

**Minutes of
ZONING BOARD OF APPEALS
JULY 10, 2006**

MEMBERS PRESENT

Mrs. Yanicelli, Chairman
Mr. Barfuss, Secretary
Mrs. Davis
Mr. Moylan
Ms. Vollmer

MEMBERS ABSENT

None

ALTERNATES PRESENT

Mr. Socci
VACANCY
VACANCY

ALTERNATES ABSENT

None

Also in Attendance:

Steve Kleppin, Town Planner/Sr. Enforcement Officer
Frank Auer, Assistant Zoning Inspector

MEETING OPENED

At 7:33 p.m.

Mrs. Yanicelli, Chairman, explained to those members of the public present how the proceedings would be conducted and that discussion and possible decision on each public hearing item will be held after the public hearing on each item.

Chairman Yanicelli announced that the Zoning Board of Appeals meetings, starting in August, will be held at 7:00 p.m., rather than 7:30 p.m.

PUBLIC HEARING

The Chairman then called the Public Hearing to order in the Town Hall Board Room. The call read as follows.

LEGAL ADVERTISEMENT

NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, JUNE 29, PAGE 22A 2006

STATE OF CONNECTICUT
TOWN OF NEW CANAAN
ZONING BOARD
OF APPEALS

NOTICE IS HEREBY GIVEN
that the ZONING BOARD
OF APPEALS of the Town of
New Canaan will hold a Public
Hearing on Monday, July 10,
2006, in the Board Room of
the Town Hall at 7:30 p.m. to
hear the following appeals and
applications:

1. Application of Jeffrey M.
Norman, owner, 202 Weed
Street, for a variance of Section
3.5.E.3 to allow a front yard
setback of 7.5 feet in lieu of the
required 35 feet, for property in
the One Acre Residence Zone
(Map 31 Block 11 Lot H-2).
Continued from June meeting.
2. Application of Edward
Mellick, Authorized Agent, for
Marianne K. Dolan, owner, 177
Richmond Hill Road, for a variance
of Sections 3.5.E.2 and
7.1.B.4 to allow an addition to
a non-conforming structure to
be located 13.2 feet from the
side property line in lieu of the
required 25 feet, for property in
the One Acre Residence Zone

(Map K Block 16 Lot G15).
Continued from June meeting.
3. Appeal of Kay Parker Jex,
Authorized Agent, for Soren
Peter Dam and Cristina Dam,
owners, 1053 Valley Road,
appealing the Cease and Desist
order regarding front stone wall
dated May 15, 2006, for property
in the Four Acre Residence Zone
(Map 46, Block 118 Lot 51).
4. Application of Paul V.
Fioretti, Authorized Agent, for
Lise V. Reddin, owner, 25 John
Marshall Place (AKA 25 Father
Peter's Lane), for a variance
of Section 3.5.E.2 to allow an
addition to be 37.2 feet from the
side yard setback in lieu of the
required 50 feet, for property in
the Four Acre Residence Zone
(Map 34 Block 34 Lot 29).
5. Application of Richard A.
and Elizabeth W. Rowley, owners,
635 Laurel Road, for a variance
of Section 3.5.E.3, to allow
the placement of new oil tanks
within the side yard setback of
15 feet in lieu of the required
35 feet, for property in the Four
Acre Residence Zone (Map 40
Block 105 Lot 83).
6. Application of Edward

Mellick, Authorized Agent,
for Eaton Centers Inc., owner,
36 Pine Street, for a variance
of Section 4.7.H to allow the
Business A Zone a continuous
building wall of greater than
80 feet without a building wall
offset as required, for property
in the Business A Zone (Map L
Block 139 Lot 926).
7. Application of George and
Beverly T. Novy, owners, 127
Hoyt Farm Road, for a variance
of Section 3.5.E.3 to allow an
in-ground pool to be 17.5 feet
from the side yard setback in
lieu of the required 35 feet, for
a corner lot with extensive wetlands,
for property in the Two
Acre Residence Zone, Map 43,
Block 691 Lot 201).
HANDICAP ACCESS
DURING MEETING:
Please notify the Planning
& Zoning office in advance
if wheelchair accessibility is
required.
FRANK BARFUSS,
Secretary
06/23/06
6-29
7-6

I. Variance Applications:

1. Jeffrey M. Norman, 202 Weed Street

Application of Jeffrey M. Norman, owner, 202 Weed Street, for a variance of Section 3.5.E.3 to allow a front yard setback of 7.5 feet in lieu of the required 35 feet, for property in the One Acre Residence Zone (Map 31 Block 11 Lot H-2). Continued from June meeting.

Continued until the August 7, 2006 meeting.

2. Marianne K. Dolan, 177 Richmond Hill Road

Application of Edward Mellick, Authorized Agent, for Marianne K. Dolan, owner, 177 Richmond Hill Road, for a variance of Sections 3.5.E.2 and 7.1.B.4 to allow an addition to a non-conforming structure to be located 13.2 feet from the side property line in lieu of the required 25 feet, for property in the One Acre Residence Zone (Map K Block 16 Lot G15). Continued from June meeting.

Edward Mellick presented the application and indicated that the applicant reduced the height by 2 feet, giving up a full stairway to the attic, and eliminated part of the screen porch. Mr. Mellick stated that he had submitted an affidavit which answered all the questions Mr. Kleppin had regarding the proposed use of the property. Mr. Mellick recapped the hardship of the property: the fact that the zoning regulations have changed, the property has been changed from B Residence to One Acre Residence Zone, the fact that following the regulations allows an addition to be only twenty feet wide, the location of existing garage, and that there have been a number of other variances in the neighborhood. Mr. Mellick said that they would be keeping the shed and will renovate it. Mr. Moylan stated that this is an enormous addition on an undersized lot.

Dan Bergfeld, 171 Richmond Hill Road, opposed the height of the project and indicated that it would change the character of the neighborhood and change the use of Liz Somerby's (neighbor) back yard by obscuring the light.

There was discussion of the increase in the footprint, as the coverage rules have changed. Maryanne Dolan, 35 Benedict Hill Road, applicant, invited everyone to visit the property.

Liz Somerby, 181 Richmond Hill Road, spoke in opposition to the variance indicating that the project seems a little too big and too close to her property line.

The public hearing on this matter was closed.

Mr. Socci seated for Ms. Vollmer, who was not present at the June 5, 2006 meeting and did not listen to the tapes.

Regular Meeting on this Application

Upon motion of Mr. Barfuss and second of Mr. Socci the Board voted to grant the variance (4-0 - Mr. Moylan abstained), with conditions and modifications per the submitted plans on file with the Zoning Board of Appeals.

Conditions, modifications, or restrictions are as follows:

1. Per Survey Report prepared by the office of Moody & O'Brien, LLC Land Surveyors, dated April 27, 2006, on file with Planning and Zoning.
2. Per Architectural plans, sheets 201 and 202 prepared by Gullans and Brooks Associates, Inc. as submitted at the July 10, 2006 Zoning Board of Appeals meeting, on file with Planning and Zoning.

II. Variance Appeal:

3. Soren Peter and Cristina Dam, 1053 Valley Road

Appeal of Kay Parker Jex, Authorized Agent, for Soren Peter Dam and Cristina Dam, owners, 1053 Valley Road, appealing the Cease and Desist order regarding front stone wall dated May 15, 2006, for property in the Four Acre Residence Zone (Map 46, Block 118 Lot 51).

Mrs. Kay Jex, Authorized Agent, presented the appeal and discussed the history of the front stone wall. Because of a dip in the property, the average increase to the southern wall was 1.1 inches. The applicant did not know at the time they expanded their stone wall, that the regulations had changed. Mr. Barfuss asked how high was the highest point? Mrs. Jex answered 69". Ms. Vollmer asked if it was a legal fence when it was built, why is it now getting a cease and desist? Mr. Kleppin stated that in the regulations, 7.1.B, if it is not conforming and you expand it, you need a Special Permit.

The Public Hearing was closed on this Item.

Regular Meeting on this Appeal

Upon motion by Mrs. Davis and second of Mr. Barfuss, the Commission voted unanimously (5-0) to sustain the appeal and overturn the cease and desist order.

III. Variance Applications:

4. Lise V. Reddin, 25 John Marshall Place (AKA 25 Father Peter's Lane)

Application of Paul V. Fioretti, Authorized Agent, for Lise V. Reddin, owner, 25 John Marshall Place (AKA 25 Father Peter's Lane), for a variance of Section 3.5.E.2 to allow an addition to be 37.2 feet from the side yard setback in lieu of the required 50 feet, for property in the Four Acre Residence Zone (Map 34 Block 34 Lot 29).

Mr. Reddin, owner, stated that he had a previous variance but the project was never started, and that his architect changed the original plan. Mr. Fioretti, Edificio Inc., Architect, stated that this variance request is 10 feet less than the variance that was granted in 2004. Mr. Fioretti read a July 10, 2006 letter from Rita Kirby, 24 Father Peter's Lane, supporting the variance. Mr. Reddin also stated that he is in receipt of letters from other neighbors in favor of the variance.

Hardships are that the house location is pre-existing non-conforming in the side yard setback, the main house presents a topographical hardship in its relationship to the lot lines, the 2004 side yard variance was granted for a proposed addition to the principal building which has not yet been constructed, and the current variance adds approximately 80 square feet in coverage and encroaches 10 feet less into the building side yard setback area than the previously approved variance.

The public hearing on this matter was closed.

Regular Meeting on this Application

Upon motion of Mr. Moylan and second of Mr. Barfuss, the Board voted unanimously (5-0) to grant the variance with conditions per the submitted plans on file with the Zoning Board of Appeals.

Conditions, modifications, or restrictions are as follows:

1. Per "Map prepared for Lise V. Reddin" prepared by RKW Land Surveying dated March 14, 1996, revised June 7, 2006, on file with the Planning and Zoning.
2. Per Architectural drawings A-1, A-2 and Z-1 dated May 31, 2006, prepared by Edificio Inc., Architecture and Design, on file with Planning and Zoning.

5. Richard A. and Elizabeth W. Rowley, 635 Laurel Road

Richard A. and Elizabeth W. Rowley, owners, 635 Laurel Road, for a variance of Section 3.5.E.3, to allow the placement of new oil tanks within the side yard setback of 15 feet in lieu of the required 35 feet, for property in the Four Acre Residence Zone (Map 40 Block 105 Lot 83).).

Not opened and carried over until the August 7, 2006 meeting.

6. Edward Mellick for Eaton Centers Inc., 36 Pine Street

Application of Edward Mellick, Authorized Agent, for Eaton Centers Inc., owner, 36 Pine Street, for a variance of Section 4.7.H to allow the Business A Zone a continuous building wall of greater than 80 feet without a building wall offset as required, for property in the Business A Zone (Map L Block 139 Lot 926).

Edward Mellick presented the application and stated that the property is the former Shaw's property and they have a plan that has been approved by the Planning and Zoning Commission for a new one-story retail building on the site. Also present was Chris McCagg of Butler Rogers Baskett. Mr. Mellick explained one technicality to the plans, that the proposed 92 foot side wall that is not visible from the street must be broken up somehow, as the regulations (4.7.H) state that you cannot have more than 80 feet of continuous wall, due to aesthetics. Mr. McCagg stated that there is a retaining wall that separates the property. Mr. Moylan asked what the hardship was, other than there is no easy way to explain there is no negative impact, but the regulation exists. Mr. Kleppin stated that there has been discussion of changing this stipulation, as you would not notice the wall from the street.

Jean DiMuzio, trustee for property of 29 Richmond Hill Road, asked where the 80 feet ends. Mr. Mellick showed her where it would end.

Don Engle, new owner of property at the corner of Richmond Hill Road and Park Street, stated his concerns of the East side of the building and asked if there was really a hardship to this application. Mr. Kleppin pointed out that the Planning and Zoning Commission already approved that side of the parking lot and that there were break points along the walls, and that the walls were not considered continuous. Mr. Engle withdrew his opposition to this application. Mr. Mellick said the other two neighbors were not opposed to this application.

The public hearing on this matter was closed.

Regular Meeting on this Application

Upon motion of Mr. Barfuss and second of Ms. Vollmer, the Board voted unanimously (5-0) to grant the variance with conditions per the submitted plans on file with the Zoning Board of Appeals.

Conditions, modifications, or restrictions are as follows:

1. Per Site Plan dated July 6, 2006 prepared by Butler Rogers Baskett, on file with Planning and Zoning.
2. Per Ground Floor Plan, A1.1, dated July 6, 2006 prepared by Butler Rogers Baskett, on file with Planning and Zoning.
3. Per Elevation detail July 6, 2006, on file with Planning and Zoning.
4. As per previous Planning and Zoning conditions of approval.

7. George and Beverly T. Novy, 127 Hoyt Farm Road

Application of George and Beverly T. Novy, owners, 127 Hoyt Farm Road, for a variance of Section 3.5.E.3 to allow an in-ground pool to be 17.5 feet from the side yard setback in lieu of the required 35 feet, for a corner lot with extensive wetlands, for property in the Two Acre Residence Zone, Map 43, Block 691 Lot 201).

Beverly and George Novy presented the application and submitted an approval letter from neighbors Alan and Deborah Vertucci, 139 Hoyt Farm Road. Mrs. Novy discussed the hardships that are topographical in nature, pre-existing house location in relation to extensive wetlands, pond and septic, irregular shaped lot, and location of the existing well.

Regular Meeting on this Application

Upon motion of Mr. Barfuss and second of Ms. Vollmer, the Board voted unanimously (5-0) to grant the variance with conditions per the submitted plans on file with the Zoning Board of Appeals.

Conditions, modifications, or restrictions are as follows:

1. Per "Zoning Location Survey prepared for George and Beverly Novy" dated August 27, 2004, as revised June 9, 2006, prepared by RKW Land Surveying, on file with Planning and Zoning.
2. Subject to conditions of the Inland Wetlands Department.

REGULAR MEETING

8. Approval of Minutes

Approval of Minutes: June 5, 2006.

Upon motion of Ms. Vollmer and second of Mr. Moylan, voted unanimously to approve the above minutes as revised.

9. Other Matters

Chairman Yanicelli reminded everyone that the next meeting will start at 7:00 p.m.

Mr. Kleppin announced that there will be a Special Meeting for the Zoning Board of Appeals and the Planning and Zoning Commission on Tuesday, August 15, 2006 at 7:00 p.m. to discuss revisions of the Zoning Regulations.

Mr. Kleppin asked if the Board wanted to discuss training issues. Tabled.

Ms. Davis asked that all applicants be reminded to have their houses marked, so the Board can find them easily. Mr. Kleppin will check with Mr. Jarboe to see if that can be required.

10. Adjournment

There being no further business to come before the meeting, the Board unanimously voted to adjourn at 9:00 p.m.

Mr. Barfuss, Secretary

LEGAL ADVERTISEMENT

NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, JULY 20, PAGE 10A 2006

STATE OF CONNECTICUT
TOWN OF NEW CANAAN
ZONING BOARD OF
APPEALS

NOTICE IS HEREBY GIVEN
that the ZONING BOARD OF
APPEALS of the Town of New
Canaan after a Public Hearing
held on Monday, July 10, 2006
duly adopted the following resolutions
effective July 21, 2006:

1. RESOLVED, application
of Edward Mellick, Authorized
Agent, for Marianne K. Dolan,
owner, 177 Richmond Hill Road,
for a variance of Sections 3.5.E.2
and 7.1.B.4 to allow an addition
to a non-conforming structure
to be located 13.2 feet from the
side property line in lieu of the
required 25 feet, for property in
the One Acre Residence Zone
(Map K Block 16 Lot G15) is
hereby approved with conditions.
2. RESOLVED, Appeal of Kay

Parker Jex, Authorized Agent, for
Soren Peter Dam and Cristina
Dam, owners, 1053 Valley Road,
appealing the Cease and Desist
order regarding front stone wall
dated May 15, 2006, for property
in the Four Acre Residence Zone
(Map 46, Block 118 Lot 51).
Appeal is sustained and the cease
and desist order overturned.

3. RESOLVED, application
of Paul V. Fioretti, Authorized
Agent, for Lise V. Reddin, owner,
25 John Marshall Place (AKA 25
Father Peter's Lane), for a variance
of Section 3.5.E.2 to allow
an addition to be 37.2 feet from
the side yard setback in lieu of
the required 50 feet, for property
in the Four Acre Residence
Zone (Map 34 Block 34 Lot 29)
is hereby approved with conditions.

4. RESOLVED, application
of Edward Mellick, Authorized
Agent, for Eaton Centers Inc.,

owner, 36 Pine Street, for a variance
of Section 4.7.H to allow
the Business A Zone a continuous
building wall of greater than
80 feet without a building wall
offset as required, for property
in the Business A Zone (Map L
Block 139 Lot 926) is hereby
approved with conditions.

5. RESOLVED, application of
George and Beverly T. Novy,
owners, 127 Hoyt Farm Road,
for a variance of Section 3.5.E.3
to allow an in-ground pool to
be 17.5 feet from the side yard
setback in lieu of the required 35
feet, for a corner lot with extensive
wetlands, for property in the
Two Acre Residence Zone, Map
43, Block 691 Lot 201) is hereby
approved with conditions.

FRANK BARFUSS, Secretary
July 11, 2006
7-20