

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

MEMBERS PRESENT

Mr. Moylan
Mr. Barfuss, Acting Chairman and Secretary
Mrs. Davis
Mr. Lovy (not present for first item)

MEMBERS ABSENT

Mrs. Yanicelli, Chairman

ALTERNATES PRESENT

Mr. Socci
Mr. Engel
Mr. Ziotas

ALTERNATES ABSENT

Also in Attendance:

Steve Kleppin, Town Planner/Sr. Enforcement Officer

MEETING OPENED

At 7:04 p.m.

Mr. Frank Barfuss, Acting Chairman for Ms. Carroll Yanicelli, 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 would be held after the public hearing on each item.

PUBLIC HEARING

The Chairman then called the Public Hearing to order in the Town Hall Board Room. The Board read the call and seated Messrs. Engel, Socci and Ziotas per application as noted below.

LEGAL ADVERTISEMENT

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 9, 2007, in the Board Room of the Town Hall at 7:00 p.m. to hear the following application:

1. Upon application of Ken Okamoto, Authorized Agent, for Pamela Randon, owner, 38 Main Street, for a variance of Section 3.5.D.1 to allow maximum building coverage of 4,405 square feet, an increase of 9 square feet above the existing coverage, in lieu of the allowed coverage of 2,928 square feet, for property in a B Residence Zone (Map T Block 42 Lot 85).

2. Upon application of Gary Stluka, Authorized agent for Peter K. and Jane D. Hunsinger, owners, 22 West Hills Road, for a variance of Section 3.5.E.2 to allow a 22 foot side yard setback in lieu of the required 35 feet side yard setback, for property in the Two Acre Residence Zone (Map 27 Block 25 Lot 39).

3. Upon application of Philip J. Toohey, Authorized Agent for 64-66 Maple Street LLC c/o William Hecker, owner, 64-66 Maple Street, for a variance of Section 5.4.D.1 to construct a new twounit condominium to replace existing two-family house with a front yard 20.3 feet in lieu of the required 25 foot setback, and side yards of 8.9 feet and 13.9 feet on the western side and 14.1 feet on the eastern side in lieu of the required 25 foot setback, for

property in the Apartment Zone (Map N Block 65 Lot 97A).

4. Upon application of Scot H. and Michele Parnell, owner for 25 Wascussue Court, for a variance of Section 3.5.E.2 to allow a front yard setback of 31.4 feet to the closest entranceway and 35 feet to the main structure in lieu of the 45 feet required, for property in the Two Acre Residence Zone (Map 26 Block 205 Lot 19).

**HANDICAP ACCESS
DURING MEETING:**

Please notify the Planning & Zoning office in advance if wheelchair accessibility is required.

FRANK BARFUSS,

Secretary

06/22/07

6-28

7-5

I. Variance Applications:

1. Pamela Randon, owner, 38 Main Street

Upon application of Ken Okamoto, Authorized Agent, for Pamela Randon, owner, 38 Main Street, for a variance of Section 3.5.D.1 to allow maximum building coverage of 4,405 square feet, an increase of 9 square feet above the existing coverage, in lieu of the

allowed coverage of 2,928 square feet, for property in a B Residence Zone (Map T Block 42 Lot 85).

Mr. Okamoto presented current plans to the committee showing the extension of the rear porch. Mr. Okamoto discussed the meeting with the Historical Society who did not approve the previous plans of a screened porch. The plans were revised again and rear porch was changed to an open porch, which required proportionate columns causing one of the columns to block a window. An extension of 9 inches is needed to not block the window. The town engineer reviewed the structure before the hearing and is aware of the structural issues.

The Public Hearing was closed on this Item.

Regular Meeting on this Application

After brief discussion, it was determined that this application should be granted based on architectural hardship. Upon motion of Ms. Davis, and second by Mr. Moylan, the members voted unanimously 5 - 0 to grant the variance. Messrs. Socci and Ziotas were seated for this application.

Conditions, modifications or restrictions are as follows:

1. Per Map prepared for Pamela M. Randon, dated 12/6/06, revised 5/21/07, prepared by RKW Land Surveying, on-file with the Planning and Zoning Department.
2. Per Proposed Second Floor Plan (A102) revised through 5/12/07, Elevations (A201) revised through 4/12/07, Elevations Comparison for Historic District (A202) revised through 5/31/07, prepared by Ken Okamoto, on-file with the Planning and Zoning Department.

2. Peter K. and Jane D. Hunsinger, owners, 22 West Hills Road

Upon application of Gary Stluka, Authorized agent for Peter K. and Jane D. Hunsinger, owners, 22 West Hills Road, for a variance of Section 3.5.E.2 to allow a 22 foot side yard setback in lieu of the required 35 feet side yard setback, for property in the Two Acre Residence Zone (Map 27 Block 25 Lot 39).

Mr. Stluka presented plans to change existing two-car garage to a family room and add an extension to the house, by constructing a three-car garage. Mr. Stluka explained that the hardship the owners are experiencing with the existing garage is that it is unusable for their vehicles and they can use the bays for storage. Mr. Stluka supported plans by presenting letter from the neighbors (Burns), who would support the plans as long as the cupola was removed, and more vegetation planted for increased buffer. There was discussion between applicant and several committee members regarding alternative plans to consider, such as adding on an additional bay instead of building extension or possibly moving staircase for better automobile access. The owners felt that the existing structure is not working for them. Mr. Moylan expressed concern that the current plans are increasing the structure by an additional 25-30%, which will bring the building well into the setback area. Mr. Barfuss cannot see a legal hardship in this application. Mr. Engel inquired about the existing topography and asked if there were alternative plans that could be based on septic issues that could make the Hunsinger's request based on a legal hardship more of a consideration. Again, Mr. Barfuss stated that the current plans cannot be approved because no legal hardship exists.

Mr. Hunsinger, owner, spoke and explained that any alternative plans considered were not possible due to the existing topography causing water flood from the southwest corner. Mrs. Hunsinger also spoke and explained water issues in other areas that prevent an alternative possibility. Mr. Ziotis stated that the current plan did not address any water issues. Mr. Engel suggested to the owners that they consider topographical problems. Mr. Moylan stated that there is no legal hardship proven.

Mr. Troy Baily, attorney for the Burns, 448 West Road, discussed support letter mentioning the removal of the cupola and the additional vegetation screening between proposed addition and the Burns property.

The Public Hearing was closed on this Item.

Regular Meeting on this Application

After brief discussion, with Mr. Ziotis seated and upon motion of Mr. Moylan and second of Mr. Lovy, the members voted unanimously to deny without prejudice, the application based on no legal hardship.

3. William Hecker, owner, 64-66 Maple Street

Upon application of Philip J. Toohey, Authorized Agent for 64-66 Maple Street LLC c/o William Hecker, owner, 64-66 Maple Street, for a variance of Section 5.4.D.1 to construct a new two-unit condominium to replace existing two-family house with a front yard 20.3 feet in lieu of the required 25 foot setback, and side yards of 8.9 feet and 13.9 feet on the western side and 14.1 feet on the eastern side in lieu of the required 25 foot setback, for property in the Apartment Zone (Map N Block 65 Lot 97A).

Mr. Toohey presented plans to demolish the existing two-family house and replace it with a new two-family house angled differently and new landscaping. Mr. Toohey explained the new setbacks and showed how the new plans allow for more room on the easterly side. Clarification was needed in explaining the setbacks. The plans were unclear since the surveyor dashed the existing lines of the house and the property.

Mr. Matthew Dougherty, Architect, discussed the setback variance that was needed. Mr. Ziotis and Ms. Davis determined that it is o.k. to replace an existing two family with a new two family. Mr. Toohey noted that the tenants are month-to-month renters and are aware of plans and that the construction time is estimated to be 8-10 months.

Two neighbors approved the plans. Mr. Hutchison stated his approval of the plans and that it gave the library more room.

Regular Meeting on this Application

Commission discussed the positioning of the new structure. Mr. Engel stated that what is being asked for seems excessive and may impact the Library. Ms. Davis stated that the hardship is the lot is narrower than what is regulated; therefore it is a topographical problem. Mr. Barfuss agreed.

There was further discussion pertaining to the narrow lot between Mr. Barfuss and Mr. Kleppin, where Mr. Kleppin explained that the lot is narrower than was regulated for an apartment zoned lot. The current use can continue on a substandard lot, unless there is a third unit, and then it would be considered a non-conforming structure. It was determined that the volume and height of the structure was in compliance. There was discussion of the height of the building and it was determined that the upper story is just a usable floor and not an attic.

Upon motion by Mr. Lovy and second by Mr. Engel (seated for this application), the members voted unanimously (5-0) to grant the variance.

Conditions, modifications or restrictions are as follows:

1. Per Proposed Site Plan, Maple Street Townhouses, dated 5/30/07, prepared by Mathew R. Dougherty, Architect, on-file with the Planning and Zoning Department.
2. Per Map prepared for H. & F. Properties, dated 5/23/07, prepared by RKW Land Surveying, on-file with the Planning and Zoning Department.
3. Per Building Plans (drawing 3), Building Plans (drawing 4), Building Plans (drawing 5), Building Elevations (drawing 6), Building Elevations (drawing 7),

Building Elevations (drawing 8) and Building Elevations (drawing 9), dated 5/30/07, prepared by Mathew R. Dougherty, Architect, on-file with the Planning and Zoning Department.

4. Scot H. and Michele Parnell, owner for 25 Wascussue Court

Upon application of Scot H. and Michele Parnell, owner for 25 Wascussue Court, for a variance of Section 3.5.E.2 to allow a front yard setback of 31.4 feet to the closest entranceway and 35 feet to the main structure in lieu of the 45 feet required, for property in the Two Acre Residence Zone (Map 26 Block 205 Lot 19).

Mr. Hamon, Architect, presented the application and plans for an addition on an existing non-conforming 1-acre lot in a newly established two-acre zone. Reason for request is because of expanding family, need of more space. All is compliant on coverage. The hardship is the house predates the current two-acre zoning. It is a current requirement that the front yard setback needs to be 45 feet for a two-acre. The front door plans have changed from plans, and the existing doorway will stay flush with the rest of the house. Building coverage and height are compliant. The new plans are staying within the façade of the existing structure. Mr. Moylan mentioned the stakes placed on the grass and paint marks on the east side of the structure. Mr. Parnell, owner, spoke regarding the stakes and paint and clarified that the stakes are where the deck would be and the paint positions are the extension of the house. All markings are on the west corner of the lot.

The Public Hearing was closed on this Item.

Regular Meeting on this Application

After brief discussion, upon motion of Mr. Ziotis and second of Mr. Moylan, the members voted unanimously 5 - 0 to grant the variance.

Conditions, modifications or restrictions are as follows:

1. Per Zoning Location Survey prepared for Scot Parnell & Michele Parnell, dated 5/13/07, prepared by RKW Land Surveying, on-file with the Planning and Zoning Department.
2. Per Proposed Basement Level Plan (A.1-0), Ground Floor Plan (A.1-1), Proposed Second Floor Plan (A.1-2), Proposed Street Facade (South) (A.2-1) and Proposed West Elevation (A.2-2) dated 6/6/07, prepared by Herve Hamon, Registered Architect, on-file with the Planning and Zoning Department.

REGULAR MEETING

7. Approval of Minutes: June 4, 2007 Meeting

The Board voted unanimously 5-0 to approve the minutes of June 4, 2007 meeting. Mr. Lovy and Mr. Moylan abstained from voting since they were not in attendance at last meeting.

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

Vinnie Scorese, 74-70 Forest Street, discussed the application presented on June 4, 2007. Mr. Scorese was unable to attend the hearing and had a friend present. His friend did not submit a map that was relevant to the application. Mr. Scorese requested the application be heard again, specifically to represent properly and to further discuss an additional significant change. Mr. Barfuss polled the members present and all agreed to hear the application again. Mr. Barfuss asked Mr. Kleppin to find out if it is legally allowable to have Mr. Scorese's application added to the next available agenda, understanding that all application material is filed 10 days prior to meeting. Mr. Kleppin stated that prior to accepting the application he would confirm with Attorney Jarboe that Mr. Scorese could reapply.

9. Adjournment

There being no further business to come before the meeting, the Board unanimously voted to adjourn at 8:30 p.m.

Mr. Barfuss, Acting Chairman and Secretary

LEGAL ADVERTISEMENT

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**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 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 Ken Okamoto, Authorized Agent, for Pamela Randon, owner, 38 Main Street, for a variance of Section 3.5.D.1 to allow maximum building coverage of 4,405 square feet, an increase of 9 square feet above the existing coverage, in lieu of the allowed coverage of 2,928 square feet, for

property in a B Residence Zone (Map T Block 42 Lot 85) is hereby approved with conditions.

2. RESOLVED, application of Gary Stluka, Authorized agent for Peter K. and Jane D. Hunsinger, owners, 22 West Hills Road, for a variance of Section 3.5.E.2 to allow a 22 foot side yard setback in lieu of the required 35 feet side yard setback, for property in the Two Acre Residence Zone (Map 27 Block 25 Lot 39) is hereby denied.

3. RESOLVED, application of Philip J. Toohey, Authorized Agent for 64-66 Maple Street LLC c/o William Hecker, owner, 64-66 Maple Street, for a variance of Section 5.4.D.1 to construct a new two-unit condominium to replace existing two-family house with a front yard 20.3 feet in lieu of the required 25 foot

setback, and side yards of 8.9 feet and 13.9 feet on the western side and 14.1 feet on the eastern side in lieu of the required 25 foot setback, for property in the Apartment Zone (Map N Block 65 Lot 97A) is hereby approved.

4. RESOLVED, application of Scot H. and Michele Parnell, owner for 25 Wascussue Court, for a variance of Section 3.5.E.2 to allow a front yard setback of 31.4 feet to the closest entranceway and 35 feet to the main structure in lieu of the 45 feet required, for property in the Two Acre Residence Zone (Map 26 Block 205 Lot 19) is hereby approved.

FRANK BARFUSS,
Secretary
July 13, 2007
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