

TOWN OF WESTON, CONNECTICUT  
ZONING BOARD OF APPEALS HEARING  
November 22, 2011

MINUTES

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

---

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

52 VALLEY FORGE ROAD, OWNER, COLLEEN AND BRAND KONHEIM TRUST, Map 18, Block 1, Lot 2, Variance to Section 313. 2 of the Zoning Regulations to allow a 6 ft. wooden privacy fence to remain and to construct a 6 foot wooden privacy fence w/in 20 ft. of public way. Heather Morgan, landscape architect, came forward representing the owners. She presented plans and pictures, and also a letter acknowledging that the fence was built without the owners' knowledge, there was no intent to violate the regulations. She further explained that the house has a lot of glass and windows and their privacy is eliminated at night. Ms. Morgan then described the topography from the top of the driveway to the house and noted that the original fence was 6 feet tall and was falling down and the owners wanted to replace it. Board members asked some clarifying questions.

Mr. Wolf then brought discussion to the issue of hardship, noting that there are a number of homes below the road and along the river. Mr. Snaith read from the Zoning Regulations noting that with the removal of the old fence, the new fence has to comply with the regulations. Following some discussion regarding vegetative screening, Mr. Wolf questioned why they could not move the fence back. Ms. Morgan explained that the closer to the house the fence gets, the taller it has to be to be able to adequately screen the house. Discussion continued regarding the hardship with Mr. Wolf stating that it seems to be a self-imposed hardship and Mr. Snaith concurring. Mr. Noyes suggested that the owners may look for different solutions, such as having curtains that can be closed at night.

Richard Thorsell, 66 Valley Forge Road, came forward and stated that he lives right next door. He and his wife have lived there for 30 years, and he stated that the Konheims have been great neighbors and that he regrets having to rise to oppose the wall. He expressed concern with the impact it has on their property, with some areas of the fence being 9 feet tall on the left had side. He stated that the old fence was maybe 5 feet high. He believes that they meant to build the fence and then come back with the hardship that it is already built. Mr. Thorsell also stated that he thinks the wall diminishes the property values in the neighborhood. If a variance is granted, then other people on Valley Forge Road that are similarly situated may want to build fences along their property as well. He further commented that the regulations help keep Weston the way it is and asked the Board to deny the variance request.

Ms. Morgan responded and also noted that the neighbor across the street wanted the Kohnheim's fence replaced as well.

Hearing no additional discussion, the public hearing was closed at 8:30 p.m.

Deliberations:

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

Mr. Wolf stated that he always thought that the owner, through their design professionals, has to understand the constraints of the site when putting up a new structure. There are zoning regulations that need to be complied with and they have to study and address those when they are in the designing process. Mr. Snaith stated that the information given was that they were replacing an existing 6 foot fence and there is some dispute of whether they were replacing an existing fence that was taller than 4 feet. Mr. Tallman commented that the intent of zoning is to protect neighbors and when the neighbor is affected then there is a real impact and thinks the concern from the neighbor is legitimate.

MOTION:

Mr. Tallman made a motion to deny the application for a variance on the basis that there is insufficient hardship for the granting of a variance. Mr. Gardner seconded. All in favor, the motion carried (5-0).

APPROVAL OF MINUTES

Mr. Wolf made a motion to approve the minutes from the October 25, 2011 hearing, as amended, and Mr. Tallman seconded. All in favor, the motion carried (5-0).

ELECTION OF OFFICERS

Mr. Wolf nominated Mr. Snaith as Chairman and Mr. Noyes seconded. All in favor, the motion carried (5-0).

Mr. Snaith nominated Mr. Wolf as Vice-Chairman and Mr. Tallman seconded. All in favor, the motion carried (5-0).

HEARING DATES FOR 2012

Mr. Wolf made a motion to approve the 2012 hearing dates with the change of the September meeting to October 2nd and Mr. Snaith seconded. All in favor, the motion carried (5-0).

MOTION TO ADJOURN

Mr. Snaith made a motion to adjourn the meeting and Mr. Gardner seconded. All in favor, the meeting adjourned at 8:58 p.m.

Respectfully submitted,

Delana Lustberg  
Board Secretary