

TOWN OF WESTON, CONNECTICUT  
ZONING BOARD OF APPEALS HEARING

June 23, 2015

MINUTES

Present: Board Members: Chairman MacLeod Snaith, Richard Wolf, Nick Noyes, Robert Gardner, and Alternates: John Moran and Donald Scarborough

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

141 GODFREY ROAD, owner, MICHAEL KLINGHER 2012 GRANTOR TRUST II, LINDSEY SCHINE & ADAM KLINGHER, TRUSTEES, Map 15, Block 2, Lot 3, Variance to Sections 321.6 and 374 of the Zoning Regulations to reconstruct a pre-existing nonconforming two-car garage that was damaged by a car accident within the same building footprint except that the new garage will be up to 1 foot taller. The corner of the garage touches the front property line.

Lindsey Schine & Adam Klingher, owners, came forward to present the application. They stated that the house was built in 1929 by John Watson, and doesn't abide by current zoning standards. They explained that over the past winter, a car hit the garage and after inspection by the Building Inspector, he condemned the structure. They are looking to repair the garage in the same exact location but in order to properly repair the structure, they will have to raise the slab which will raise the whole structure up approximately one foot. Mr. Snaith stated that he is familiar with the property, it is a 4 acre parcel with a number of buildings on property. Mr. Klingher explained how the subdivision was created and presented the plot plan for the Board Members to review. Dan Schine, builder, came forward and explained that they are going to build the same exact structure as the original but it will be just about a foot taller. Discussion ensued.

Following discussion, Mr. Noyes noted that the hardship would be that the building, as it stands, is not useable due to damage from the car accident. Mr. Snaith explained that under Sections 374 and 375, the structure is a conforming use, just a non-conforming location. Section 375 says that if the damage is greater than 50% of the fair market value, they are permitted to reconstruct if the use stays conforming. The only issue is the new building will be one foot higher.

Hearing no additional discussion, the public hearing was closed at 7:45 p.m.

29 CARTBRIDGE ROAD, owner, PAUL AND MARION NELSON, Map 24, Block 4, Lots 27+28, Variance to Sections 321.6 and 374 of the Zoning Regulations to construct 1) a second story addition over a first floor room with a deck, 2) an attached two-car garage and 3) deck in the front yard of an existing nonconforming house. The proposed addition and second floor deck would be located approximately 28 feet from the front property line. The proposed garage would

be located approximately 29 feet from the front property line. The proposed first floor deck would be located approximately 16 feet from the front property line

Mr. Snaith noted that the previous application and all its submittals are being made part of this application.

Marion Nelson, owner, came forward, and presented new drawings showing the interior layout. Mr. Snaith reviewed the plans noting that there is an existing bedroom to the left and the plans show a closet with a bathroom to the north. He also noted that the main box is existing as well as the mudroom. Then he stated that the bay windows from previous plans were removed due to comments in a previous meeting. Mr. Wolf commented that his only concern was the front porch area.

Hearing no additional discussion, the public hearing was closed at 8:00 p.m.

#### DELIBERATIONS:

##### 29 Cartbridge Road

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

Mr. Scarborough opened deliberations by commenting that the questions about the dimensions seem to have been answered and they now have elevations. They contained the additions to the front as to what was existing and the garage is no closer to the road and no taller and stated that his concerns have been answered. Mr. Gardner commented that he was fine with the proposal and Mr. Noyes concurred. Mr. Snaith commented that he is basically fine with the proposal, they are dealing with a non-conforming lot with the required area, but you can't fit a building rectangle in, it has high, steep, rocky slopes. It is a difficult site, but it has an existing building and it's a legal lot.

#### MOTION FOR APPROVAL

Mr. Wolf made a motion to approve a variance to Sections 321.6 and 374 of the Zoning Regulations to construct 1) a second story addition over a first floor room with a deck, 2) an attached two-car garage and 3) deck in the front yard of an existing nonconforming house as shown on plans prepared by Miella Bettencort, received 6/19/2016 labeled Sheets 1-5 and a site plan prepared by R. Bennett & Associates dated 4/9/2015. The proposed addition and second floor deck would be located approximately 28 feet from the front property line. The proposed garage would be located approximately 29 feet from the front property line. The proposed first floor deck would be located approximately 16 feet from the front property line. The variance is based on the topographical hardships unique to the property and not shared by other properties in the neighborhood. Mr. Noyes seconded the motion. All in favor, the motion carried (5-0).

##### 141 Godfrey Road

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

Mr. Snaith read Section 375 of the Zoning Regulations regarding restoration of damaged buildings into the record. He noted that the issue before them is the one foot higher ridge as a

result of structural remedies to the slab. Tracy Kulikowski corrected him and noted that Section 374 of the regulations is what they need variance to as Section 375 refers to use.

Hearing no additional discussion the following motion was made:

MOTION FOR APPROVAL

Mr. Noyes made a motion to approve the variance to Sections 321.6 and 374 of the Zoning Regulations to reconstruct a pre-existing, nonconforming two-car garage that was damaged by a car accident within the same building footprint except that the new garage will be up to 1 foot taller, as shown on plans prepared by Dan Schine, dated 5/28/2015 and a plot plan prepared by Leonard Surveyors dated 12/31/2008. The corner of the garage touches the front property line. The variance is based on the hardship that the existing structure is now un-useable and the repair to the slab is to conform to the current building code regulations. Mr. Wolf seconded the motion. All in favor, the motion carried (5-0).

APPROVAL OF MINUTES

Mr. Scarborough made a motion to approve the Minutes from the April 28, 2015 meeting, as amended and Mr. Gardner seconded. All in favor, the motion carried (6-0).

MOTION TO ADJOURN

Mr. Gardner made a motion to adjourn and Mr. Snaith. All in favor, the meeting adjourned at 8:22 p.m.

Respectfully submitted,

Delana Lustberg  
Board Secretary

Date Approved: 7/28/2015