

TOWN OF WESTON, CONNECTICUT
ZONING BOARD OF APPEALS HEARING
November 25, 2008

MINUTES

Present: Board Members: Chairman Richard Wolf, MacLeod Snaith, Carolyn Mulcahey, Robert Gardner and Alternates: Robert Morse, Maryann Murray and Ken Edgar

Mr. Wolf opened the public hearing at 7:30 p.m. Ms. Mulcahey read the agenda into the record. Mr. Wolf then explained the procedure to the applicants' representative.

97 KETTLE CREEK ROAD, SPITZER, JACQUELINE & BRENT, MAP 29, BLOCK 4, LOT 21, VAR. SEC. 321.5 AND 301 OF THE ZONING REGULATIONS TO REPLACE A 2 CAR GARAGE WITH A 3 CAR GARAGE THAT WOULD BE SETBACK 43 FEET FROM THE FRONT PROPERTY LINE AND TO ATTACH A NEW COVERED PORCH TO EXISTING PORCH SETBACK 29 FT. 8 In. FROM THE FRONT PROPERTY LINE

Michele Holmes, representing the property owners, came forward to discuss the application. Ms. Holmes stated that because it is a private drive, the setbacks have changed. The existing garage is partially in the setback now and she also noted that most of the existing house is within the setback. They dug behind the existing garage and there is a big ledge and they would like to pull the new garage forward which would intrude into the setback. She further noted that there is an existing covered porch and they would like to extend that porch so that the garage and the front door connect. There are elevation problems and they have run into issues with the ledge behind the existing garage, which would never house a car to today's standards. It is short, small and not a full 2-car garage. If they were able to pull it forward, they could fit an SUV into the garage. She presented maps and indicated the setback areas and the existing garage and house and the proposed new garage. Mr. Snaith then questioned Ms. Holmes on the issue of the hardship of the ledge behind the existing garage. Discussion ensued.

Ms. Mulcahey then asked Ms. Holmes to elaborate on her statement regarding the private road setbacks. Ms. Holmes explained that the frontage has changed on the private roads and the setbacks then become 50 ft. all the way around. Discussion continued.

The discussion centered on the two claimed hardships. The first concerned the garage and the ledge condition described above. The second concerned the continuation of a covered walk way that would lead from the garage to the house.

Mr. Wolf first directed the brought discussion to the stated hardship of the ledge behind the garage. Mr. Snaith noted that they have real hardships that are unique to the property, that being the lot size, the location on the lot, the private drive servicing at least 5 houses the and the pre-existing nonconforming status of the dwelling. Discussion of the hardships continued. Mr. Snaith suggested that the ledge would not necessarily preclude the construction of a garage that conformed with the Town's zoning regulations.

Mr. Wolf then asked Ms. Holmes to discuss the stated hardship with respect to the walkway. Ms. Holmes explained that the slope of the property created a potentially hazardous situation for

a person walking from the front of the garage to the main entrance to the house. Mr. Wolf suggested that there might be ways to address this issue.

After additional questions and discussions, the public hearing was closed at approximately 8:30 p.m.

DELIBERATIONS

Mr. Wolf noted that Mr. Noyes was absent from the meeting and, Mr. Noyes not having designated an Alternate as his replacement, designated Mr. Morse as a voting member. He then invited the members and alternates to state their views on the proposed variance. Mr. Gardner stated that he was inclined to oppose the variance with respect to the garage but grant the variance on the proposed walkway. Ms. Murray noted that she was inclined to oppose the granting of a variance on the grounds that, in her view, the applicants had not demonstrated the requisite exceptional hardship to be granted a variance. Mr. Edgar, Mr. Snaith, Mr. Wolf, Ms. Mulcahey and Mr. Morse all concurred with Ms. Murray, generally noting that the basic goals of the applicants' project could be accomplished without violating the Town's zoning regulations.

MOTION TO DENY

Mr. Morse made a motion to deny the request for a variance to Sections 321.5 and 301 of the Zoning Regulations and Ms. Mulcahey seconded the motion. The motion was voted on and carried (4-1 [Gardner]).

MOTION TO ADJOURN

Hearing no additional business, the meeting adjourned at 9:00 p.m.

Respectfully submitted,

Delana Lustberg
Board Clerk