

July 24, 2008

PUBLIC HEARING

Mr. Sedito seated regular members Randolph Snook, Polly Roberts, himself, Alt. Rod Wyant and Alt. Georgia Middlebrook.

ZBA-0818, Request of Michael and Kristin Dowler, 13 Pleasant View Drive, petition for special exception to Zoning Regulations 17.4.a (increasing nonconformity), 17.5.a.1(front and side yard setback) to construct addition.

Tammy Zinick of Permit Me Please was present to represent Michael and Kristin Dowler's application. Ms. Zinick submitted the certified postcards from six of the surrounding property owners as well as a letter that all neighbors were aware of the addition and that they support the project. She presented the Property/Boundary Survey prepared for Michael H. Dowler by T. Michael Alex, dated July 24, 2008. Ms. Zinick stated that the Dowlers will be adding on vertically to the existing dwelling. She said that the footprint of the dwelling will remain the same but there will be a 1 foot overhang on the front and the back because the addition is cantilevered. Site plans titled, "Additions and Renovations to the Home of Kristin and Mike Dowler", by Northwest Drafting & Design, Inc., dated 7/14/08 were presented to the ZBA. The plans included Floor Plans, Elevations, Sections and Details, and Foundation drawings. The Board Members and Ms. Zinick looked over the plans. Mr. Sedito checked the setbacks. Ms. Middlebrook asked why the overhang was necessary. Ms. Zinick replied it was to add more space.

Motion: to close the public hearing to consider application ZBA-0818, Request of Michael and Kristin Dowler, 13 Pleasant View Drive, petition for special exception to Zoning Regulations 17.4.a(increasing nonconformity of a nonconforming dwelling), 17.5.a.1(front and side yard setback) to construct addition was made by Ms. Roberts, seconded by Mr. Snook by a vote of 5-0.

MEETING

Mr. Sedito stated that this plan supports the continued use of a single family dwelling. Mr. Snook said that all of the questions have been answered with the new plans and survey.

Mr. Wyant agrees and is in favor.

Ms. Middlebrook stated that she is in favor.

Ms. Roberts stated that it is a modest vertical addition and is in favor.

Mr. Sedito said that this is why there is the special exception to the Zoning Regulations and he agrees with the others and is in favor of the project.

Motion: to approve ZBA-0818, Request of Michael and Kristin Dowler, 13 Pleasant View Drive, petition for special exception to Zoning Regulations 17.4.a(increasing nonconformity of a nonconforming dwelling), 17.5.a.1(front and side yard setback) to construct addition was made by Mr. Snook, seconded by Mr. Wyant, by a vote of 5-0.

Ms. Zinick exits. Mr. Sedito seated regular members Polly Roberts, Randolph Snook, Alt. Georgia Middlebrook and Alt. Rod Wyant.

PUBLIC HEARING

ZBA-0816, Request of Weston and Karen Thorn, 228 West Shore Road, application for variance to Zoning Regulations 11.6.1.c (setback), 12.1.1 (wetlands and watercourse setback), 6.5 (Lake

Waramaug Special Permit).

Mr. Weston Thorn and Mrs. Karen Thorn along with Martin Brown, from Peter Talbot Architects, were present to represent this application. Mr. Brown stated that his clients would like to add on to the existing house on West Shore Road that they have lived in for 32 years. The expansion would be on the South/South East side of the house due to the restrictions from Zoning, Wetlands and Health Departments. Mr. Brown stated that the Thorns can not add on to the basement due to the Health Department setbacks. Site Plan titled "Thorn", by Peter Talbot, dated May 19, 2008 were presented. The addition will expand the kitchen, the number of bedrooms will not increase and it will provide much needed storage.

Mr. Sedito asked if the addition could be moved more to the right to avoid the encroachment of the setback.

Mr. Brown said that it was not possible because of the setback from the septic. ZBA looked at architectural drawing titled, "Exterior Elevations", by Peter Talbot, dated June 16, 2008. Mr. Brown said that the plans for 228 West Shore Road have been approved by Inland/Wetlands Commission.

Mr. Sedito read a letter from Attorney Mike Zizka, dated July 11, 2008. In summary, the letter explains that ZBA should not vary section 6.5, Lake Waramaug Special Permit because the landowner would have to 'demonstrate a legally sufficient hardship that would justify a variance to eliminate the procedural requirement of applying for a special permit'.

Ms. Roberts advised the Thorns to go to Zoning.

Motion: to close the public hearing to consider application ZBA-0816, Request of Weston and Karen Thorn, 228 West Shore Road, for variance to Zoning Regulations 11.6.1.c (setback), 12.1.1 (wetlands and watercourse setback), 6.5 (Lake Waramaug Special Permit), by Mr. Wyant, seconded by Mr. Snook, by 5-0 vote.

MEETING

Mr. Sedito stated that the Thorns definitely have a land based hardship.

Ms. Roberts stated that there was an effort to situate the addition within the setbacks and is in favor. However she is not in favor for varying the 6.5 regulation. Mr. Wyant, Ms. Middlebrook & Mr. Snook agree.

Mr. Sedito said that storage was necessary and needed and that the addition is a small encroachment. Mr. Sedito said that since Wetlands has approved the plan that ZBA is inclined to respect the decision. He agrees with Mike Zizka and believes that ZBA does not have the authority to vary section 6.5.

Motion: to approve ZBA-0816, Request of Weston and Karen Thorn, 228 West Shore Road, for variance to Zoning Regulations 11.6.1.c (setback), 12.1.1 (wetlands and watercourse setback) by Ms. Roberts, seconded by Mr. Snook, by 5-0 vote.

Motion: to deny ZBA-0816, Request of Weston and Karen Thorn, 228 West Shore Road, for variance to Zoning Regulation 6.5 (Lake Waramaug Special Permit), by Mr. Snook, seconded by Mr. Wyant, by 5-0 vote.

OTHER BUSINESS

Ms. White and ZBA members discussed different improvements in procedure of receiving ZBA applications.

Motion: to adjourn at 8:30 pm by Mr. Sedito, seconded by Ms. Roberts, by a 5-0 vote.

Submitted subject to approval,
Shelley White, Land Use Clerk