

TOWN OF WESTON, CONNECTICUT  
ZONING BOARD OF APPEALS HEARING  
August 27, 2013

MINUTES

Present: Board Members: Chairman MacLeod Snaith, Richard Wolf, Nick Noyes, Jeff Tallman, Bob Gardner and Alternates: John Moran and Glenn van Deusen.

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

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

Ed Parker from Alisberg, Parker Architects, representing the applicants, came forward to present the application. He explained that they have an existing cottage that was damaged during Hurricane Sandy. Instead of repairing that cottage, they want to remove it and replace it with a new barn in that same location. Mr. Parker noted that the cottage is currently a nonconforming apartment on a 1 acre lot there is also an adjacent shed which will be removed. Mr. Parker further noted that the cottage is served by a cesspool and there cannot be any plumbing in the structure without having a new septic system. Mr. Parker then passed out pictures of what the barn would look like. Discussion ensued.

Mr. Parker stated that the hardships were the nonconforming one acre lot, the location of the existing septic system and well as well as wetlands constraints. He further noted that they would be decreasing the nonconformity by eliminating the nonconforming use of the cottage. Mr. Snaith expressed concern with the size of the barn and discussion on the size ensued. Mr. Parker explained that they are looking at a 24' x 36' barn but they would not have an objection to decreasing the size. Discussion ensued.

Hearing no further discussion, the public hearing was closed at 7:58 p.m.

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 and 2) Variance to Section 321.7 to increase the maximum building coverage from 17% to 18.1% on an existing nonconforming 0.528 acre lot.

Mr. & Mrs. Goldberg came forward and explained that last month the Board wanted more information on the dimensions of the 2<sup>nd</sup> floor addition and what it would look like. Mr. Goldberg noted that they were adding on to a "dead space" over a porch and creating an

additional bedroom. Mr. Noyes noted that it would be a vertical expansion and infill. Mr. Tallman noted that it is a very small lot and they are not encroaching further into the setback than already exists.

Hearing no further discussion, the public hearing closed at 8:13 p.m.

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 request for a variance for a heat pump on the side of the home that would encroach into setback by 3.5 ft. He noted that there was concern at the last meeting about the efficiency of the heat pump vs. the distance from the house. He presented a letter from Gault indicating that keeping the heat pump in close proximity to the house will be more efficient. Mr. van Deusen commented that he didn't see anything in the letter from Gault that stated that the heat pump could not go anywhere else on the property. After some discussion, the public hearing was closed at 8:24 p.m.

82 NEWTOWN TURNPIKE, owners, DANIEL KOPULOS & MARC VALITUTTO, Map 22, Block 3, Lots 15 & 17, Variance to Sections 321.6 and 312.7 of the Zoning Regulations to allow placement of a generator 6 ft. from the front property line and 48 ft. from the Saugatuck River.

Daniel Kopulos, owner, came forward to present the application for a variance. He stated that he would like to get a generator but the property is very close to the road and the river and it is also in a flood zone. The Board members reviewed the plan and discussion ensued on possible alternate locations of which there were none. The public hearing was closed at 8:42 p.m.

**DELIBERATIONS:**

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

Mr. van Deusen noted that they are basically filling in a corner and the addition does not get any closer to the front or side setback. He was not happy with the coverage increase, but the way it is happening does not bother him. Mr. Noyes commented that the lot is so small in terms of acreage that the percentage is distorted if one were to compare this lot to a 2 acre lot. It would be less than 10%. Mr. Moran and Mr. Gardner concurred. Mr. Wolf stated that he was not comfortable with the drawing as presented. Mr. Snaith stated that he does not have a problem with the lot coverage issue, the lot so small.

MOTION FOR APPROVAL

Mr. Tallman made a motion to approve the Variance 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 and a Variance to Section 321.7 to increase the maximum building coverage from 17% to 18.1% on an existing nonconforming 0.528 acre lot as shown on the Zoning Location Survey prepared by Advanced Surveying dated 6/30/2013. The variance is based on the hardship of the undersized lot with no significant negative impact on the overall plan of development. Mr. Gardner seconded the motion. The motion was voted on and carried (4-1 [Wolf]).

82 Newtown Turnpike (Voting Members: Snaith, Noyes, Wolf, Tallman, Gardner)

Mr. Snaith noted that they can approve a general strip of land and let the generator people figure out where the best location will be within the limit of the side line and floodway boundary line, up to and including the stone wall.

MOTION FOR APPROVAL

Mr. Snaith made a motion to approve the variance to Sections 321.6 and 312.17 to locate a generator as shown on a plan prepared by Leonard Surveyors dated 10/8/2009, outside of the 100 year flood boundary line on the east side of the property and no closer to the road than the roadside (face) of the stone wall. The 30 ft. side yard setback is to be respected. The hardship is based on the extreme topographical hardships with steep slopes to the east and the river to the west. Mr. Noyes seconded the motion. All in favor, the motion carried (5-0).

24 Laurel Lake West: (Voting Members: Snaith, Noyes, Wolf, Tallman, Gardner)

Mr. Snaith commented that the important point is the owners' willingness to extinguish the nonconforming use of the second dwelling and decrease the side setback. While they would be increasing the overall volume of nonconformity, they propose a simple barn, with no plumbing which will be more pleasant than what is there now. Mr. Snaith noted that they propose a barn that would be no larger than 36 x 24 with a 26 ft. ridge height. Mr. Noyes commented that while he is reluctant to increase the square footage and volume of the nonconformity, it is overridden by the extinguishing of the nonconforming use of the second dwelling.

MOTION FOR APPROVAL

Mr. Snaith made a motion to approve the variance to Section 321.6 of the Zoning Regulations to build a new accessory structure 9.5 feet from the side property line and 6.8 feet from the rear property line, to replace the preexisting, nonconforming cottage and extinguish the nonconforming use. The footprint of the barn will be the southeast corner of the barn as shown on plans prepared by Alisberg, Parker Architects, dated 6/28/2013 and labeled T1 and will be 9.5 ft. from the side property line and 6.8 ft. from the west rear property line. The structure shall not exceed the dimensions of 24 ft. on the gable end by 36 ft. in length, with the ridge height not to exceed 26 ft. The hardships are the drywell septic system to west of the existing cottage location, wetlands and slopes to the north and well to the west. Also the lot is nonconforming at 1.04 acres. Mr. Tallman seconded the motion. All in favor, the motion carried (5-0).

249 Lyons Plain Road: (Voting Members: Snaith, Noyes, Wolf, Tallman, Gardner)

Mr. van Deusen commented that there appears to be no hardship. Mr. Tallman questioned where they draw line at reasonable? Discussion ensued regarding the lack of hardship. Mr. Wolf noted that they hadn't been presented with an engineered reason for why the heat pump had to be that close.

MOTION TO DENY

Mr. Wolf made a motion to deny the application based on a lack of demonstrable hardship. Mr. Snaith seconded. The motion was voted on (3-0 [2 abstain]) and carried.

MOTION TO APPROVE

Mr. Snaith made a motion to approve the variance based on the hardship presented by the applicant that the efficiency of the unit will be compromised if it is located anywhere else. Mr. Gardner seconded. The motion was voted on (1-3 [1 abstain]) and did not carry.

APPROVAL OF MINUTES

Mr. Snaith made a motion to approve the Minutes from the July 23, 2013 meeting, as amended, and Mr. Wolf seconded. All in favor, the motion carried (7-0).

MOTION TO ADJOURN

Mr. Noyes made a motion to adjourn the meeting and Mr. Gardner seconded. All in favor, the meeting adjourned at 10:00 p.m.

Respectfully submitted,

Delana Lustberg  
Board Secretary