

TOWN OF WESTON, CONNECTICUT
ZONING BOARD OF APPEALS HEARING
October 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 7:38 p.m. The Board Secretary read the agenda into the record.

263 NEWTOWN TURNPIKE, owners, GLENN S. DEMBY AND ELAYNE ROBERTSON, MAP 14 BLOCK 3 LOT 45, VARIANCE TO SECTIONS 321.6 OF THE ZONING REGULATIONS TO CONSTRUCT AN ADDITION TO AN EXISTING NONCONFORMING HOUSE TO BE SETBACK 14.2 FEET FROM THE FRONT PROPERTY LINE

Ms. Robertson came forward to present the application. She explained that they have a non-conforming house, it is the 10th oldest in town and therefore was built very close to the road. She stated that their current kitchen doesn't serve their family's needs anymore and they would like to renovate and expand the area to provide for more space and storage. There isn't any other location that they could put an addition that would not require a variance. Currently there is a porch in that area and they are asking for 1.5 ft. of additional space so they could expand.

Mr. Snaith pointed out that the property is 1.4 acres, and $\frac{3}{4}$ of the house is in the setback area, and the entire house is within the Conservation's regulated area. Mr. Noyes questioned the hardship and Ms. Robertson stated that there is no way to expand without a variance. Mr. Tallman questioned whether the architect tried to put an addition on the other side of the house and Ms. Robertson explained that they looked at that, but it would not be contiguous with the current kitchen. Mr. Noyes explained that if they keep expanding on the nonconformity, than the regulations cease to exist and cautioned against increasing the nonconformity. Ms. Robertson explained that they are only going out an additional 1.5 ft. Discussion ensued.

Mr. Wolf then read the stated hardship from the application and commented that he would be comfortable with a design that uses the existing porch area and feels that they could accommodate their needs in that space. Mr. Tallman commented that there are limited options for the expansion with the wetlands in the rear of the property and the topography. Mr. Snaith noted that since it is a kitchen expansion, it should relate to the kitchen. Discussion continued.

Following discussion, the public hearing was closed at 8:28 p.m.

DELIBERATIONS

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

Mr. Snaith opened deliberations by stating that the hardship appears to be the Conservation setbacks and the size of the house. It is not an unreasonable request and anything that is done to

the house will require a variance. He feels that the increase in encroachment on front setback is relatively insignificant and has no problem with the proposal.

Mr. Noyes stated that he would be favorable with allowing the addition on the footprint of the existing porch. Mr. Wolf stated that he is in agreement with Mr. Noyes and could agree to the enclosure of the porch and has a hard time with the floor plan and the “new pantry & kitchen”, and is hesitant to allow any additional encroachment. Mr. Moran questioned whether there was a hardship at all. He sees the addition as a pantry and not a new kitchen. Although it would be small than what they are requesting, it would be better than what is existing. Mr. Tallman commented that it is only a couple square feet of encroachment and does not warrant a denial.

The public hearing was re-opened at 9:00 p.m. to ask the applicant whether she would like the Board to consider a modified plan that kept the expansion limited to the footprint of the existing porch.

The public hearing was closed again at 9:12 p.m.

MOTION:

Mr. Wolf made a motion to approve the variance to Sec. 321.6 to allow expansion for a kitchen addition/new pantry with the condition that any new construction will not exceed the footprint of the existing open porch on the southwest corner of the existing residence and the roofline will not be above the roof of the adjacent dining area and no change in the existing setbacks. Mr. Snaith seconded the motion. The hardships are based on the pre-existing nonconforming structure entirely within the Conservation setback and the topography at rear of property. The motion was voted on and carried (4-1 [Tallman]).

APPROVAL OF MINUTES

Mr. Wolf made a motion to approve the minutes from the September 27, 2011 meeting, as amended, and Mr. Moran seconded. All in favor, the motion carried (5-0).

MOTION TO ADJOURN

Mr. Snaith made a motion to adjourn the meeting and Mr. Noyes seconded. All in favor, the meeting adjourned at 9:30 p.m.

Respectfully submitted,

Delana Lustberg
Board Secretary