

August 19, 2010

Present: Polly Roberts, Randolph Snook, Todd Catlin

Alternates: Roderick Wyant III, Todd Peterson

Absent: Katharine Leab, Peter Bowman

Staff: Shelley White, Mike Ajello

Guests: Philip de Vries, Myles and Fran Itkin, Brian Neff

Chairman, Polly Roberts called the meeting to order at 7:35pm.

PUBLIC HEARING

Seated: Polly Roberts, Randy Snook, Todd Catlin, Rod Wyant, Alt and Todd Peterson Alt.

ZBA-0872 – Request of Itkin, 1 Shinar Mountain Road/155 Lower Church Hill Road, for a Special Exception, Zoning Regulation(s) 17.5 (increasing non conformity), to construct an attached garage to the main house.

Mr. Philip de Vries was present to represent Fran and Myles Itkin for this application. Mr. Catlin asked how this property was non conforming and stated that he did not think that this application meets the requirements of a Special Exception. The Commission and Mr. de Vries looked at the Property Boundary Survey, for Fran and Myles Itkin at 1 and 9 Shinar Mountain Road, by T. Michael Alex, Land Surveyor, dated June 2010. Mr. Roberts explained that the applicants might want to apply for a variance. She explained the procedure for applying for a variance and that a land based hardship needs to be proven. Mr. de Vries briefly discussed the location of the proposed garage. The Commission discussed land based hardship. Ms. Roberts suggested stated that the applicants could withdraw this application and apply for a variance and fees would be waived. Mr. de Vries submitted a letter stating they are withdrawing this application.

PUBLIC HEARING

Seated: Polly Roberts, Randy Snook, Todd Catlin, Rod Wyant, Alt and Todd Peterson Alt.

ZBA-0873 – Request of Kott, 14 Wheaton Road, for Special Exception, Zoning Regulation(s) 17.5 (increasing non conformity), to enclose 8' x 8' wood deck to enlarge 1st floor dining/living area and 2nd floor bathroom.

Mr. Brian Neff was present to represent Leonard and Janis Kott for this application. He briefly discussed the history of the property and noted that the Kotts submitted an application for a larger addition earlier this year, which was denied. The Commissioners and Mr. Neff looked at the Proposed Site Plan, entitled Addition to the Kott Residence, 14 Wheaton Road, by Brian Neff with a revision date of 6/28/10. He stated that enclosing the 8' x 8' porch would allow for more space on the first floor and additional space on the second floor that would allow for a bath tub in the master bathroom. Mr. Catlin stated that a variance was granted to this property to build the back porch with steps as a means of egress. Mr. Neff explained that a grass ramp leading to the back door of the house would be used for egress. He stated that the Inland Wetland Commission approved this, there is no increase in lot coverage, and that the existing piers for the deck would support the addition. The Commission looked at the Main Floor and Second Floor plan drawings and the Right Side from Rear View elevation drawing for the Kott Residence, by

JDH, with a revision date of 6/12/10. Mr. Neff explained that the applicants need more space and are asking for a modest increase while staying within the existing footprint. The Commission looked at the Property Boundary Survey, prepared for Steven Colville, 14 Wheaton Road, dated December 2006, by T. Michael Alex. There were no further questions.

Motion:

to close ZBA-0873 – Request of Kott, 14 Wheaton Road, for a Special Exception, Zoning Regulation(s) 17.5 (increasing non conformity), to enclose 8' x 8' deck to enlarge 1st floor dining/living area and 2nd floor bathroom
by Mr. Snook, seconded by Mr. Wyant, by 5-0 vote.

MEETING

Mr. Snook stated that he was not thrilled about another application for this property but that he feels that it does meet the requirements for a Special Exception. Mr. Catlin stated that this house was totally rebuilt and does not feel that it meets the requirements of the Special Exception. He stated that the previous variance granted to this property was for a means of egress and not for an expansion of living space. Mr. Wyant stated that he appreciates that the owner is trying to work with the regulations but questions whether or not it meets the requirements of a Special Exception. Mr. Peterson stated that it is basically a new house and he also questions whether or not it meets the requirements of a Special Exception. Ms. Roberts stated that the house is very small, and that the 8' x 8' addition is reasonable in scope, and she can see that there is a need for more interior space. She stated that she was satisfied that the grass ramp leading to the sliding glass door at the back of the house, which would serve as a sufficient means of egress. She stated that she feels that granting this Special Exception would further the public policy goal by promoting housing choice and supporting the continued use of a single family dwelling.

Motion:

to approve ZBA-0873 – Request of Kott, 14 Wheaton Road, for a Special Exception, Zoning Regulation(s) 17.5 (increasing non conformity), to enclose 8' x 8' deck to enlarge 1st floor dining/living area and 2nd floor bathroom, by 4-1.
Mr. Catlin voted against this application because he felt that the proposed plan does not comply with section 17.5.C.2.

ZBA-0874 – Request of the Town of Washington, 10 Blackville Road, for Variance, Zoning Regulation(s) 11.5.1 (lot coverage), to add material stockpile area on Town Garage Property.

Ms. White read a letter from First Selectman Mark Lyon, dated August 18, 2010, requesting that this application be tabled until the next regular meeting of the Zoning Board of Appeals. The public hearing for this application will take place on September 16, 2010 in Bryan Memorial Town Hall in the Land Use Meeting Room.

Consideration of the Minutes

The minutes of July 15th, 2010 were considered.

Motion:

to approve the minutes of the July 15, 2010 regular meeting of the Washington Zoning Board of Appeals as submitted,
by Ms. Roberts, seconded by Mr. Wyant, by 5-0 vote.

Other Business/Discretion of the Chair

The Commission considered a invoice from Murtha Cullina, LLP. Ms. Roberts approved the invoice for payment.

Ms. Roberts discussed the Freedom of Information Act. She stated that when the Commission is forming policy all discussions among Commissioners must take place during a public meeting.

Ms. Roberts stated that she forwarded the proposed language for Section 12.14 to Janet Hill, Land Use Administrator, and that it is on the Agenda for the Regular Meeting of the Zoning Commission, which will be held on Monday, August 23, 2010 in Bryan Memorial Town Hall. Mr. Snook stated that he had been thinking about the wording of Section 12.14 and he submitted a revision. The Commissioners discussed Mr. Snook's revision and had a brief discussion regarding the factors that are considered when measuring sound. The Commissioners and Mr. Ajello briefly discussed sound suppressive housing for generators.

Motion: to adjourn at 8:40 pm, by Ms. Roberts, seconded by Mr. Snook, by 5-0 vote.

Submitted Subject to Approval,

Shelley White, Land Use Clerk