

TOWN OF WESTON, CONNECTICUT
ZONING BOARD OF APPEALS HEARING

June 24, 2014

MINUTES

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

Mr. Snaith opened the public hearing at 7:32 p.m. The Board Secretary read the agenda into the record. Mr. Snaith then explained the procedure for the applicants.

6 HILLSIDE ROAD, owner, WILLIAM J. AND JENNY R. WALSH III, Map 21, Block 2, Lot 10, Variance to Section 313.1 of the Zoning Regulations to allow a fence that was constructed on top of an existing retaining wall and has a height of 7 feet 11 inches to remain.

Mr. & Mrs. Walsh came forward to present the application. Mr. Snaith noted that this application deals with the fence on top of the retaining wall. Mr. Walsh explained that the retaining wall was crumbling and about 7 years ago he rebuilt it and then recently put a 4 ft. fence on top. Mr. Snaith noted for the record that the property is non-conforming at 1.1 acres and there is a setback lien that runs through the back of the house. Mr. Walsh noted that the front fence on Georgetown Road has been “grandfathered in” and because it is on state property, the Town’s regulations don’t apply. Discussion ensued.

After discussion, the public hearing was closed at 7:58 p.m.

110 TREADWELL LANE, owner, KIERAN & PATRICIA D. WRYNN, Map 16, Block 2, Lot 3, Variance to Section 311.4 of the Zoning Regulations to allow a pre-existing non-conforming lot with a net lot area of 1.762 acres (lot area minus land under water or poorly drained soils in excess of 20% of the minimum lot area) to increase its nonconformity by 0.09 acres and have a net lot area of 1.674 acres after a proposed land exchange with the adjacent property, 114 Treadwell Lane

Mr. & Mrs. Wrynn came forward to present the application. They stated that they purchased the property in 2003 and since then have paid taxes assuming that it was a building lot. The lot is 6.2 acres with a right of way over the common driveway to access the lot. Three years ago they decided to either build or sell and when they went to the Town to see about those options, they were told that it was not a building lot. When the subdivision was approved, they inadvertently approved one lot but not their lot. Then they had the property surveyed, soil tested, the Health Department approval and then they ran into a frontage issue. If they were to do a land swap with 114 Treadwell Lane they could create frontage but that would put the lot into nonconformity because of the wetland area on the property so they are requesting a variance to remedy the situation. Discussion ensued.

Following discussion, the public hearing was closed at 8:21 p.m.

DELIBERATIONS:110 Treadwell Lane (Voting members: Snaith, Noyes, Wolf, Gardner, Moran)

Mr. Moran stated that the hardship is very clear, the property can't be built on without the variance and .09 acres is not significant. Mr. Gardner, Mr. Wolf and Mr. Noyes concurred. Mr. Snaith agreed that they had demonstrated hardship.

MOTION:

Mr. Noyes made a motion to approve the application for a variance for 110 Treadwell Lane as shown on plans prepared by Brautigam Land Surveyors dated 11/5/2013 and revised 3/17/14. The variance is based on the hardships of the common driveway shown on the survey cannot provide frontage, there are wetlands on both lots with limited area to provide frontage between 110 Treadwell and the common driveway. Also they have been taxed as a building lot for all these years. Mr. Snaith seconded the motion. All in favor, the motion carried (5-0).

6 Hillside Road (Voting members: Snaith, Noyes, Wolf Gardner, Scarborough)

Mr. Snaith opened discussion by stating that he does not have a problem with the application. The hardships are based on the undersized lot, safety issues being on a corner lot on a busy state road with two front setbacks. Mr. Noyes commented that they would be able to comply with the fence regulation if they had a chain link fence on the top 2 ft. Mr. Wolf commented that the was fine with the application.

MOTION:

Mr. Scarborough made a motion to approve the variance to Section 313.1 to allow a fence to remain that was constructed on top of an existing retaining wall and has a height of 7 feet 11 inches, as shown on plan prepared by Ahneman Kirby Engineers, dated 4/11/2014. The hardship is dictated by the preexisting non-conforming lot, the topography of the property, the 4 ft. high retaining wall and safety for children. Mr. Wolf seconded the motion. The motion was voted on and carried (4-1 [Noyes]).

APPROVAL OF MINUTES

Mr. Snaith made a motion to approve the Minutes from the May 27, 2014 meeting and Mr. Wolf seconded. All in favor, the motion carried (5-0).

MOTION TO ADJOURN

Mr. Wolf made a motion to adjourn and Mr. Noyes seconded. All in favor, the meeting adjourned at 8:54 p.m.

Respectfully submitted,

Delana Lustberg
Board Secretary

Date Approved: 8/26/2014