

TOWN OF WESTON, CONNECTICUT
ZONING BOARD OF APPEALS HEARING
July 23, 2013

MINUTES

Present: Board Members: Chairman MacLeod Snaith, Richard Wolf, Nick Noyes, Jeff Tallman, Bob Gardner (8:20) and Alternate: John Moran

Mr. Snaith opened the public hearing at 7:30 p.m. The Board Secretary read the agenda into the record.

18 GOODHILL ROAD, owner, JOSEPH & CHANNA STEIN, Map 31, Block 3, Lot 6, Variance to Sections 321.6 of the Zoning Regulations to construct a new two car garage to be located 43 feet from the front property line and 19 feet from the side property line

Mr. Stein came forward to present the new proposed location of the garage. Mr. Snaith noted that they don't have many places to move the garage to because the lot is small. Mr. Wolf commented that he didn't see how they could get into the garage placed where it is. Mr. Snaith indicated another location on the plan where the garage would be in conformity and Mr. Stein explained that they have a very large tree there that they would like to keep.

Richard Patchen, 11 River Road, came forward and indicated the area on the plan that used to be a garage which is now a bedroom. He stated that he has no problem with the Steins putting a garage on their property, but he doesn't want it in the middle of the property where it would be impacting the resale value of the neighboring houses. He would like to see the Steins go back to their original proposed location at the rear of the property.

Tom Wigman, 19 Goodhill Road, came forward and stated that his principal objection is having the large structure so close to the road and highly recommended that they accommodate the location in the rear. With appropriate engineering it can be done but now it feels like they are being force-fed the free standing garage in middle of the yard. He would like to see a better solution worked out with the Conservation Commission.

The Board decided to continue the hearing and asked Mr. Stein to provide a letter of extension.

306 LYONS PLAIN ROAD, owner PETER J. FAILLACE, Variance to Section 321.6 to construct a deck which would be 30.1 feet from the front property line.

Jay Faillace, owner, came forward and stated that he would like to put a deck on the house he owns at 306 Lyons Plain Road. He has tenants in the property who have an elderly mother and it is unsafe for her to enter the house as it is currently. There are only stone steps and he would like to construct a 12 ft. x 16 ft. deck. Mr. Snaith noted that if he made it a terrace as opposed to a deck, it would comply. A terrace can be 20 feet from the side and front setbacks.

Mr. Gardner arrived at 8:18 p.m.

Mr. Snaith further noted that a deck would increase the non-conformity and Mr. Faillace stated that functionally it would not increase the nonconformity. Discussion ensued.

Following discussion, the public hearing was closed.

24 LAUREL LAKE WEST, owners, MICHAEL AND JEANETTE HENSINGER, Map 20, Block 2, Lot 15, Variance to Section 321.6 of the Zoning Regulations to build a new accessory structure 9.4 feet from the side property line and 6.8 feet from the rear property line, in the same location as the pre-existing, non-conforming guest cottage

Carlos Diez, from Alisberg Parker Architects, representing the owners, came forward and explained that they are applying for a variance to replace the existing non-conforming cottage with a new barn. He noted that the cottage is a grandfathered apartment and the owner would like to remove that cottage and replace it with a new barn. The only place to locate a new barn would be where the existing cottage is. The site is small and to the east are wetlands, and to the north is the well and septic system. Mr. Diez further explained that the cottage was damaged in the recent storms and instead of repairing the cottage, they would like to make a new recreation barn which would have no plumbing and would also extinguish the non-conformity of use. Discussion ensued.

Following discussion, Mr. Wolf stated that he would like a better definition of what the hardships were. Mr. Snaith stated that he would like to see more detail of what the barn will be and that they should aim on making it closer to the existing footprint of the cottage. The discussion was continued to next month's meeting.

269 LYONS PLAIN ROAD, owners, CHARLES & KATHERINE GOLDBERG & PATRICIA CHRISTMAN, Map 25, Block 1, Lot 1, 1) Variances to Sections 321.6 and 374 of the Zoning Regulations to construct a 2-story addition onto an existing nonconforming house to be located 3.2 feet from the side property line; 2) Variances to Section 321.6 and 374 to enclose the stairway on an existing nonconforming house to be located 16 feet from the side property line; 3) Variance to Section 321.6 to construct an addition onto an existing nonconforming garage to be located 21 feet from the side property line; and 4) Variance to Section 321.7 to increase the maximum building coverage from 14.6% to 18.1% on an existing nonconforming 0.528 acre lot. Mr. & Mrs. Goldberg came forward to present their application. They explained that it is a small lot and the home as it exists now is not appropriate for a family. They would like to add a third bedroom by enclosing a patio area as a porch and create the third bedroom over that porch area. They also noted that they currently have an open carport which they would like to expand to make a garage that would fit cars and equipment. Mr. Snaith noted that the lot is substantially undersized at .52 acres, and it is only 85 ft. wide. Mr. Noyes noted that they are not getting any closer to the setbacks than existing.

Discussion on the garage ensued and Mr. Goldberg noted that the garage will be the same width, it would just be deeper.

Discussion on the proposed second floor addition ensued and Mr. Snaith stated that it would be helpful to see a drawing of the second floor showing the existing and proposed. It was then decided that the applicants would continue the portion of the application that deals with the porch and second floor and act on the other variance requests noting that it will change the coverage percentage.

249 LYONS PLAIN ROAD, owners, E. CLAIRE INGRAM & STEPHAN B. GROZINGER, Map 24, Block 5, Lot 28, Variance to Section 321.6 of the Zoning Regulations to place a heat pump/condenser 25.6 feet from the side property line

Pete Romano from Landtech, representing the owners came forward to present the application. He noted that this is a pre-existing nonconforming lot with the house right up against the side setbacks. They need to have a concrete pad for the heat pump because the geothermal system has failed. The slab would be on grade and 25.5 feet from the side setback. Mr. Romano stated that the hardship is environmental, the further away the heat pump is from the discharge into the house, the less efficient it is. The proposed location is the optimum spot. There is a substantial stand of trees around that area and they own the neighboring property. Discussion ensued. It was decided that it would be helpful for the Board Members to have additional information regarding the efficiency and how it is affected by the distance of the unit from the house. The matter was continued to the next meeting.

151 GOODHILL ROAD, owner, JARRETT R. TURNER, Map 27, Block 1, Lot 65, Variance to Sections 321.6 and 374 of the Zoning Regulations to enclose an existing exterior staircase area to create ½ bathroom, vestibule, closet and entry for the first floor of an existing nonconforming house to be located 36 feet from the front property line

Richard Tomasetti, architect, and Mr. Turner, owner, came forward to present the application. He noted that this is a pre-existing non-conforming house and indicated the setbacks on the plan. He explained that currently there is a staircase on the exterior of the building that leads to the second floor. They would like to build an addition over that by filling in the staircase and creating a powder room and closet on the first floor. The topography drops off on the other side of the house so it would prevent them from putting the bathroom in that location. It is a unique situation with an old house and an odd site and they would just be enclosing what is already there. Hearing no additional discussion, the public hearing was closed at 9:39 p.m.

DELIBERATIONS:

151 Goodhill Road – Voting Members (Snaith, Wolf, Noyes, Tallman, Gardner):

Mr. Wolf stated that he saw no problem with approving this variance request as it was a reasonable request and made the following motion:

MOTION TO APPROVE:

Mr. Wolf made a motion to approve the variance to Sections 321.6 and 374 of the Zoning Regulations to enclose an existing exterior staircase area to create ½ bathroom, vestibule, closet and entry for the first floor of an existing nonconforming house to be located 36 feet from the front property line, as shown on plans prepared by Tomasetti Architects dated 3/26/2013. Mr. Tallman seconded the motion. All in favor, the motion carried (5-0).

306 Lyons Plain Road – Voting Members (Moran, Tallman, Noyes, Wolf, Snaith):

Mr. Snaith began by stating that there was no hardship in his mind. The owner can create what he wants and conform to the Zoning Regulations by making a terrace rather than a deck. Messrs. Wolf, Noyes and Moran concurred with Mr. Snaith. Mr. Tallman stated that he disagreed and did not think it was increasing nonconformity because he was not making it any closer to the setback. After some additional discussion, the following motion was made:

MOTION TO DENY:

Mr. Snaith made a motion to deny the application for 306 Lyons Plain Road for a variance to create a deck based on the lack of demonstrable hardship. Mr. Tallman seconded the motion. All in favor, the motion carried (5-0).

269 Lyons Plain Road – Voting Members (Snaith, Wolf, Noyes, Tallman Gardner)

Mr. Snaith began deliberations by stating that he does not have a problem with enclosing the staircase. Mr. Wolf stated that he has no problem either because it doesn't increase the encroachment. Mr. Snaith then addressed the garage noting that they are adding 10 ft. to the garage for 180 sq. ft. of additional encroachment. Mr. Noyes stated that he thinks it is a reasonable request based on the size of the lot. Mr. Wolf commented that he was not in favor of such a large garage addition. After some discussion, the following motion was made:

MOTION TO APPROVE

Mr. Noyes made a motion to approve the request for 1) Variances to Section 321.6 and 374 of the Zoning Regulations to enclose the stairway on an existing nonconforming house to be located 16 feet from the side property line; 2) Variance to Section 321.6 to construct an addition onto an existing nonconforming garage to be located 21 feet from the side property line; and 3) Variance to Section 321.7 to increase the maximum building coverage from 14.6% to 17.1% on an existing nonconforming 0.528 acre lot, as shown on plans prepared by Advanced Surveying dated 6/30/2013. The hardships are based on the undersized .52 acres lot which is also extremely narrow at approximately 85 ft. which precludes building in conforming locations. Mr. Gardner seconded the motion. The motion carried (4-1 [Wolf]).

APPROVAL OF MINUTES

Mr. Noyes made a motion to approve the Minutes from the June 25, 2013 meeting, and Mr. Tallman seconded. All in favor, the motion carried (6-0).

MOTION TO ADJOURN

Mr. Snaith made a motion to adjourn the meeting and Mr. Gardner seconded. All in favor, the meeting adjourned at 11:00 p.m.

Respectfully submitted,

Delana Lustberg
Board Secretary