

TOWN OF WESTON, CONNECTICUT
SPECIAL ZONING BOARD OF APPEALS HEARING
May 29, 2012

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 7:33 p.m. The Board Secretary read the agenda into the record.

107 LORDS HIGHWAY, owner, ROBERT T. KURTZ, Map 20, Block 2, Lot 19, Variance to Sections 313.1 and 313.3 of the Zoning Regulations to allow two stone retaining walls with a guardrail to be constructed in excess of 6 feet in height.

Lisa Todd Kurtz, owner, came forward to present the application. She explained that they recently came before the Board for an extension of their variance and in the meantime the regulations changed to include the retaining walls and fence. She showed pictures and noted that with the way the regulations are written now, it includes the height of the retaining wall would be in compliance. Ms. Kurtz noted the proximity to the street is approximately 17 feet and they would like to get approval to move forward with the fence. Discussion ensued.

Ms. Kurtz also noted that the remainder of the fence will be compliant and they are just before the Board for a variance on that section that is on top of the retaining wall. Mr. Snaith commented that this is a situation where the wall has a job to do, it's not just screening, it is keeping back earth, then they have a fence or guardrail that is a safety feature. Mr. Wolf read the section of the Residential Building Code regarding guardrails into the record.

Hearing no additional discussion, the public hearing was closed at 7:50 p.m.

7 LAUREL RIDGE LANE, owner, ARTUR DOMKA, Map 10, Block 2, Lot 8, Variance to Sections 321.5, 321.6 and 374 of the Zoning Regulations to reconstruct a house on the existing foundation of a demolished nonconforming house on a nonconforming lot. The new house, located entirely within the front setback, would be 10.5 feet from the front property line and 6 feet from the side property line. The proposed house would be taller than the house that was demolished. The existing foundation has been raised. New footings would be necessary for the northeast corner of the proposed house (the porch area of the demolished house). A new porch is proposed on the east side of the proposed house.

Artur Domka, owner, came forward to present the revised application. Mr. Snaith noted that an extension was required because the meeting went an additional week. Tracy Kulikowski, Land Use Coordinator, noted that an extension request was received and granted. Discussion ensued on the new drawings. Mr. Snaith noted that the applicant was supposed to come back with elevations and more complete drawings. Mr. Tallman commented that he thinks that they will need to see plans that the Building Department would approve as these seem too sketchy to approve. They would like to see architectural drawings showing what was existing and what is proposed.

Mr. Snaith commented that they are looking at two situations, working with the existing non-conforming footprint, and then additions that will increase the footprint and volume and whether they should be allowed. He also noted that the areas of the proposed increase are the very areas that have been of concern to the neighbors. Mr. Noyes commented that he would not be in favor of expanding the nonconformity. Discussion ensued.

Mr. Snaith suggested that Mr. Domka come back to the next meeting with elevation drawings.

Nickoll Dushku, neighbor, 11 Laurel Ridge, came forward and stated that he was under the impression that the project was the existing footprint but adding volume. South side is adjacent to his house, house is one story. Laurel ridge is one lane road, can't get 2 cars through, to look at 30 ft. ridge height on way into house would be awful. Want something to be there, but concerned with footprint and expansion issues. Why not put in exact house with same height and footprint.

Tom Tuttle, 15 Laurel Ridge, came forward and stated that he strongly opposes the granting of a variance in this current form or anything close. It does not meet the standards for a variance, does not meet the hardship requirement and he thinks it is a self-imposed hardship. He noted that the house was torn down without a permit, the only permit was for temporary electric service. The owner then went ahead and put a 3 ft. higher foundation and started building the structure. He was caught and a stop order was issued. It would be different if he was proposing the same foundation and same height, but he is including the porch as part of the footprint and it should not be.

Alexander Tuttle, commented that the neighbors have made valid points.

Suzanne and Demitrios Spantidos, 8 Catbrier Road, commented that they were just here to understand what the setback issues are as their property abuts the subject property.

After some additional discussion, the matter was continued to next month.

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

107 Lords Highway

Mr. Tallman commented that he thought the issue was what the fence looks like from the outside, not from the inside. Mr. Wolf noted that the character of the neighborhood will not change and it will look like a 4 ft. fence from the road. The only reason it is higher on the inside is because of the retaining wall. Mr. Snaith commented that the hardship is safety in preventing people from falling over the retaining wall. The fence does not exceed 6 ft. in height and the appearance from the road side is of a 6 ft. or less fence.

MOTION FOR APPROVAL

Mr. Wolf made a motion to approve the variance for 107 Lords Highway as shown on plans prepared by Erskine-Middleler Associates, LLC dated 4/30/12. The hardship is based on a safety issue and the fact that the guardrail is a Building Code requirement due to the height of the retaining wall. Mr. Snaith seconded the motion. All in favor, the motion carried (5-0).

APPROVAL OF MINUTES

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

MOTION TO ADJOURN

Mr. Snaith made a motion to adjourn the meeting and Mr. Van Deusen seconded. All in favor, the meeting adjourned at 9:38 p.m.

Respectfully submitted,

Delana Lustberg
Board Secretary