

TOWN OF WESTON, CONNECTICUT
ZONING BOARD OF APPEALS HEARING
January 27, 2009

MINUTES

Present: Board Members: Chairman Richard Wolf, MacLeod Snaith, Carolyn Mulcahey, Robert Gardner and Alternate: Ken Edgar

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

17 FERN VALLEY ROAD, owners, MANCINELLI, JOSEPH A. & FRANCO, PAMELA L., Map 19, Block 3 Lot 75, variance to Sec. 321.5, to convert a 2 car garage into a family room/office and construct a new 3 car garage that would be set back 30.2 feet from the front property line.

Mr. Mancinelli and Ms. Franco came forward to discuss the application. They presented plans and pictures indicating the conditions and topography of the property. Mr. Mancinelli explained that 8 feet behind the house the rock starts and there is no other place to expand. He indicated the area where they would like to place the new garage. Mr. Wolf then reviewed the stated hardships. Discussion ensued.

Mr. Noyes noting that they presently have a 2-car garage which they want to turn into a family room/study with a master bedroom upstairs, questioned whether they have contemplated keeping a 2-car garage and not coming into setback as far? Mr. Mancinelli stated that they had considered that and even a 2- car garage is 50 % into the 50 ft. setback. Discussion ensued regarding a 3 vs. 2 car garage.

Mr. Wolf posed a question regarding the area of breezeway and asked if they had considered eliminating that and connecting the garage to the existing house. Mr. Mancinelli stated that they had considered that, but they were trying to make it look nice and not look like a big thing stuck on the side of the house. Even if they did not have the breezeway, the garage would still have to come forward because of the curvature of the rock.

Mr. Snaith expressed concern with granting a variance for an extra bay, and asked whether there was anything they can do to bring the addition close to the house and make it less intrusive. Mr. Noyes noted that he had three observations, the closest neighbor has a 3 car garage close to the property line, and in this neighborhood, this will not stand out. The second observation is that the travel path is a long way from the property line and the structure is not going way up against the roadway. The third observation is that the cliff behind is so close that appears that they may need to blast under this current plan to cut into that stone. Mr. Mancinelli explained that they hired the excavator who did the original excavation on the house and the rock is glacier deposits and they are sitting on sand surface. They will have to blast only to break a rock to make it small enough to move, it is not solid rock. Mr. Wolf questioned whether the applicants had considered

a 2-car, attached garage and Mr. Mancinelli stated that they did a number of plans having the garage up against the house and it just looked like an add-on. Discussion ensued.

Following discussion, Mr. Edgar commented that he would like to see minimal incursion into the setback and his choice would be to try to move a 2-car garage back against the house. Mr. Gardner commented that they have rock and a hard place and have no place to go. Mr. Snaith commented that it is a small house, a tight lot with no other place to expand given the location of the well, septic and the rock ledge behind the house. They are locked into that side of the house so immediately it will go into the setback area due to the way the house is placed on the property. His concern is what can they do to minimize impact? He can see why they want to have a door with the breezeway, but he would not want to see a 3rd bay. Mr. Noyes commented that there is nothing the applicant can do that is not going to start to be in violation of the setback. He would like to see that minimized by compacting the breezeway and going to a 2-car which would be a significant reduction in the incursion. Ms. Mulcahey commented that she is of like mind with Mr. Snaith and Mr. Noyes and in the past they have denied 3-car bays. Given the size of the property and maintaining property values, she sees nothing wrong with enlarging the house and the proposal seems reasonable, but it is conforming now and to add a 3rd bay seems to be a little over the top. Mr. Wolf commented that he felt the same way as the other board members. Discussion ensued.

Following discussion on modifications to the plans, the matter was continued to the next meeting.

52 VALLEY FORGE ROAD, owner, KONHEIM, BRAND TR, Map 19, Block 1, Lot 2, variance to Sec. 321. 7 of the B regs to demolish parts of an existing non-conforming dwelling and replace with new construction that would be setback 20 feet from the edge of a watercourse. Pete Romano from LandTech came forward and stated that he represents the Konheims. He noted that Michel Greenberg, architect, and two of his associates who designed this new dwelling were also in attendance. He presented pictures and maps for the members to review. Mr. Romano noted that this is a single family dwelling which the Konheim's have lived in since 1982. The house is 10 ft. off the Saugatuck River, and he indicated the location of the setbacks. Due to the 50 ft. setbacks off of a watercourse, the house sits entirely inside the setback except for a tiny piece. The proposal puts the house outside the flood plain. Mr. Romano explained that in accordance with FEMA regulations, when you improve a home and it exceeds 50% of the marketable value, you have to bring the entire house up to the FEMA standards and all habitable space needs to be above the 100-year flood elevation. He also noted that they have been before the Conservation Commission and Planning & Zoning and received approval from both. Mr. Romano explained that the existing carport and shed will be removed as well as the asphalt parking lot and driveway.

Mr. Romano also explained that the current house and deck and developable activity inside that 50 ft. setback was approximately 6,500 sq. ft., when they get done, the new construction, elimination of the paved area, carport and shed will give them 3,100 sq. ft., reducing the intrusion into that setback by 50%.

Holly from Michael Greenberg's office came forward and stated that they are conforming to the FEMA regulations by bringing all the habitable space above the flood plain level. They will be raising the house on bearing walls, that are steel piles that would be wrapped in concrete and the whole structure is then raised above the flood level. This allows the water to work its way through the walls instead of having a solid structure under the habitable space. The garage is the only thing touching the ground.

Ms. Mulcahey asked what the deck was made out of and Holly explained that it is made of wood, and the two proposed elevated decks would be concrete. Mr. Noyes noted that the application talks about demolition and asked them to review what is being removed. Mr. Romano explained that with the exception of a piece of the existing deck in the back, everything else will be removed. Discussion ensued.

Mr. Edgar noted for the record that Michael Greenberg built his house, but he did not see any conflict. He commented that this looks like good work, it is less encroaching than before and obviously a unique property and pretty clear that there is no room to fit it in within the setbacks. Mr. Wolf noted that he and Michael Greenberg served on the school building committee, but he is not the applicant and does not see any conflict. Discussion continued.

Mr. Wolf stated that he had no problems with the proposal. Ms. Mulcahey commented that she appreciated the relocation of the house and minimizing the impact into the setback, but wish they had taken it a step further and minimized the existing patio. The pool seems like a luxury and not a hardship issue and does not like that it is going into that setback area. She asked whether there was a way to push it back. Mr. Romano noted that they could push back the pool. Mr. Snaith commented that he had no problem with the pool the way it is proposed. Ms. Mulcahey commented that the application does not make any mention of a pool within the setbacks. She feels that as a separate structure, it should have been addressed as a separate structure that they are also looking for a variance for. Discussion on the pool continued.

Following discussion, the public hearing was closed.

2 FANTON HILL ROAD, owners, SCHIFFER, MICHAEL J and CHANG, MEREDITH M., Map 26, Block 3, Lot 3, variance to sec. 321.5 of regs to construct an addition to an existing dwelling that would be within the 50 ft. front yard setback.

Mr. Noyes recused himself as he is an adjoining property owner.

Mr. Wolf read an e-mail from the Land Use Director which indicated that the applicants would also need to apply for a variance to Section 312.5, corner lot setbacks. He noted that the applicants could go forward with the presentation and the hearing will be continued to the February meeting.

Gordon Hallas, builder, and Ms. Chang came forward and stated that they were not aware of the fact that they need a variance to 2 sections. Mr. Hallas presented the plans and explained that they have a covered patio that they would like to enclose to make a 3-seasons room and above that would be a master bedroom suite. They would not be changing the footprint of house. The house is currently non-conforming sitting 40 feet from the front line and has no basement, only a

crawl space. The hardship is due to the fact that there is no other place to expand the house except over the back corner. Mr. Snaith commented that they are basically enclosing a space that has a structure over it. The footprint is not an issue, but there is a question as to whether the height is increasing volume. Discussion ensued.

Following discussion, Mr. Snaith suggested that they get everything they want to do on the plans and return for the February meeting.

Deliberations:

52 Valley Forge Road:

Mr. Wolf commented that in general he approves of the application. Ms. Mulcahey commented that the pool bothers here and according to Section 301, regarding pools and the conformity required, if the pool were to be pushed back she would be very happy with the application. Mr. Snaith commented that the site has severe topographical issues and there are only certain places to put things. Mr. Edgar commented that the pool is not living space. Mr. Wolf commented that, personally, he does not see a reason to ask for the pool to be moved and doesn't think that pulling the pool out would make a difference in this application. Mr. Noyes commented that it is a comprehensive plan, it has passed other town bodies, and he would favor a variance. Mr. Wolf, Snaith and Gardner concurred.

MOTION FOR APPROVAL

Mr. made a motion to approve the application for a variance to Sec. 312.7 to demolish the existing structure and construction of new house, deck and pool as shown on plans prepared by LandTech Consultants, Inc. dated 6/11/08 , revised 11/11/08 and drawing sheets 1-6. The hardship is based on the extreme topographical conditions, including steep slopes, watercourses and wetlands. Mr. Gardner seconded the motion. The motion was voted on and carried (4-1 [Mulcahey]).

APPROVAL OF MINUTES

Mr. Edgar made a motion to approve the Minutes from the October 29, 2008 meeting, as amended, and Mr. Noyes seconded. All in favor, the motion carried (5-0).

MOTION TO ADJOURN

Hearing no additional business, Mr. Snaith made a motion to adjourn and Mr. Wolf seconded. The meeting adjourned at 10:00.

Respectfully submitted,

Delana Lustberg
Board Clerk