Discussion ensued.

Vadim Mejerson, 32 Cartbridge Road, neighbor, came forward and stated that he is familiar with the terrain and was surprised to see that it is feasible to squeeze a house of that nature into a lot of that size. He expressed concern with blasting and whether it would affect the structure of his house and the water levels.

Discussion on the size of the house and the hardships ensued.

Mr. Noyes then stated that he would be in favor of granting the variance and Mr. Wolf stated that he disagrees with Mr. Noyes and thinks that because the existing structure is being taken down, he feels that a house could be designed specifically for this site that would fit into the setbacks. Mr. Tallman commented that the applicant could improve on the existing structure and they would have 1,800 sq. ft. of nonconformity and now they are proposing 600 or 700 ft. which would be decreasing the nonconformity. Mr. Snaith commented that the applicant has reduced the earlier concerns of the Board and made it a smaller encroachment, but they are now looking at a building lot with a "clean slate" and believes that they could come up with a design that would work within the setbacks. Discussion continued.

Following discussion, the Board asked the applicant to return to the next meeting with alternative plans.

DELIBERATION:

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

32 Norfield Road, Akers, Scott

Mr. Tallman began the discussion noting that there are three issues, the double 50 ft. setback, the nonconformity of the size of the lot and ratio of taxes that a smaller lot pays, with the biggest issue being the double 50 ft. setbacks. Mr. Moran concurred with Mr. Tallman as did Mr. Gardner. Mr. Wolf commented that he feels that although Willow Drive is a roadway by town standards, he considers it to be a common driveway and the regulations were not meant to apply to this situation. Mr. Noyes stated that he has come around to see the size of lot and the setback problem to Willow Drive, and he would consider approving a variance.

RESOLVED:

Mr. Snaith made a motion to approve a variance to section 321.6 of the Zoning Regulations to allow construction of a 2-bay garage as shown on plans prepared by Tom Tuttle, designer, dated 4/13 revised 5/9/11 entitled "A-1 of floor plan" and on a site plan map prepared by Walter Skidd, dated 9/12/09, revised to show proposed addition dated 6/2/11. The variance is based on the hardships of the property size of .82 acres being substantially smaller than a required lot, there are no alternate locations on this lot for a garage addition. The lot is bounded in front by the setback issue and bounded on the west by the septic system and on the north by seasonal flooding. Currently, the property does not have garage and it is not unreasonable to expect to have garage in Weston. Mr. Wolf 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 June 28, 2011 meeting, as amended, 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. Tallman seconded. All in favor, the meeting adjourned at 9:25 p.m.

Respectfully submitted,

Delana Lustberg  
Board Secretary