

TOWN OF WESTON, CONNECTICUT  
ZONING BOARD OF APPEALS HEARING  
January 22, 2008

MINUTES

Present: Board Members: Chairman Richard Wolf, Vice-Chairman MacCleod Snaith, Nick Noyes, Robert Gardner and Alternates: Robert Morse and Harriette Heller

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Chairman Wolf called the Public Hearing to order at 7:36 p.m. and the Board Secretary read the notice of the public hearing into the record.

73 GOODHILL ROAD, owner, KABCENELL, ALISA KASTAN, Map 29 Block 7 Lot 3, variance to Section 321.5 of the Zoning Regulations to allow an addition to the rear of an existing non-conforming residence.

Richard Parker, contractor and owner Alisa Kastan Kabcenell came forward to present the application. Mr. Parker presented the plans and indicated where the proposed enlargement would be. It would be on existing foundation and they are asking for 10 sq. ft. sq., and there is a 3' x 3' area within the setback. Mr. Snaith noted that they would be adding to the core utility space of the house, the kitchen and laundry space and they would be tying it into the existing services. Mr. Parker then showed the Board a three-dimensional plan. Mr. Noyes commented that they seem to be filling in a blank that was at the back part of the 50 ft. setback. Mr. Wolf posed a question regarding any changes to the existing roof line and Mr. Parker noted that they would be mimicking the existing roof line. Discussion then ensued regarding that 3' x 3' space and roof line changes within the 50 ft. setback.

Following discussion and hearing no further questions, the public hearing was closed at 7:48 p.m.

60 LORDS HIGHWAY, owners, MCMAHON, BRIAN T. & KAREN R., Map 14 Block 3 Lot 22, variance to Section 321.5 of the Zoning Regulations to re-build existing barn within 29.4 feet of the property line.

Brian McMahon, owner, came forward to present the application. He noted that the house is the John Lord house, which Lords Highway is named after. The main house was built in 1790 and there was an operating tavern on the property, which is the second outbuilding. The third building is the barn, which was the first building built, pre-1790, and was built before the framing square was invented. He noted that you can still see the marriage marks. It has been deemed dangerous by the insurance company, there is a sway in the roof and the back is broken on the main ridge line. Mr. McMahon explained that they have had three barn restoration experts come to look at it and the barn can be salvaged at cost of about \$250,000. It is 50' x 25' and a three-story traditional bank, 4 bay, 5 beam English style clean post construction and one of the oldest buildings in Weston. While they cannot spend \$250,000 to restore the barn, they can build a historically accurate replica of the barn for about \$70,000. The have found a company

from Mystic that will build it exactly as it was built in the old days with no nails, just post and beam with pegs and it will be historically accurate. They would like to take all the wood in the barn and donate it to the Weston Historical Society and they can use all the wood to build their new Historical Society building. Mr. McMahon then noted that he looked at a 1964 and a 1972 plot plan which shows that the barn is 30 ft. plus or minus from the property line.

Mr. Snaith then noted that they will be taking the barn down to the foundation and questioned why they couldn't move or take off 2 ft.? Mr. McMahon explained that whoever tried to restore the barn in the past poured concrete retaining walls all the way through the lower part of the barn into the bank. He further noted that it would not be the same barn that was built in the 1700's and they really want to build the same as what was historically there. It would be a shame to change the whole barn for just a couple inches. Discussion ensued.

Mr. Wolf noted that the framing is to be oak and Mr. McMahon noted that he could have done it cheaper with pine, but the existing barn was oak and if he is going to build it historically accurate he will spend the extra money to put the oak in. Mr. Noyes then stated that he reviewed the zoning regulations 373.2 regarding nonconforming buildings and noted that a nonconforming building or structure shall not be altered or reconstructed unless such alterations are required by law or required to keep the building in safe condition. He questioned whether the safe condition would apply here. Discussion then ensued regarding hardship.

Following discussion and hearing no further questions, the public hearing was closed at 8:15 p.m.

#### 73 Goodhill Road:

Mr. Wolf then opened discussion by reading the application and stated hardship. Mr. Snaith commented that he has no problem with the application because the requested variance is for an addition that connects to the existing structure at the existing location of all the kitchen/laundry services. The main box of the house is entirely in the setback area and the 3' x 3' ft. piece requested has no negative impact on the neighborhood and it is impossible to add in any other way. Mr. Noyes commented that although the expansion is within the 50 ft. setback, since the majority of the house is already in the setback and there is not any increase in nonconformity it is a sensible expansion of the house.

#### MOTION FOR APPROVAL

Mr. Noyes made a motion to approve the request for variance to 321.5 for an addition as shown on plans prepared by Richard Parker Construction, LLC, Exhibits A-G, signed and dated by the Board 1/22/08, based on the hardship of the pre-existing non-conformity of the building which is in the setback and expansion is moving away from any further incursion. Mr. Gardner seconded the motion. All in favor, the motion carried (5-0).

60 Lords Highway:

Mr. Snaith began deliberations by noting that they are dealing with a historic structure which predates zoning, and what is requested is actually a repair of a structure that is in peril of falling down. They are being asked to approve the repair of the first 2 ft. of the barn, as the rest of building falls outside of the setbacks. Mr. Noyes noted that he would like to reference, if approved, Section 373.2 which allows a non-conforming structure to be brought into safe condition. In unsafe condition allowing repair, snaith.

MOTION FOR APPROVAL

Mr. Snaith made a motion to approve a variance to Sec. 321.5, variance setbacks, for a pre-existing nonconforming historic barn and Sec. 373.2, unsafe condition, to permit the applicant to repair, restore or rebuild that portion of the structure that is in the setback area. Mr. Noyes seconded the motion. All in favor, the motion carried (5-0).

APPROVAL OF MINUTES

Members made some suggested revisions to the minutes and following, Mr. Noyes made a motion to approve the minutes from November 5, 2007, as revised, and Mr. Gardner seconded. All in favor, the motion carried (5-0).

Members made some suggested revisions to the minutes and following, Mr. Noyes made a motion to approve the minutes from November 27, 2007, as revised, and Mr. Gardner seconded. All in favor, the motion carried (5-0).

Mr. Wolf then gave an update on the pending litigations and discussion ensued regarding replacing Arthur Hahn.

MOTION TO ADJOURN

Mr. Snaith made a motion to adjourn and Mr. Gardner seconded. All in favor, the meeting adjourned at 8:49 p.m.

Respectfully submitted,

Delana Lustberg  
Board Clerk