

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

MINUTES

Present: Board Members: Chairman Richard Wolf, Vice-Chairman MacLeod Snaith, 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 applicant.

1 KATYDID LANE, owner, KATHARINE BUTT, Map 19 Block 1 Lot 52, variance to Sections 312.5 and 374 of the Zoning Regulations to 1) construct a two-car garage and addition that will connect the house with the existing 1946 studio, to be located 26 feet from the property line along Katydid Lane, and to 2) restore the existing 1946 studio and increase its height so its roof line matches the proposed addition.

Ms. Mulcahey reminded the Board that she is familiar with the applicant and recused herself from this application. Mr. Wolf explained to the applicant that there are 4 voting members and 4 votes are needed for a variance.

Mr. Clemment Butt came forward to discuss the proposal and presented revised plans. He stated that they are not going to go forward with the request for a variance to Section 312.5 as they have decided they will not be going forward with the two car garage. They are still requesting a variance to Section 374 to replace the flat roof on the studio. He explained that the new roof will increase the height to 14 ft. and the gable roof pitch will remain at 6' 12". The garage is set back from the side property line 11.9 ft. Mr. Butt then explained that 1946 garage pre-dates zoning, there will be no change in use or footprint and no further incursion into the setback. He stated that in addition, the hardship is due to the roof condition which is unsafe and in need of repair and the current height of the building is not adequate for a modern vehicle to enter the garage doors. The increased height is needed to accommodate a standard rollup garage door. Mr. Butt provided pictures for the Board members to review and continued to describe the proposal.

Mr. Wolf asked what would be used for the walls and Mr. Butt stated that they will be using stone to match with the existing and build that up, keeping the roof pitch the same. Mr. Snaith noted that the existing door height is 6' 3" and it would be increased to 8'. Mr. Edgar noted the plan indicated a well inside the structure and Mr. Butt stated that there is, it is in a pit with a door on top and set about 7 feet below the level of the garage. He also noted that there is a large water tank there as well. Mr. Wolf brought discussion to the hardship.

Mr. Snaith questioned whether Mr. Butt could consider a slightly lower door noting that he is trying to explore reducing the impact of the proposal since it is a nonconforming building. He noted that he does not have a problem with being able to repair the existing building, and although increasing the nonconformity to make it useable for today's cars is legitimate, he would like to see if the amount of increase in nonconformity could be reduced. Discussion continued.

During discussion, Mr. Snaith asked Mr. Butt why he feels that he can't lower the roof and Mr. Butt explained that he doesn't want to take the risk of not being able to get through the door. He also wants to have stone above it and to create a window, there needs to be an additional foot. Discussion continued.

Mr. Butt explained that what he proposed at the last meeting was deemed a mass by some people and believes he came back with an alternate proposal that significantly reduces what was proposed the first time. Discussion on reduction in the height continued.

Mr. Wolf then asked Mr. Butt if he would consider a reduction in the overall height and if so, what would he consider? He stated that he would like to keep it as a stone structure and would entertain a 6 or 3 inch reduction in height to 13' 9" but in order to rebuild and maintain that architectural style that would be as far as he could go.

Mr. Gardner commented that it seemed that the suggested changes are good and the building is scarcely noticeable from the street and seems like a reasonable justification for a variance. Mr. Edgar commented that it sounds small, but it's hard to envision how much impact a higher garage would make. Mr. Snaith commented that one of the problems he has is that it is a 25% increase in the height of a non-conforming building. He has no problem with fixing the roof or taking the gable all the way back but the plates for the rafters do not need to be 2 feet over the door.

Hearing no additional discussion, the public hearing closed at 8:17 p.m.

DELIBERATION:

Mr. Wolf commented that he is sympathetic to Mr. Snaith's position, but does believe that it is an improvement on what exists. Mr. Snaith commented that his only problem is that the additional height is based on an architectural concept and is not sure that he believes that this is that much better than the existing elevation. Mr. Butt needs a garage and he has no problem with the 8 ft. door. Mr. Wolf noted that the presentation is for a height of 13' 9" and that is what the members need to base their decision on. Mr. Edgar commented that Mr. Butt has a legitimate hardship in terms of safety, but the additional height is clearly not necessary to address the hardship. It is an additional feature that the applicant believes is an enhancement, but is not in response to the hardship. Discussion ensued.

MOTION FOR APPROVAL

Mr. Edgar made a motion to approve the application for a variance to Section 374 and 312.5 to permit construction of a garage with the features described on plans prepared by Clemment Butt, dated 11/20/09, with elevation drawings dated 11/20/09, floor plan dated 11/20/09 and plot plan dated 4/11/01, with revisions signed and dated 11/24/09 by Mr. Snaith. The hardships are based on the building needing repair, it is inadequate for today's autos, and it is an appropriate use for a pre-existing, non-conforming structure. Mr. Gardner seconded the motion. All in favor, the motion carried (4-0).

APPROVAL OF MINUTES

Mr. Edgar made a motion to approve the minutes from the September 29, 2009 meeting, as amended, and Mr. Gardner seconded the motion. All in favor, the motion carried (5-0).

APPROVAL OF MINUTES

Mr. Snaith made a motion to approve the minutes, as amended, from the October 27, 2009 meeting and Mr. Edgar seconded. All in favor, the motion carried (5-0).

ELECTION OF OFFICERS

Mr. Wolf nominated Mr. Snaith as Chairman and Mr. Gardner seconded. All in favor, the motion carried (4-0).

Mr. Snaith nominated Mr. Wolf as Vice-Chairman and Mr. Gardner seconded. All in favor, the motion carried (4-0).

MOTION TO APPROVE MEETING DATES

Mr. Wolf made a motion to approve the meeting dates for 2010 and Mr. Snaith seconded. All in favor, the motion carried (5-0).

MOTION TO ADJOURN

Ms. Mulcahey made a motion to adjourn the meeting and Mr. Edgar seconded. All in favor, the meeting adjourned at 9:05 p.m.

Respectfully submitted,

Delana Lustberg
Board Clerk