Zoning Board of Appeals

MINUTES

Public Hearing – Regular Meeting

September 17, 2015

7:30 p.m. main level meeting room

MEMBERS PRESENT: Mr. Bowman, Mr. Catlin, Mrs. Leab,

Ms. Roberts, Mr. Wyant

ALTERNATES PRESENT: Ms. Kaplan, Mr. Peterson

ALTERNATE ABSENT: Mr. Wildman

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Talbot, Mr. and Mrs. Frank

ZBA #0997/Atkins/159 West Shore Road/Variance/Zoning Regulations Sections 11.5.1.B: Lot Coverage and 11.6.1.C: Setback/Construct Boathouse and Garage, Relocate Driveway, Renovate Dwelling/Con’t.

Ms. Roberts reconvened the public hearing at 7:31 p.m., read the notice, and seated Members Bowman, Catlin, Leab, Roberts, and Wyant.

Mr. Talbot, architect, compared two plans, “Site Plan,” Sheet SD.SP.1, by Peter Talbot AIA Architects, revised to 9/14/15, one colored showing the existing lot coverage and the other showing the proposed lot coverage. He stated the applicant was applying for a variance for both setback for the proposed boathouse and lot coverage and noted the two revisions, which had been made since the last session of the hearing: 1) boathouse: This had been moved back from the lake so that it would be 25 feet from the shoreline. Mr. Talbot said it was now 54 feet from the centerline of the road and there was no other place further from the road where it could be located. 2) The proposed coverage had been reduced by eliminating the 25’ X 25’ terrace near the dwelling and reducing the size of the proposed garage from 25’ X 35’ to 24’ X 30’.

Lot coverage figures and percentages were reviewed. Mr. Talbot explained what the allowable lot coverage was and compared that to a) what was existing both with and without including the road in the coverage calculation and to b) what was proposed with and without including the road in the coverage calculation. It was noted the permitted lot coverage is 12.5%, that 15.7% was existing, and 18% was proposed if the road was included in the calculation.

Mr. Talbot noted the history of this property, once the site of the Loomarwick Inn, presented photos from the 1870’s and 1960’s showing that it had been a significant structure on the site, and showed aerial photos, which compared the property at the time of the Loomarwick to how it appears today. He noted that when the house was rebuilt in the 1980’s it was not designed in keeping with the surrounding character of the lake.

Mr. Talbot compared the existing footprint and facades of the dwelling to the proposed footprint and facades and said there were no significant changes proposed. Covered porches to wrap around the house were proposed. Photos of the existing dwelling were viewed. On Sheets EX-1 and EX-2 he pointed out the location of a one story screened porch addition, showed the three season room to be removed, and explained the existing garage would be converted to a kitchen and laundry and new habitable interior space would be built above it.

Mr. Talbot said a two car garage with storage and a playroom above was proposed. He showed what would be seen of the gable end from the road and said it would be built into the hillside. Mr. Catlin asked if there would be a retaining wall. Mr. Talbot said the proposed garage would be set back 5 ft. from the existing up slope retaining wall.

It was noted Section 11.5.1.B re: lot coverage for lots between 2 and 3 acres had been revised in May of 2014 and that this would change the math for this lot, but not the overall allowable lot coverage.

Ms. Roberts referred to the 8/25/15 letter from the owners of 96 Tinker Hill Road requesting that if approved, the ZBA require the boathouse be located at least 25 feet from the edge of their easement area. She then read from Atty. Zizka’s 9/10/15 letter in which he advised the Commission that setbacks are measured from property lines and because this easement area is not a public right of way, setback requirements would not apply.

It was noted the Lake Waramaug Assoc. (LWA) had asked why the boathouse could not be rotated so the short end would face the road and block less of the view. Mr. Talbot responded the road wraps around the property and so rotating the building would not help to protect the view and would impact the neighbors more.

Ms. Kaplan asked why the boathouse had to be 14 feet tall. Mr. Talbot stated it had been revised to 13 ft. and that with a 9/12 roof pitch, the height could be reduced another 6 inches. He also explained how the height was due in part to the functionality of the building. Mrs. Leab thought perhaps there would be less chance the boathouse would be used for seating if the roof was lower. Mr. Talbot listed all of the equipment that would be stored there and said there would be no room for chairs.

Referring to the 9/17/15 memo from the LWA, Ms. Roberts stated that Section 6.4.6 applies to fences, berms, etc. and not to buildings.

Mrs. Frank, adjoining property owner, was concerned about precedent and about whether this size boathouse would be appropriate for smaller sized parcels. Ms. Roberts stated that each application is judged on its own merits and that the approval of one boathouse did not mean that all boathouse applications would be approved.

Mrs. Frank was concerned about the enforcement of the easement. Mr. Ajello stated this was a private easement that would not be enforced by the Zoning Commission.

Mrs. Roberts read the portion of Atty. Zizka’s letter, which pertained to whether it is a hardship when West Shore Road bisects a property. She noted he wrote that this is not a unique situation around the lake, but she said the ZBA had argued in the past that it was a hardship. Atty. Zizka also wrote that a property bisected by the road should be treated as a single parcel; not two separate parcels. Mr. Catlin said he was uncomfortable with this advice because it would impact the percentage of lot coverage on the property. Although having West Shore Road extend across a property may not be unique, Mr. Talbot pointed out that it was unique for the Atkins property. He said that due to the oddly configured parcel, which contains a large “finger” of land where West Shore Road is located, this lot has a larger percentage of road than most other lots around the lake and that this was a hardship.

Ms. Kaplan noted the LWA memo had asked for a stormwater management plan for the entire property and that it had voiced serious concerns about the protection of the water quality of the lake. Mr. Talbot stated this would be included in the Zoning Commission’s review of the Atkins’ Special Permit application.

In response to questions raised by Mr. Frank, Mr. Talbot again reviewed the existing and proposed elevations of the house. Mr. Frank stated the proposed second floor ridge line over the existing garage would be lower than that for the main part of the dwelling and so he did not think it would significantly impact his property. He then questioned the proposed location of four A/C units close to his property. Mr. Talbot responded that he might be able to use only two units and said he would consult with Mr. Atkins about a possible revision to the plan.

The lot coverage figures and percentages were reviewed. Ms. Roberts summarized that including the road, the existing coverage was 15.7% and 18% was proposed.

Mr. Catlin stated if the variance was approved, the nature of the lot coverage would change significantly; much of the pervious gravel driveway would be converted to structure.

Mr. Bowman thought it was difficult to justify the construction of a new garage when there is already a garage on the property, especially since the new garage would contribute to the excessive lot coverage.

Mr. Frank noted the existing modular house construction does not take advantage of the lake views and Mrs. Frank said the proposed house design was a good one, which fits in with the character of the area around the lake.

MOTION: To close the public hearing to consider ZBA #0994

submitted by Mr. Atkins/159 West Shore Road

for a variance of Sections 11.5.1.B; lot

coverage and 11.6.1.C; setback to construct a

boathouse and garage, relocate the driveway

and renovations to the existing dwelling. By

Ms. Roberts, seconded by Mr. Wyant, passed 5-0.

Ms. Roberts closed the public hearing and immediately asked the commissioners for their views about the application.

Mr. Bowman thought the proposed boathouse was larger than it needed to be, did not see the need for a new garage when there was already one on the property, and noted that West Shore Road should be included in the lot coverage calculations. He added that the finger of property with the road through it was a burden.

Mr. Wyant had no problem with the proposed boathouse, but was unsure whether the applicant had a hardship for the garage and renovations.

Mr. Catlin was concerned about the size of the boathouse, thought a significant change in the amount and type of lot coverage was proposed, noted an existing garage would be replaced with a new garage, and generally thought homeowners around the lake have been trying to “maximize everything.” He was not in favor of the variance.

Ms. Roberts agreed. She stated the purpose of the Zoning Regulations is to protect the water quality of the lake, noted an existing garage would be replaced with a new garage, said there would be an increase in impervious surfaces, and thought the boathouse was too large.

Mrs. Leab thought the increase in volume proposed in terms of the garage and driveway was too great and that the boathouse was too large.

MOTION: To approve ZBA #0994 submitted by Mr. Atkins/159

West Shore Road for a variance of Sections

11.5.1.B; lot coverage and 11.6.1.C; setback to

construct a boathouse and garage, relocate the

driveway, and renovations to the existing

dwelling. Vote: 0-5

Mr. Talbot asked if the applicant could resubmit for the next meeting if the plans were significantly revised. Ms. Roberts said he could.

ZBA #0997/Berne/164 West Shore Road/Variance Zoning Regulation Section 11.5.1: Lot Coverage/Construct Garage with Dwelling Unit Above/Con’t.

Ms. Roberts noted a letter dated 9/15/15 from Mr. Tittmann withdrawing the application had been received.

Consideration of the Minutes

The 8/25/15 minutes were accepted as corrected. On page 2 of the August 25, 2015 minutes, in line 9 under Andryc, “rebarb” was changed to “rebar.” Also on page 3, line 3, “likely” should be inserted to read, “…the space would likely be used for a playroom….”

MOTION: To accept the 8/25/15 minutes as corrected.

By Ms. Roberts, seconded by Mr. Wyant, and

passed 5-0.

Other Business

Ms. Roberts will schedule a meeting with Atty. Zizka as soon as the commissioners advise her about the dates they will be available.

MOTION: To adjourn the meeting. By Ms. Roberts.

Ms. Roberts adjourned the meeting at 8:55 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Administrator