

# December 16, 2004

**Present:** Edmund White, Katharine Leab, Polly Roberts

**Alternates:** Georgia Middlebrook

**Guests:** Najma Kadosh, Lawrence O'Toole, Press

Mr. White, Chairman called the meeting to order at 7:30pm, read the legal notice for tonight's meeting and went on to inform applicants that there would be only (4) members present for tonight's meeting which meant that there needs to be a unanimous vote, of (4) in favor of the applicant for a variance to be granted. He told the applicants present that they could continue their public hearing until next month when (5) members would be present or they could have their applications heard tonight with only the (4) members.

Mr. White stated that the applicants for **ZBA-0421 Request of Edward & Linda Sasson, 2 June Road, to petition for special exception for expansion of nonconforming dwelling** asked to have their application heard in January.

## PUBLIC HEARING

Mr. White seated regular members Katharine Leab, Polly Roberts, himself and alternate Georgia Middlebrook.

**ZBA-0418 Request of Najma Kadosh, 147 Wykeham Road, for a variance from Zoning Regulation 11.6.1.c (front yard setback), additions to existing garage.** Najma Kadosh was present to represent her application. Ms. Kadosh stated that she is seeking a variance from the front yard setback to expand her existing garage. At present the garage is 49.75' from the front property line, she wants to enlarge the garage and bring it 41.3' from the front property line. Ms. Kadosh brought pictures of the property. The existing house and garage are not attached. Ms. Kadosh proposes to attach the existing house and expanded garage with a hallway; she feels the hardship is the topography of the land behind the garage which drops off. The expansion to the garage will be an apartment for her son. Mr. White commented that the proposed addition is a huge structure almost double the size of what already exists. Ms. Roberts explained the role of the Zoning Board of Appeals and how it grants variances. Ms. Middlebrook asked if the applicant had explored other options. Ms. Roberts added that what Ms. Kadosh was proposing was extreme; could she accomplish the same goal by using the existing footprint, the building exists on an angle with the road could she have the garage run parallel with the road? Ms. Kadosh stated that she wanted to leave the garage where it was her designer said this was the best design. Ms. Roberts feels there are other options; there is a lot of room to expand on the property. Mr. White asked Ms. Kadosh to take the ZBA's comments and concerns to her designers and also measure the location of the trees near the existing garage. Ms. Kadosh agreed to a continuance.

## PUBLIC HEARING

Mr. White seated members Katharine Leab, Polly Roberts, himself and alternate Georgia Middlebrook.

**ZBA-0422 Request of Lawrence H. O'Toole, 46 Kielwasser Road, for a variance from Zoning Regulations 12.1.1 (setback from watercourse) and 17.4.a (increasing a nonconforming structure), for additions to existing garage.** Lawrence O'Toole was present to represent his application. Mr. White read the applicant's letter of request. Mr. O'Toole used the sketches submitted to explain the garage and grade of the area. This is an after the fact application, the contractor has already raised the roof on the garage. Mr. O'Toole explained that the keyword for him was "footprint", the Zoning Commission in

granting permission for the "detached accessory apartment" spoke of keeping things within the existing footprint. While construction was on going Mr. O'Toole had a problem meeting the building code requirements, because of the 4.5' knee wall around the perimeter of the apartment. After raising the roof on the rear wall it was brought to Mr. O'Toole's attention that a variance would be needed because he had increased the volume of the building. Mr. O'Toole was working with an outdated copy of the zoning regulations. The garage has existed since 1981 and the size of the apartment is 24' x 30'. A garage still exists below the apartment. Mr. O'Toole stated that the new rafters don't go to the ridge line and increase the volume by 1.97%. There are skylights in the roof. Mr. O'Toole added that he was originally going to have a porch/deck but would have needed a variance to install it so decided against it. Mr. White asked for further questions or comments from the public. Mr. O'Toole wanted the ZBA members to know that it cost him \$1,000 for the required A-2 survey.

**MOTION: to close ZBA-0422 request of Lawrence H. O'Toole, 46 Kielwasser Road, for a variance from Zoning Regulations 12.1.1 (setback from watercourse) and 17.4.a (increasing a nonconforming structure), for additions to existing garage was made by Ms. Roberts, seconded by Ms. Leab by a 4-0 vote.**

## **MEETING**

Ms. Leab began by stating that this application is different from other after the fact applications ZBA has received. The request is small enough/minimal; all things considered she is Ok with the request. Ms. Middlebrook added that the applicant has accomplished his goal with a small increase in volume. Ms. Roberts is OK with this request also, but added that she is irritated by after the fact applications. There is no radical change. Mr. White is also grumpy with applications for things that are already built.

**MOTION: to approve ZBA-0422 request of Lawrence H. O'Toole, 46 Kielwasser Road, for a variance from Zoning Regulations 12.1.1 (setback from watercourse) and 17.4.a (increasing a nonconforming structure), for additions to existing garage by a 4-0 vote.**

**MOTION: to accept the minutes of the November 18, 2004 meeting was made by Ms. Roberts, seconded by Ms. Middlebrook by a 4-0 vote.**

## **OTHER BUSINESS**

There will be a public hearing on January 24th, 2005 at 7:30pm on the Zoning Commission's proposed amendment to the regulations to allow ZBA to grant a special exception pertaining to generator, air conditioners, pool equipment and other noise generating equipment location.

There was no new information dealing with **ZBA-0406, Request of Harold Wellings, 298 West Shore Road.**

The December 16, 2004 meeting of the Zoning Board of Appeals adjourned at 8:45pm.

Submitted subject to approval,

Pamela L. Osborne, Secretary