

TOWN OF WESTON, CONNECTICUT
ZONING BOARD OF APPEALS HEARING
February 24, 2009

MINUTES

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

Mr. Wolf opened the public hearing at 7:40 p.m. The Board Secretary read the agenda into the record. Mr. Wolf then explained the public hearing procedure to the applicants.

2 FANTON HILL ROAD, owners, SCHIFFER, MICHAEL J and CHANG, MEREDITH M., Map 26, Block 3, Lot 3, variance to Sec. 321.5 of the regulations 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.

Gordon Hallas, builder, came forward to present the application. Mr. Hallas described the plan noting that they are not expanding the footprint of the residence, they are just going up and adding a bedroom. The area is within the 50 ft. setback so any work that is done they would need a variance. Mr. Snaith confirmed that they are keeping the same ridge line and then brought attention to Sec. 374 of the regulations because he believes that what is proposed here is totally covered under that section. Discussion ensued.

Following discussion, Mr. Hallas explained that they need the variance because the work is within the 50 ft. setback. Mr. Snaith re-stated that he did not think they need a variance because it pre-dates zoning regulations and they are not changing the footprint or height and discussion continued. Mr. Wolf then asked Mr. Hallas to indicate what the increase in volume of the structure will be and he described that for the board members.

Hearing no additional discussion, the public hearing was closed at 7:56 p.m.

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 handed out revised drawings to the board members for their review. Ms. Franco then addressed each of the regulations applicable to their property. They also explained that the hardships are the topography does not allow them to build anywhere else, and with the setback, it would not even leave room for a single car garage. Also, they only have ¼ acre of buildable space even though they are on a 2-acre lot. Ms. Franco then read from a prepared statement addressing the criteria that must be met before the granting of a variance and how their proposal was in keeping with that. Mr. Mancinelli then pointed out the differences from the original plan and discussion ensued. During discussion, the applicants expressed their desire to have a 3-car garage, but if the Board would not allow that, then they would continue with the current 2-car garage proposal. Having a sense that the Board would not be in favor of the 3-car garage proposal, they confirmed that they would continue with the 2-car garage proposal.

Following some additional discussion, the public hearing was closed at 8:25 p.m.

209 GOODHILL ROAD, owners, MILLARD, ANDREW & SCARBOROUGH, ELIZABETH, Map 24, Block 3, Lot 12 & 13, variance to Sec. 321.5 and 374 to permit an addition to existing residence with proposed front yard setback of 12 ft.

Robert Sanders, architect, came forward to discuss the application. He noted that the house was built in 1790 and it is a 4-acre parcel with the property sloping sharply upward to the east. Mr. Sanders also noted that the original house comprises approximately 1/3rd of the residence and it's west elevation is actually the property line. He presented the plans and some photos for the board to review, indicating that they currently have zero front setback. The proposal is to eliminate or improve the situation of the entryway that occurs at a 3-piece joint of the existing house. Mr. Sanders described the setup and layout of the existing house noting that they are looking to create a master bedroom space. Currently there are 3 small bedrooms and they want to consolidate that to 2 bedrooms upstairs and a better master bath situation. The proposal also addresses an awkward existing condition caused by the joint with angled connections causing valleys and roof ice. Mr. Sanders explained that they also will more headroom in the second floor to make the connection work and then continued to explain how that would be accomplished. Discussion ensued.

Mr. Noyes posed a question regarding the overall 4 acre property noting that there appeared to be two complete residences with a huge garage in between. Mr. Sanders explained that the dwelling they are discussing is a guest cottage.

Mr. Snaith commented that there is nothing that can be done to the house without being in the setback. He noted that, internally, they were creating a better flow and able to use the rooms better. Ms. Mulcahey questioned whether they planned on changing the stone wall or fencing in the front of the property and Mr. Sanders indicated that it would not be changed. Mr. Edgar posed a question regarding the front overhang and whether it would serve a function. Mr. Sanders explained that it was mostly for aesthetics and to protect the entry as it connects to the existing walkway.

Andrea Noble, neighbor, was present and Mr. Sanders noted that he has spoken with her about the project.

Hearing no additional discussion, the public hearing was closed at 8:43 p.m.

Deliberations:

2 Fanton Hill Road:

(voting members: Wolf, Snaith, Mulcahey, Gardner and Edgar)

Mr. Wolf commented that they are basically filling in open space within the existing structure. Ms. Mulcahey commented that she had no problem with this application. Mr. Snaith commented that the property is pre-existing and nonconforming and the second hardship, in his mind, is that Section 374 seems to indicate that because there is no change in the footprint and no change in the height that it does not even require a variance. It pre-exists zoning regulations and what is requested is an appropriate use. It is a conforming use now and will continue to be a conforming

use that does not change height or area. In addition, there are no good alternate locations to expand the house for a bedroom.

MOTION FOR APPROVAL:

Mr. Snaith made a motion to approve a variance to Sections 321.5, 312.5 and 374 to enclose an existing first floor porch area and construct a bedroom above as shown on plans prepared by Cartelli Architectural Design, LLC, dated 11/8/08, revised 11/17/08 and labeled A-1, A-2 and A-3, and also shown on a plot plan by Black Rock Surveyors dated 10/3/03. The hardships are that the property and house pre-date zoning, there are no reasonable alternatives for an expansion and this expansion does not change the existing footprint or the height of the existing residence. Ms. Mulcahey seconded the motion. All in favor, the motion carried (5-0).

17 Fern Valley Road

(voting members: Wolf, Snaith, Noyes, Mulcahey and Gardner)

Mr. Noyes commented that they have returned with a modified plan which curtailed the size of the incursion and they have clearly a topographical constraint to make a reasonable request for extension of their home.

MOTION FOR APPROVAL:

Mr. Noyes made a Motion to approve the variance to Sec. 321.5 to convert a 2-car garage into a family room/office and construct new 2-car garage as shown on plans prepared by L. Edwards Associates, LLC Engineering and Surveying, dated 11/11/08 and revised 2/5/09. The hardship is topographical and based on the severe rock and slope at the rear of the property and the limited amount of buildable area on the property. Mr. Wolf seconded the motion. All in favor, the motion carried (5-0).

209 Goodhill Road

(voting members: Wolf, Snaith, Noyoes, Mulcahey and Gardner)

Mr. Wolf commented that you can't find a house that is on the road like this one. Mr. Snaith commented that virtually the entire house is within the setback area. They are trying to make it more livable and he has no issue with the proposal. Mr. Edgar commented that the roof portion could actually be a safety issue. Mr. Wolf commented that the issue seems to be that it would be impossible to do any alternations this house without getting a variance. The proposal is to make the house more habitable and useable for the owners. Mr. Noyes restated the hardship noted in the application and commented that he had no objections to approving this request.

MOTION FOR APPROVAL:

Ms. Mulcahey made a motion to approve a variance to Sections 321.5 and 374 to permit an addition to the existing residence with a proposed front yard setback of 12 ft. as shown on a site plan prepared by Hammons Land Surveyors, LLC, dated 12/14/00 and revised 1/26/09 and also on architectural drawings prepared by Rob Sanders Architects, LLC, dated 2/4/09 and labeled A-1 – A-6. The hardships are based on the pre-existing nonconformity with virtually the entire existing structure within the setback preventing any alteration on the structure. Mr. Gardner seconded the motion. All in favor, the motion carried (5-0).

APPROVAL OF MINUTES:

Mr. Gardner made a motion to approve the Minutes from the November 25, 2008 meeting, as revised, and Mr. Wolf seconded. All in favor, the motion carried (6-0).

OTHER BUSINESS:

Mr. Wolf noted that they received application forms for the CBA education training for Planning & Zoning on Saturday March 28 in Middletown and the town agreed to pay for the registration for any board member that wants to attend.

MOTION TO ADJOURN

Hearing no additional business, Mr. Snaith made a motion to adjourn and Mr. Wolf seconded. The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Delana Lustberg
Board Clerk