

TOWN OF WESTON, CONNECTICUT
ZONING BOARD OF APPEALS HEARING
February 28, 2012

MINUTES

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

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

15 KATYDID LANE, owners, JOHN and EDINA FIELD, Map 20, Block 2, Lot 37, Variance to Section 321.6 of the Zoning Regulations to allow a residential power generator and buried liquid propane tank within 29 feet of the property line adjacent to a road on a non-conforming corner lot.

Mr. Field came forward to present the application. He reviewed what was discussed at the last meeting regarding moving the generator 32.8 ft. from the setback and that he needed to discuss that with the generator company. The company stated that because of fire hazard considerations, they would not place the generator any closer to the wall then 4 feet but they would be able to reduce the size of the pad. He indicated the drawing noting that the corner would be 29 feet from the setback and one corner of the pad is 44 inches into the setback. Mr. Van Deusen questioned why the generator could not be placed next to the existing pool equipment and Mr. Field responded that it is adjacent to the septic tank and fields and they need to bury the propane tank. Mr. Snaith noted that this is an undersized lot and a corner lot and has a number of difficult situations to work with. Discussion ensued.

Mr. Tallman then brought discussion to the hardships of the undersized lot being 1.3 acres and the corner lot 50 foot setback requirements. Mr. Noyes commented that it seems to be a reasonable request based on the hardships.

Hearing no additional discussion, the public hearing was closed at 8:08 p.m.

144 STEEPHILL ROAD, owners, ELENA and INNOKENTI HALIULIN, Map 19, Block 1, Lot 98, Variance to Section 321.6 of the Zoning Regulations to allow a corner of a master bedroom/bathroom addition to be constructed 24.8 feet from the side property line

Ms. Haliulin came forward to present the application and Mr. Snaith stated that he believed that the application was incomplete because there was not enough information on the drawings. He would like to have seen proper plans and elevations. Ms. Haliulin explained that she did not want to go through the expense of having plans done if the Board was not inclined to approve the request. Mr. Snaith explained that he would not vote to approve the application without having proper plans to review. Ms. Haliulin stated that if this proposal is not even an option, she does not want to have the expense of professionally prepared drawings. Discussion ensued.

Mr. Snaith then stated that he did not see a hardship and Ms. Parker questioned whether the size of the addition could be reduced. Ms. Haliulin explained that they would probably not go forward with the plan if they were only going to expand a small amount. She also noted that the hardships are the length and narrowness of the property, the topography and the easements. Mr. Snaith noted that there are alternative places to add onto the same bedroom and bathroom that would comply with the regulations. Mr. Van Deusen suggested that if the size of the addition was reduced, they could maintain the symmetrical look and stay within the regulations and given that, he didn't see it as a hardship. Discussion continued.

Mr. Snaith then asked Ms. Haliulin to restate the hardships and she explained that she has a very narrow lot with easements on both sides, the topography is rocky and $\frac{3}{4}$ of the lot is wetland and based on the position of the house, she is unable to expand where she would like.

Discussion then turned to whether the applicant wanted to continue the hearing, withdraw the application or have the Board vote on what was presented. Ms. Haliulian decided that she would like to have the Board vote on the proposal.

Hearing no additional discussion, the public hearing was closed at 8:35.

Deliberations:

15 KATYDID LANE

Voting Members: Snaith, Noyes, Tallman, Gardner and Van Deusen

Mr. Tallman opened the deliberation by stating that he is in favor of the application and believes that there are three hardships, the two 50 foot setback constraints and the undersized lot. Mr. Noyes concurred and added that the technical aspect of the generator make it acceptable in his opinion. Mr. Gardner agreed. Mr. Van Deusen stated that he understands why Mr. Field does not want it by the pool equipment although he does think that is an option. He doesn't think they have been creative enough in making it fit in that desired space. Mr. Noyes commented that the proposed location allows for screening and to move it out to the driveway would be aesthetically undesirable. Mr. Snaith noted that even if the generator is twisted, it is still encroaching into the setback. Discussion continued.

MOTION:

Mr. Tallman made a motion to approve the application for a variance to Section 321.6 of the Zoning Regulations to allow a residential power generator and buried liquid propane tank within 29 feet of the property line adjacent to a road on a non-conforming corner lot. The hardships are based on the undersized lot and the double 50 foot setbacks due to the corner lot. Mr. Gardner seconded. The motion carried (4-1 [Van Deusen]).

144 STEEP HILL

Voting Members: Snaith, Noyes, Tallman, Gardner and Parker

Mr. Snaith opened the deliberation by stating that he is not happy with the application itself and would prefer to see some more information in terms of a plan and elevations. He also stated that

he does not see a hardship, there are other places where the additional living space could be located. Mr. Tallman commented that he did not think a hardship was demonstrated and he would not be opposed to the addition if it were proven that there was no other location. Ms. Parker commented that she thinks symmetry is important however she thinks that there could be another stab taken in the design phase and it could be within the setback and still give the illusion of symmetry. Mr. Gardner agreed that he would like to see better drawings. Discussion continued.

MOTION

Ms. Parker made a motion to deny the request for a variance for 144 Steep Hill Road based on the lack of demonstrated hardship. Mr. Gardner seconded the motion. All in favor, the motion carried (5-0).

APPROVAL OF MINUTES

Mr. Noyes made a motion to approve the Minutes from the January 24, 2012 meeting, as amended, and Mr. Snaith seconded. All in favor, the motion carried (5-0).

OTHER BUSINESS:

Mr. Tallman thought that they were going to discuss writing a letter to P&Z asking them to run any new regulations by the Board first before enacting them. Mr. Tallman also questioned why the ZBA application requires an extreme hardship and discussion ensued.

MOTION TO ADJOURN

Mr. Noyes made a motion to adjourn the meeting and Mr. Snaith seconded. All in favor, the meeting adjourned at 9:03 p.m.

Respectfully submitted,

Delana Lustberg
Board Secretary