

TOWN OF WESTON, CONNECTICUT  
ZONING BOARD OF APPEALS HEARING  
March 23, 2010

MINUTES

Present: Board Members: Chairman MacLeod Snaith, Nick Noyes (8:05), Robert Gardner and Alternates: Ken Edgar and Jeff Tallman

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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 public hearing procedure to the applicants.

197 GODFREY ROAD EAST, owner, MARK E. HARPER, Map 16 Block 1 Lot 40, Variance to Section 321.5 to construct a small, one car garage to be setback 41 feet from the front property line and 25 feet from the side property line

Mark Harper, owner, came forward and stated that he would be able to reduce the size of the garage and asked the Board members whether they would want it reduced in the front or the back. He produced revised plans for the Board to review and discussion ensued. Mr. Snaith wanted clarification that there was an entrance to the basement from inside the house and Mr. Harper stated that there was.

Hearing no further discussion the public hearing was closed at 7:44 p.m.

APPROVAL OF MINUTES

Mr. Snaith made a motion to approve the January 26, 2010 and February 23, 2010 minutes, as amended, and Mr. Edgar seconded. All in favor, the motion carried (4-0).

29 CARTBRIDGE ROAD, owner, DAVID SUARES, Map 24 Block 4 Lots 37 & 38, Variance to Sections 321.5 and 321.4 to construct a new dwelling to be setback 30 feet from the front property line on an existing lot where the lot width is less than the minimum of 170 feet.

Richard Bennett, P.E., came forward representing the owner. He explained that the property is 3.1 acres but it is an oddly shaped property being very long and narrow. Mr. Bennett stated that they are looking for 2 variances, one for the front yard setback and the other is to build a house in an area where there is less than 170 feet in width. He then indicated where the 170 feet line is noting that they don't have those 170 feet anywhere on the property. Mr. Bennett also explained that they have topographic hardships because the rear one half to one third of the property has a very steep slope and there are two wetlands on the property. There is currently a house on the southwest portion of the property that is within the 50 foot setback and there is also an existing detached garage which is entirely in the front yard setback. Mr. Bennett then indicated on the plans the areas on property that would not be suitable for building.

Mr. Bennett then stated that they have chosen a location on the property for the house that is a little flatter in the front, with the driveway coming in where the existing house is. He noted that the total square footage of the current dwelling is 2,120 and they propose to increase the square footage of the new house to 2,730 which will not be all that much larger than the existing coverage. They will also be reducing the encroachment on the front yard setback. Discussion ensued.

Mr. Snaith stated that his concern is with the height of the portion that is encroaching on the setback, and noted it is a large house on a tight lot. Mr. Edgar expressed his concern with the height as well noting it seems like a lot to try to fit on that property. Mr. Tallman stated that if they were able to bring the height down, it wouldn't look like so much mass from the street. Discussion continued. Following discussion, the applicants decided that they would make some revisions to their plans and return next month. Tracy Kulikowski, Land Use Director, made a point of reference noting that the Conservation Commission will probably want development to be at least 40 feet from the wetlands.

1 PINK CLOUD, owners, NANCY and JOSEPH KRYSIAK, Map 30, Block 4, Lot 26, variance to Sections 312.5 and 321.5 of the regulations to construct an addition to an existing non-conforming house to be setback 28 feet from Weston Road and the side property line.

Nancy Krysiak came forward to present the application. She explained that they would like to put a 10 x 14 addition onto the south side of the existing house. The laundry area is currently downstairs in the basement and they want to bring it up to the first floor so as not to have to go down the stairs. Mr. Snaith noted that when the State widened "Gifford's Hill", now known as Weston Road, they took frontage away from this property. The house was compliant as originally built and then the State made it non-conforming. Ms. Krysiak noted that there aren't too many other places to make the connection to the house for an addition. The rear has a pool and deck area, and the house is on a corner lot and any addition to the north of the house would be in that setback area, and the area they are proposing is the only reasonable place to make the connection. Mr. Tallman asked how much property was taken by the state and Ms. Krysiak stated that she did not know. A review of the map revealed that there was approximately 30-50 feet taken by the State. Discussion ensued.

Following discussion and review of the plans, Mr. Edgar commented that there would be no issue if that portion of the property was not taken and for such a small addition that would otherwise be in compliance, he would be in favor of granting the variances requested.

Hearing no further discussion, the public hearing was closed at 9:04 p.m.

Deliberations:

1 PINK CLOUD

Mr. Noyes commented that he is in favor of granting the variance request, based on the fact that there is a hardship and it is a reasonable request. Mr. Gardner commented that it does not materially exacerbate the non-conformity. Mr. Tallman commented that the State took the property which created the non-conformity and he would be in favor of granting the request.

MOTION

Mr. Edgar made a Motion to grant a variance to sections 312.5 and 321.5 to construct an addition as shown on plans submitted on 3/4/10 and an elevation dated 3/21/10 prepared by Bear Club Builders. A hardship exists due to condemnation of property by the state which caused the dwelling to encroach on the front setback. In light of the reasonableness of the addition, the lack of reasonable alternatives and the state causing such condition, sufficient hardship exists for the granting of a variance. Mr. Noyes seconded the motion. All in favor, the motion carried (5-0).

197 GODFREY ROAD EAST

Mr. Snaith commented that this is an extremely undersized lot, the garage requested is reasonable and an appropriate use, and possible alternate placement is truly limited. The south side is the proposed septic area and the north side has the exterior access to the basement which would preclude putting the garage up to the house. Mr. Noyes commented that the applicant modified the size of the garage from 26 feet to 24 feet and will be 21 feet to the ridge line with a 12 foot pitch. Mr. Edgar, Tallman and Gardner concurred.

MOTION

Mr. Tallman made a motion to grant a variance for a one car garage based on the preexisting nonconforming lot size of .7 acre which limits the area for a garage. The south side of the property is dedicated to septic area and basement access limits the ability to put a garage on the north side of the house. Approval is based on the revised plan showing the building 24' deep 20' wide with a height of no greater than 21 feet and a roof with a 12 pitch as shown on property survey prepared by Paul Hiro, dated 9/3/09 revised 2/9/10 noted as Exhibit A and elevation drawings from Coventry Log Homes noted as Exhibit B. Mr. Gardner seconded the motion. All in favor, the motion carried (5-0).

MOTION TO ADJOURN

Mr. Snaith made a motion to adjourn the meeting and Mr. Noyes seconded. All in favor, the meeting adjourned at 9:30 p.m.

Respectfully submitted,

Delana Lustberg  
Board Clerk