

**Minutes of
ZONING BOARD OF APPEALS
July 13, 2009**

MEMBERS PRESENT

Mrs. Yanicelli, Chairman
Mr. Barfuss, Secretary
Ms. Miller
Mr. Moylan

MEMBERS ABSENT

Mr. Ziotas

ALTERNATES PRESENT

Mr. Ramirez

ALTERNATES ABSENT

Mr. Engel
Mr. Socci

Also in Attendance:

Steve Kleppin, Town Planner/Sr. Enforcement Officer

MEETING OPENED

At 7:30 p.m.

Chairman 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 and read the call, as follows:

LEGAL ADVERTISEMENT

Also published in the New Canaan News Review
3C NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, JULY 9, 2009 TOWN OF NEW CANAAN

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 13, 2009 in the
Board Room of the Town Hall
at 7:30 p.m. to hear the following
applications:
1. Upon application of
Edward Mellick, Mellick
& Sexton, P.C., Authorized
Agent, for Mark and Janet
Mitchell, owners, 58 Greenley
Road, for a Variance of Section
3.5.E.3 to allow a tennis court
to be located 25 feet from the
property line rather than 35
feet as required, for property
in the Two Acre Residence
Zone (Map 33 Block 22 Lot
130).
2. Upon application of

Edward Mellick, Mellick
& Sexton, P.C., Authorized
Agent, for Hazel R. Hobbs,
owner, 255 Main Street, for a
Variance of Section 3.5.D.1 to
allow total building coverage
of 6,720 square feet rather than
3,389 square feet as presently
allowed in the B Residence
Zone, being less than the
10,290 square feet allowed
prior to 2005, for property in
the B Residence Zone (Map N
Block 63 Lot 915).
3. Upon application of
Edward Mellick, Mellick
& Sexton, P.C., Authorized
Agent, for Kathryn Matthews,
Contract Purchaser, (Donald
A. Porter, owner), 1255 Smith
Ridge Road, for a Variance of
Section 3.5.E.2 to allow an
addition to an existing dwelling
to be 20 feet from the
northerly side yard property

line rather than the required 35
feet, for property in the Four
Acre Residence Zone (Map 41
Block 102 Lot 11).
4. Upon application of Staale
H. and Clara M. Hansen, owners,
122 Rocky Brook Road,
for a Variance of Sections
3.5.E.2 and 7.1.B.2.b to allow
rebuilding of a garage 41.2
feet from the side property in
lieu of the 50 feet required,
for property in the Four Acre
Residence Zone (Map 47
Block 124 Lot 21).
**HANDICAP ACCESS
DURING MEETING:**
Please notify the Planning
& Zoning office in advance
if wheelchair accessibility is
required.
FRANK BARFUSS,
Secretary
June 26, 2009
7-9

Mr. Ramirez was seated for Mr. Ziotas.

1. James G. O'Brien and Barbara Scott, owners, 56 Woodland Road

Upon application of James G. O'Brien and Barbara Scott, owners, 56 Woodland Road, for a Variance of Section 3.5.E.2 to amend existing variance from 9'1" to 7'5" side yard setback to accommodate bilco door, for property in the One Third Acre Residence Zone (Map N Block 34 Lot 51). (Not opened at May 4, 2009 or June 1, 2009 meetings.)

The application was withdrawn prior to the meeting.

2. Mark and Janet Mitchell, owners, 58 Greenley Road

Upon application of Edward Mellick, Mellick & Sexton, P.C., Authorized Agent, for Mark and Janet Mitchell, owners, 58 Greenley Road, for a Variance of Section 3.5.E.3 to allow a tennis court to be located 25 feet from the property line rather than 35 feet as required, for property in the Two Acre Residence Zone (Map 33 Block 22 Lot 130).

Edward Mellick, Mellick & Sexton, P.C., presented the application and discussed the two easements and the proposed tennis court.

The hardship is the shape of the lot

The Public Hearing was closed on this Item.

Upon motion of Ms. Miller, second of Mr. Barfuss, the Board unanimously voted to approve the application as presented.

Conditions, modifications, or restrictions are as follows:

1. Per Property Survey Prepared for Mark L. and Janet T. Mitchell, dated August 12, 2008, revised though June 16, 2009, prepared by RKW Land Surveying, on-file with the Planning and Zoning Department.

3. Hazel R. Hobbs, owner, 255 Main Street

Upon application of Edward Mellick, Mellick & Sexton, P.C., Authorized Agent, for Hazel R. Hobbs, owner, 255 Main Street, for a Variance of Section 3.5.D.1 to allow total building coverage of 6,720 square feet rather than 3,389 square feet as presently allowed in the B Residence Zone, being less than the 10,290 square feet allowed prior to 2005, for property in the B Residence Zone (Map N Block 63 Lot 915).

Edward Mellick, Mellick & Sexton, P.C., presented the application.

The hardship is the change in regulations in 2005, after the lot was created.

Sandy Ryan, 65 Church Street, requested that the variance be denied and that the Commission address the issue the applicant has with the 2005 regulations. George Cody, 241 Main Street, was not in support of or opposed to the variance, but had concerns with over-construction of the parcel and possible future subdividing. Terry Spring, 24 Garrish Lane, also did not support or oppose the variance, but had questions as to the sale of the property in the future and was concerned with increase in non-conformities. Mr. Mellick said that there was no intent to subdivide and that the entire property was being sold by the parent to the son.

The Public Hearing was closed on this Item.

Upon motion of Mr. Barfuss, second of Mr. Moylan, the Board voted 4-1 to grant the application per plans submitted. Ms. Yanicelli opposed.

Conditions, modifications, or restrictions are as follows:

1. Per Map dated October 29, 1985, prepared by Robert M. Henrici, revised by RKW Land Surveying through June 11, 2009, on-file with the Planning and Zoning Department.
2. Per Lower Level Plan (A-1), First Floor Plan (A-2), Second Floor Plan (A-3), Exterior Elevations (A-5) and Exterior Elevations (A-6), all dated June 8, 2009, prepared by Mark P. Finlay Architects, AIA, on-file with the Planning and Zoning Department.

4. Kathryn Matthews, Contract Purchaser, 1255 Smith Ridge Road

Upon application of Edward Mellick, Mellick & Sexton, P.C., Authorized Agent, for Kathryn Matthews, Contract Purchaser, (Donald A. Porter, owner), 1255 Smith Ridge

Road, for a Variance of Section 3.5.E.2 to allow an addition to an existing dwelling to be 20 feet from the northerly side yard property line rather than the required 35 feet, for property in the Four Acre Residence Zone (Map 41 Block 102 Lot 11).

Edward Mellick, Mellick & Sexton, P.C., presented the application and stated that the intent is to demolish the existing two-car garage and construct a new garage within a twenty foot setback.

The hardship is the size of the lot.

Kim Matthews, applicant, discussed the application. Michael and Virginia Robinson, 1277 Smith Ridge Road, expressed concern with regard to loss of privacy resulting from tree removal and the proximity of the extension to their family room and master bedroom. Louis and Brooke Buccieri, 1279 Smith Ridge Road, spoke in favor of the proposed improvements. Ms. Matthews stated that the trees in the front of the house would be removed in connection with driveway construction, but no trees would be disturbed along the property line shared with the Robinson's.

The Public Hearing was closed on this Item.

Upon motion of Mr. Barfuss, second of Mr. Moylan, the Board unanimously voted to approve the application per plans submitted.

Conditions, modifications, or restrictions are as follows:

1. Per Property Survey Prepared for Kathryn I. Mathews, dated January 5, 2009, revised through June 17, 2009, prepared by RKW Land Surveying on-file with the Planning and Zoning Department.
2. Per architectural renderings "View from Northwest", "View from Northeast" and "View from Southwest" on-file with the Planning and Zoning Department.

5. Staale H. and Clara M. Hansen, owners, 122 Rocky Brook Road

Upon application of Staale H. and Clara M. Hansen, owners, 122 Rocky Brook Road, for a Variance of Sections 3.5.E.2 and 7.1.B.2.b to allow rebuilding of a garage 41.2 feet from the side property in lieu of the 50 feet required, for property in the Four Acre Residence Zone (Map 47 Block 124 Lot 21).

Mr. and Mrs. Hansen presented their application. The requested variance is for a side yard reduction from 48.3 feet to 41.3 feet. The existing garage will be demolished, and a new one will be constructed with a master bedroom suite above it. Letters of support as well as verbal support was given by neighbors.

The hardship is that the lot is legally non-conforming and has wetland and septic issues.

The Public Hearing was closed on this Item.

Upon motion of Ms. Miller, second of Mr. Barfuss, the Board unanimously voted to approve the application per plans submitted.

Conditions, modifications, or restrictions are as follows:

1. Per Zoning Location Survey – Map of Property dated September 23, 2008, Revised through May 30, 2009, prepared by Walter H. Skidd, L.S. on-file with the Planning and Zoning Department.
2. Per Foundation/Basement Plan (1), First Floor Plan (2), Second Floor Plan (3), Attic Floor Plan Schematic Roof Plan (4), Front and Rear Elevation (6), and Side Elevations Window and Door Schedule (7), all dated June 17, 2009, prepared by Pivko & Pivko Designs, on-file with the Planning and Zoning Department.

Regular Meeting

6. Approve Minutes of June 1, 2009 Meeting

The Board unanimously voted to approve the minutes of the June 1, 2009 Meeting.

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

None.

8. Adjournment

There being no further business to come before the meeting, the Board unanimously voted to adjourn at 8:42 p.m.

FRANK BARFUSS, Secretary

LEGAL ADVERTISEMENT

Also published in the New Canaan News Review
NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, JULY 23, 2009 15A

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 Special Meeting Public
Hearing held on Monday, July
13, 2009 duly adopted the following
resolution. Approved
applications become effective
upon the filing of a copy thereof
in the office of the Town
Clerk.
1. RESOLVED, application
of Edward Mellick, Mellick
& Sexton, P.C., Authorized
Agent, for Mark and Janet
Mitchell, owners, 58 Greenley
Road, for a Variance of Section
3.5.E.3 to allow a tennis court
to be located 25 feet from the
property line rather than 35
feet as required, for property
in the Two Acre Residence

Zone (Map 33 Block 22 Lot
130) is approved.
2. RESOLVED, application
of Edward Mellick,
Mellick & Sexton, P.C.,
Authorized Agent, for Hazel
R. Hobbs, owner, 255 Main
Street, for a Variance of Section
3.5.D.1 to allow total building
coverage of 6,720 square
feet rather than 3,389 square
feet as presently allowed in
the B Residence Zone, being
less than the 10,290 square
feet allowed prior to 2005, for
property in the B Residence
Zone (Map N Block 63 Lot
915) is approved per the plans
submitted.
3. RESOLVED, application
of Edward Mellick, Mellick
& Sexton, P.C., Authorized
Agent, for Kathryn Matthews,
Contract Purchaser, (Donald
A. Porter, owner), 1255 Smith
Ridge Road, for a Variance of

Section 3.5.E.2 to allow an
addition to an existing dwelling
to be 20 feet from the
northerly side yard property
line rather than the required 35
feet, for property in the Four
Acre Residence Zone (Map 41
Block 102 Lot 11) is approved
per the plans submitted.
4. RESOLVED, application
of Staale H. and Clara M.
Hansen, owners, 122 Rocky
Brook Road, for a Variance of
Sections 3.5.E.2 and 7.1.B.2.b
to allow rebuilding of a garage
41.2 feet from the side property
in lieu of the 50 feet
required, for property in the
Four Acre Residence Zone
(Map 47 Block 124 Lot 21)
is approved per the plans submitted.
FRANK BARFUSS,
Secretary
July 17, 2009
7-23