

Joseph & Lois Ryan
13 Bernhard Drive (MBL 17 4 26)
Weston, CT 06883
September 8, 2020

Ann Marie Fontana
Administrative Assistant – Planning and Zoning
Weston Town Government
24 School Road
Weston, CT 06883

Subject: Amendment to Weston Apartment Sizing

Dear Ann Marie Fontana:

Pursuant to our pre-application meeting this past August 28, 2019 (12 months ago) concerning apartment floor sizing stipulated in town regulations we are submitting the following request for an amendment to the sizing issue as follows.

The current size of apartments allowed in Weston is at '25% of entire floor space or 800 square feet whichever is smaller (town regulation Apartments / 345.4)', We request the amendment be changed to read:

The floor space area devoted to such apartment shall not exceed 25% of the entire floor area of the dwelling, nor shall it be greater than 900 square feet of habitable floor space area, whichever is the lesser amount, excluding interior access to the apartment in accordance with the Building Code of the State of Connecticut (refer to Section 610 Definitions regarding "Habitable Space" below).

Section 610 Definitions

Apartment: A room or set of rooms, among the other rooms or sets in one building designed for use as a dwelling and which includes cooking, 3 fixture bath and sleeping facilities. (Amended 10/30/86)

Basement Apartment: An apartment any part of which is below the elevation of the finished grade of the ground adjacent to any part of the dwelling at the highest point of elevation. (Amended 10/30/86)

Floor Area: The sum of the gross internal horizontal area of the several floors of the building, but not including attached or built-on garages, porches or terraces, unfinished rooms, or unfinished floor area having a clear head room of less than seven (7) feet (Amended 10/30/86)

Habitable Space. A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

We feel that the current sizing is outdated (it was amended 7/1/1989) and does not consider sizing's for apartments in surrounding towns as follows:

- Westport- (203) 341-1030 - 800 sq. feet. They are considering an increase this year.
- Wilton - (203) 563-0185 - 800 sq. feet
- Fairfield- (203)256-3050 - Square footage not to exceed 25% of the gross floor square footage of the home (does not include basement and garage). I have 5800 sq. ft (so not to exceed 1450 in my case)
- Easton - 1500 sq. feet maximum (at 3 acre zone and 500 feet per Weston should allow 1000 square feet for its 2 acre zone)
- Ridgefield - 900 sq. feet
- Redding - 800 sq. feet
- Torrington - 700 sq. feet (habitable space)

Note that 3 of our sister towns have more than a maximum of 800 square feet as a maximum for apartments in a residence.

The purpose of this meeting and the one last August is to get consideration specifically for our renovated bonus room area (see diagram below) as a legal rental in the Town. The bonus room is more than 800 square feet because of one indentation on either side of the room. We do not think it unreasonable by any measure to allow us to have that square footage counted since you can't even stand in it. Disallowing it would deface perfectly good workmanship and costly expense to have the areas sealed off. This contention is supported by the International Code Council subscribed to by Architects in this country. The following passages (highlighted) is from the International Code councils rule book: [CT state building code is based on International code \(portal.ct.gov/Connecticut-state-building-code/regulations\)](http://portal.ct.gov/Connecticut-state-building-code/regulations)

2018 International Residential Code

CHAPTER 3 BUILDING PLANNING

First Printing: Aug 2017

SECTION R304 MINIMUM ROOM AREAS

R304.1 Minimum area.

Habitable rooms shall have a floor area of not less than 70 square feet (6.5 m²).

Exception: Kitchens.

R304.2 Minimum dimensions.

Habitable rooms shall be not less than 7 feet (2134 mm) in any horizontal dimension.

Exception: Kitchens.

R304.3 Height effect on room area.

Portions of a room with a sloping ceiling measuring less than 5 feet (1524 mm) or a furred ceiling measuring less than 7 feet (2134 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required habitable area for that room.

SECTION R305 CEILING HEIGHT

R305.1 Minimum height.

Habitable space, hallways and portions of basements containing these spaces shall have a ceiling height of not less than 7 feet (2134 mm).

Bathrooms, toilet rooms and laundry rooms shall have a ceiling height of not less than 6 feet 8 inches (2032 mm).

Exceptions:

1. For rooms with sloped ceilings, the required floor area of the room shall have a ceiling height of not less than 5 feet (1524 mm) and not less than 50 percent of the required floor area shall have a ceiling height of not less than 7 feet (2134 mm).
2. The ceiling height above bathroom and toilet room fixtures shall be such that the fixture is capable of being used for its intended purpose. A shower or tub equipped with a showerhead shall have a ceiling height of not less than 6 feet 8 inches (2032 mm) above an area of not less than 30 inches (762 mm) by 30 inches (762 mm) at the showerhead.
3. Beams, girders, ducts or other obstructions in basements containing habitable space shall be permitted to project to within 6 feet 4 inches (1931 mm) of the finished floor.

Also we believe the following facts should be considered in passing the amendment requested:

- Occupancy – Although we expect to limit our renters to 2 individuals we will leave it up to the town to decide occupancy rules with 2 being a possible maximum number of renters (like Bethel) or based on the number of bedrooms as is done in other communities.

- Houses are much bigger

- It is more difficult to get a decent monthly rental income from 800 square foot rental than greater than 800 square feet (and therefore more difficult and timelier to make up the cost of renovations)

- Property Taxes are grossly expensive and a good rental income can help offset them (that is our decision for renting)

- Federal tax laws have changed which put an additional undue burden on those people in states where the tax rates are already a tremendous burden

The tax burden is breaking the backs of people in these towns and property values are constantly decreasing. A little creative thinking and consideration of the economic climate (now 52 years hence

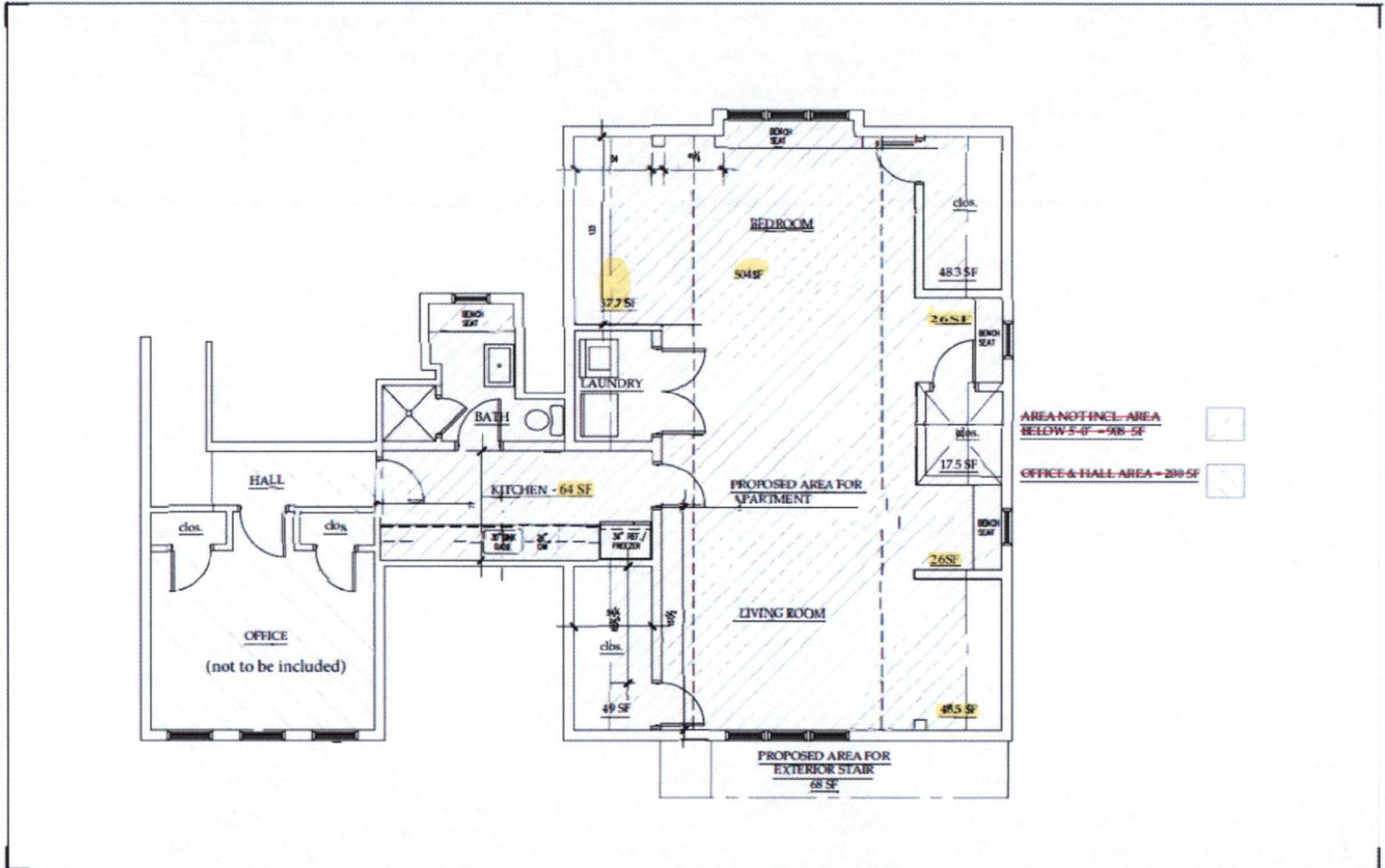
since the regs were enacted) in these towns would go a long way – even if that relief is just extended to citizens who are retired. We are retired.

Hope to be hearing from you soon.

Sincerely,

Joseph & Lois Ryan

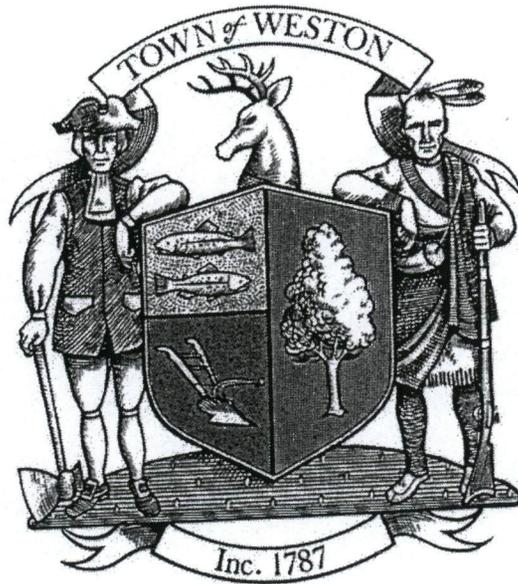
Cc: Planning and Zoning committee
Tracey Kulikowski - Land Use
Ann Day - Architect



AREA NOT INCL. AREA BELOW 5'-0" → 98 SF

OFFICE & HALL AREA → 209 SF

<p>3</p>	<p>ARC TRC</p>	<p>NOTES</p> <p>Highites = Habitable space = 726 SqFT</p>	<p>PROJECT</p> <p>RYAN RESIDENCE</p> <p>13 BERNHARD DRIVE, WESTON CT 06883</p> <p>1910</p>	<p>SHEET INFO</p> <p>EXISTING SECOND FLOOR PLAN</p> <p>Scale 3/16" = 1'-0"</p> <p>Date 21 AUGUST 2020</p>
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**ZONING REGULATIONS
OF THE
TOWN OF WESTON**

As amended to June 14, 2018

344.3 Roomers and boarders must be accommodated within the principal dwelling and shall not be provided with separate cooking facilities.

344.4 Nothing in this section shall be construed to permit tourist cabins, trailer camps, apartments, hotels, inns, taverns or roadhouses.

345. **Apartment.** (Amended 5/26/11) One apartment is allowed within a dwelling if the following conditions are met:

345.1 The apartment is located in a dwelling on a lot of two acres or more, or on a pre-existing non-conforming building lot

345.2 The apartment is within the main dwelling and shall be designed so that, to the maximum extent possible, the appearance of the building remains that of a one-family residence. An outbuilding or auxiliary structure may not be connected to the main building and made into an apartment or, if already connected may not be used as an apartment.

345.3 The apartment shall have safe and proper means of entrance and exit. In the case of a basement apartment there shall be at least two separated exits and proper ventilation shall be provided.

345.4 The floor space devoted to such apartment shall not exceed 25% of the entire floor area of the dwelling, nor shall it be greater than 800 square feet in gross floor area, including interior access to the apartment.(Amended 7/1/89)

345.5 The owner (someone who owns not less than one-quarter (1/4) interest in the lot) of the residence in which the accessory apartment is created shall occupy the main section of the house or the apartment except for bona fide temporary absences. In no case shall the house and the apartment be rented simultaneously.

345.6 The application shall include an accurate description of the facts of the proposed facility as required by the Commission or its agent. The Commission or its agent may require the applicant to supply architectural drawings, surveyors' maps or engineering data and such other information as the Commission or its agent finds necessary to ensure that the application complies with all applicable regulations.

345.7 There shall be no more than one apartment in any Dwelling.

346. **[Reserved]** (Deleted 5/26/11)

347 **[Reserved]** (Deleted 5/26/11)

Weston; the term "Town Clerk" means the Town Clerk of the Town of Weston; the term "Zoning Inspector" means the Zoning Inspector of the Town of Weston; the term "Board of Appeals" means the Zoning Board of Appeals of the Town of Weston; the term "Town Plan of Development" means the Plan adopted by the Town Planning and Zoning Commission pursuant to Chapter 126 of the General Statutes of the State of Connecticut; the term "Subdivision Regulations" means the land subdivision regulations adopted by the Town Planning and Zoning Commission pursuant to Chapter 126 of the General Statutes of the State of Connecticut. (Amended 6/3/13)

Section 610. Definitions

Access way: Any area of a lot between 25 feet and 50 feet in width which serves to connect the building area of the lot with the road upon which it has frontage and access.

Antenna: The conductor by which electro-magnetic waves are sent or received, a structure commonly consisting of a wire, a metal rod or a circular metal dish (Amended 5/1/89)

Apartment: A room or set of rooms, among the other rooms or sets in one building designed for use as a dwelling and which includes cooking, three-fixture bath and sleeping facilities. (Amended 10/30/86)

Automotive service station: A retail place of business engaged primarily in the sale of motor fuels, but also in the supplying of goods and services required in the operation and routine maintenance automotive vehicles and the filling of motorist's immediate needs, including the sale of petroleum products, the sale and servicing of tires, batteries, automotive accessories and replacement items, washing and lubrication servicing, the performance of minor repairs, and the supply of other incidental customers services and products, but excluding any body and fender work, or painting by mechanical means.

Basement Apartment: An apartment any part of which is below the elevation of the finished grade of the ground adjacent to any part of the dwelling at the highest point of elevation. (Amended 10/30/86)

Building: Any structure having a roof supported by columns or by walls, and intended for the shelter, housing, or enclosure of persons, animals or chattel.

Building Accessory: A building subordinate to the principal building on a lot and used for purposes customarily incidental to that of said principal building.

Building Coverage: The total area of a lot covered by all buildings, thereon, both principal and accessory, measured by the exterior dimensions of such buildings, but not including uncovered porches, steps and terraces.

Building Height: The average vertical distance measured from the finished grade adjacent to the exterior walls of a building to the level of the highest roof point or the

animals. Riding academies, livery stables, animal kennels, the breeding, raising or habitation of fur bearing animals, pigs and goats, commercial poultry farms, stands for the sale of produce (except as otherwise expressly permitted by these Regulations) or the commercial processing of the products of the farm, shall not be included. (Amended 9/16/13, Effective 9/26/13)

Fence: A structure for enclosing, dividing or screening. This includes traditional fencing, masonry or stone walls, pillars and gates related thereto. (Amended 6/16/03)

Fire Station: A facility primarily used by a fire/rescue organization to house fire suppression, rescue, and/or emergency medical response apparatus and equipment. The term "Fire Station" shall include Customary Accessory Uses including, but not limited to, (i) training and fitness, (ii) administration, and (iii) social functions. (Added 5/26/11)

Floor Area: The sum of the gross internal horizontal area of the several floors of the building, but not including attached or built-on garages, porches or terraces, unfinished rooms, or unfinished floor area having a clear head room of less than seven (7) feet. (Amended 10/30/86)

Frontage: The extent of a lot along a road as defined therein.

Home Occupation: Artistic and professional pursuits operated from a Dwelling. (Added 5/26/11)

Limited Home Occupation: A Home Occupation engaged in by no more than one (1) individual who is not an Occupant of such Dwelling. (Added 5/26/11)

Lot: A parcel of land devoted or to be devoted to a particular use, or occupied or to be occupied by a building or buildings, together with any required open spaces, and having frontage on a road as defined herein.

Lot Area: The total horizontal area included within lot boundaries.

Lot, Corner: A lot on two or more intersecting roads or lanes. (Amended 3/1/92)

Lot, Depth: The horizontal distance between the front and rear lot lines measured perpendicular to the mean direction of the front lot line.

Lot, Front*: That lot area extending across the full width of a lot and lying between the front lot line and the nearest line of the building.

Lot, Line: A property line bounding a lot as defined herein.

Lot, Flag: A lot which has no frontage on any road, except for a single access way not to exceed 25 feet in width, or a shared right of way not to exceed 30 feet in width. (Amended 3/1/92)