

**Minutes of
ZONING BOARD OF APPEALS
April 9, 2007**

MEMBERS PRESENT

Mr. Moylan, Acting Chairman and Secretary
Mrs. Davis
Mr. Lovy

MEMBERS ABSENT

Mrs. Yanicelli, Chairman
Mr. Barfuss, Secretary

ALTERNATES PRESENT

Mr. Socci
Mr. Engel
VACANCY

ALTERNATES ABSENT

Also in Attendance:

Steve Kleppin, Town Planner/Sr. Enforcement Officer

MEETING OPENED
At 7:00 p.m.

Mr. Moylan was appointed acting chairman and secretary in Ms. Yanicelli's & Mr. Barfuss' absence.

Mr. Moylan, Acting 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. Mr. Socci and Mr. Engel were seated.

PUBLIC HEARING

The Chairman then called the Public Hearing to order in the Town Hall Board Room and referenced the call:

LEGAL ADVERTISEMENT

NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, APRIL 5, PAGE **22A** 2007

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, April 9,
2007, in the Board Room of the
Town Hall at 7:00 p.m. to hear
the following application:
1. Upon application of Keith
R. and Ann H. Whittaker, owners,
42 Kimberly Place, for a

variance of Section 3.5.E.2 to
allow a 10.5 foot side yard setback
in lieu of the required 15
foot side yard setback, for property
in the A Residence Zone
(Map L Block 20 Lot 833).
2. Upon application of Rucci,
Burnham, Authorized Agent,
for Bongood, LLC, owner, 960
Silvermine Road, for a variance
of Section 3.5.E.2 to allow a
principal building with a side
yard setback of 24.2 to 25.4 feet
in lieu (23.4 feet to the proposed
roof line) of the required 30 feet

side yard setback, for property
in the One Acre Residence Zone
(Map 48 Block 112 Lot 69).
HANDICAP ACCESS
DURING MEETING:
Please notify the Planning
& Zoning office in advance
if wheelchair accessibility is
required.
FRANK BARFUSS,
Secretary
03/23/07
3-29
4-5

Item Two on the agenda was heard first, as applicant for Item One was waiting for her architect.

Seated Members: All members present were seated.

I. Variance Applications:

2. Bongood, LLC, owner, 960 Silvermine Road

Seated Members: All members present were seated.

Upon application of Rucci, Burnham, Authorized Agent, for Bongood, LLC, owner, 960 Silvermine Road, for a variance of Section 3.5.E.2 to allow a principal building with a

side yard setback of 24.2 to 25.4 feet in lieu (23.4 feet to the proposed roof line) of the required 30 feet side yard setback, for property in the One Acre Residence Zone (Map 48 Block 112 Lot 69).

Mr. Lawrence Goodyear presented the Item explaining that the applicant plans to construct an addition that connects the dwelling to an existing garage. He and architect Steve Ilsey explained that the garage could not be relocated due to the grade, the pool and the shape of the lot. They added that the house pre-dates zoning, and the applicant wants to maintain the traditional aspect of the building.

The Public Hearing was closed on this Item.

Regular Meeting on this Application

After brief discussion, upon motion of Mr. Socci and second of Mr. Engel, the members voted unanimously, 5 - 0, to grant the variance with conditions. The board cited the age of the structure and the lot configuration as the hardships upon approval.

Conditions, modifications, or restrictions are as follows:

1. Per map prepared for Bongood, LLC dated February 7, 2007, prepared by RKW Land Surveying, on file with Planning and Zoning.
2. Per Additions and Alternations to the Goodyear Residence: Site Plan, Main Level Plan, Rear Elevations, Front Elevation and Left Side Elevation dated November 21, 2006, prepared by Oldford Studios, LLC.

1. Keith R. and Ann H. Whittaker, owners, 42 Kimberly Place

Upon application of Keith R. and Ann H. Whittaker, owners, 42 Kimberly Place, for a variance of Section 3.5.E.2 to allow a 10.5 foot side yard setback in lieu of the required 15 foot side yard setback, for property in the A Residence Zone (Map L Block 20 Lot 833).

Mr. Neil Hauck presented the application explaining there is no addition to the footprint, but the roof is being reframed and will create an eave that extends one foot further into the setback. He added that the house predates zoning. Notices to the neighbors have been filed. The board cited the change in the setback regulations as the hardship for this application.

The Public Hearing was closed on this Item.

Regular Meeting on this Application

Upon motion of Mr. Socci and second of Mr. Engel, the members voted unanimously, 5 - 0, to grant the variance with conditions.

Conditions, modifications, or restrictions are as follows:

1. Per Map prepared for Keith R. Whittaker and Ann H. Whittaker, prepared by RKW Land Surveying, dated May 10, 2006, revised March 6, 2007, on file with Planning and Zoning.
2. Per Alterations and Additions to the Whittaker Residence, drawings A-1 – A-4 dated June 14, 2006, prepared by Neil Hauck Architects, on file with Planning and Zoning.

REGULAR MEETING

3. Approval of Minutes: March 5, 2007 Meeting

Upon motion duly of Mr. Engel and second of Mr. Socci the Board voted to approve the minutes of the March 5, 2007 Meeting.

4. Other matters as may properly come before the Board.

None.

5. Adjournment

There being no further business to come before the meeting, the Board unanimously voted to adjourn at 7:40 p.m.

Mr. Moylan, Acting Chairman and Secretary

LEGAL ADVERTISEMENT

NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, APRIL 19, PAGE **22A**
2007

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, April 9, 2007
duly adopted the following resolutions.
Approved applications
become effective upon the filing
of a copy thereof in the office of
the Town Clerk.

1. RESOLVED, application of
Keith R. and Ann H. Whittaker,
owners, 42 Kimberly Place, for
a variance of Section 3.5.E.2 to
allow a 10.5 foot side yard setback
in lieu of the required 15
foot side yard setback, for property
in the A Residence Zone (Map
L Block 20 Lot 833) is hereby
approved with conditions.
2. RESOLVED, application
of Rucci, Burnham, Authorized
Agent, for Bongood, LLC, owner,
960 Silvermine Road, for a variance

of Section 3.5.E.2 to allow
a principal building with a side
yard setback of 24.2 to 25.4 feet
in lieu (23.4 feet to the proposed
roof line) of the required 30 feet
side yard setback, for property
in the One Acre Residence Zone
(Map 48 Block 112 Lot 69) is
hereby approved with conditions.
FRANK BARFUSS,
Secretary
April 13, 2007
4-19