

**Minutes of
ZONING BOARD OF APPEALS
Special Meeting
March 23, 2009**

MEMBERS PRESENT

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

MEMBERS ABSENT

ALTERNATES PRESENT

Mr. Engel
Mr. Soggi
VACANCY

ALTERNATES ABSENT

Also in Attendance:

Steve Kleppin, Town Planner/Sr. Enforcement Officer

SPECIAL MEETING OPENED
AT 7:33 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

NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, MARCH 12, 2009 9A

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 Special
Meeting on Monday, March
23, 2009 in the Board Room
of the Town Hall at 7:30 p.m.
to hear the following applications:
1. Upon application of
James A. Stolpestad II and
Andrea O. Pierce, owners, 113
Gower Road, for a Variance
of Section 3.5.D.1 to allow
an increase of building coverage
by 460 square feet to
the existing non-conforming
residence for construction of a
sunroom, for property in the A
Residence Zone (Map J Block
235 Lot H45E).

2. Upon application of David
Preusch Architect, Authorized
Agent, for Frank A. Jr. and
Mary Lake Bennack, owners,
339 Indian Rock Road, for a
Variance of Sections 3.5.E.2
and 7.1.B.5.a to reduce side
yard setback from 44.5 feet to
41 feet to permit an extension
and enlargement of the existing
two-car garage, for property in
the Four Acre Residence Zone
(Map 34 Block 34 Lot 69).
3. Upon application
of Stuart A. and Karen M.
Walker, owners, 64 White Oak
Shade Road, for a Variance of
Section 3.3.B.6.h to allow preexisting
legal front yard parking
area to serve as adequate
off-street parking requirement
for planned accessory dwelling
unit, for property in the

One Acre Residence Zone
(Map 37 Block 88 Lot 16).
4. Upon application of 53
Crystal Street Associates LLC,
owners, 53 Crystal Street, for a
Variance of Section 7.1.B.2.b
to allow construction of a dormer
on a legally non-conforming
accessory building, for
property in the A Residence
Zone (Map M Block 51 Lot
H10).
HANDICAP ACCESS
DURING MEETING:
Please notify the Planning
& Zoning office in advance
if wheelchair accessibility is
required.
FRANK BARFUSS,
Secretary
March 6, 2009
3-12
3-19

1. James A. Stolpestad II and Andrea O. Pierce, owners, 113 Gower Road

Upon application of James A. Stolpestad II and Andrea O. Pierce, owners, 113 Gower Road, for a Variance of Section 3.5.D.1 to allow an increase of building coverage by 460 square feet to the existing non-conforming residence for construction of a sunroom, for property in the A Residence Zone (Map J Block 235 Lot H45E).

James Stolpestad, applicant, said that the construction of the house predated current regulations, the increase will take place in the center of the lot, and the sunroom will be made of glass and one story in height. The hardship was a change in regulations. There was no public comment.

The Public Hearing was closed on this Item.

Upon motion of Mr. Moylan, second of Mr. Barfuss, the Board voted 4 to 1 to approve the application with conditions, with Ms. Davis voting against the application.

Conditions, modifications, or restrictions are as follows:

1. The addition is limited to one story.
2. Per Zoning Location prepared for James A. Stolpestad II and Andrea O. Pierce, dated 09/09/08, on-file with the Planning and Zoning Department.
3. Per architectural sketches submitted indicating a glass addition, on-file with the Planning and Zoning Department.

2. Frank A. Jr. and Mary Lake Bennack, owners, 339 Indian Rock Road

Upon application of David Preusch Architect, Authorized Agent, for Frank A. Jr. and Mary Lake Bennack, owners, 339 Indian Rock Road, for a Variance of Sections 3.5.E.2 and 7.1.B.5.a to reduce side yard setback from 44.5 feet to 41 feet to permit an extension and enlargement of the existing two-car garage, for property in the Four Acre Residence Zone (Map 34 Block 34 Lot 69).

David Preusch, Architect, explained that the homeowner proposed an addition and alteration to the existing two-car garage. The intent is to extend the garage sixteen feet to create a three-car garage and second floor living space. The property slopes east to west parallel to the street, and the existing garage already encroaches into the setback. The addition will match the existing design of the house. The hardship was an existing non-conforming garage and no logical alternatives. There are no coverage issues. The height of the proposed addition is twenty-six feet from average grade. Drawings were submitted and there was no public comment.

The Public Hearing was closed on this Item.

Upon motion of Mr. Barfuss, second of Ms. Davis, the Board unanimously voted to approve the application with conditions.

Conditions, modifications, or restrictions are as follows:

1. Per Map Prepared for Frank A. Jr. & Mary Lake Bennack dated 01/11/06, as revised 12/22/08, prepared by RKW Land Surveying, on-file with the Planning and Zoning Department.
2. Per First Floor Plan – with Proposed Addition, Proposed First Floor Plan – Addition, Proposed Second Floor Plan, Front Elevation – Proposed Addition, Right Side Elevation – Proposed Addition and Rear Elevation – Proposed Addition, prepared by David Preusch Architect, on-file with the Planning and Zoning Department.

3. Stuart A. and Karen M. Walker, owners, 64 White Oak Shade Road

Upon application of Stuart A. and Karen M. Walker, owners, 64 White Oak Shade Road, for a Variance of Section 3.3.B.6.h to allow pre-existing legal front yard parking area to serve as adequate off-street parking requirement for planned accessory dwelling unit, for property in the One Acre Residence Zone (Map 37 Block 88 Lot 16).

Karen Walker, applicant, stated that the purpose of the proposed parking area is to accommodate off-street parking required for an auxiliary apartment. The hardship is an existing swimming pool on one side of the property and a steep drop-off on the other side of the property.

The Public Hearing was closed on this Item.

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

4. 53 Crystal Street Associates LLC, owners, 53 Crystal Street

Upon application of 53 Crystal Street Associates LLC, owners, 53 Crystal Street, for a Variance of Section 7.1.B.2.b to allow construction of a dormer on a legally non-conforming accessory building, for property in the A Residence Zone (Map M Block 51 Lot H10).

Lee Schettino and Tony Shizari presented the application and stated that they proposed to add a half dormer to the back and extend one front dormer. The height and the footprint of the building will not change. The purpose of the proposed new space is a play area. The hardship was an existing non-conforming structure. Troy Bailey, 14 Crystal Street, expressed concern that this will become a two-dwelling home. Mr. Bailey suggested that any approval include a condition that this addition cannot be used as a rental unit.

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 with conditions. The Commission did agree that there could be a bathroom in the upper story.

Conditions, modifications, or restrictions are as follows:

1. There shall be no kitchen or cooking facilities in the garage.
2. The garage shall not be used as a second dwelling unit.
3. Per Map prepared for 53 Crystal Street Associates, LLC, dated 02/09/09, prepared by the Office of Moody & O'Brien, LLC, on-file with the Planning and Zoning Department.
4. Per Proposed Attic Floor Plan, Proposed Garage Section, Proposed Front Elevation, Proposed Side Elevation and Proposed Rear Elevation, on-file with the Planning and Zoning Department.

Approval of Minutes from February 2, 2009 Meeting and February 18, 2009 Special Meeting.

The Board unanimously voted to approve the minutes of the February 2, 2009 Meeting and the February 18, 2009 Special Meeting.

5. Adjournment

There being no further business to come before the meeting, the Board unanimously voted to adjourn at 8:13 p.m.

FRANK BARFUSS, Secretary

LEGAL ADVERTISEMENT

A Legal Notice was also published in the New Canaan News Review.

NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, APRIL 2, 2009 21A

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,
March 23, 2009 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 James A. Stolpestad II and
Andrea O. Pierce, owners, 113
Gower Road, for a Variance
of Section 3.5.D.1 to allow
an increase of building coverage
by 460 square feet to
the existing non-conforming
residence for construction of a
sunroom, for property in the A

Residence Zone (Map J Block
235 Lot H45E) is approved
with conditions.
2. RESOLVED, application
of David Preusch Architect,
Authorized Agent, for
Frank A. Jr. and Mary Lake
Bennack, owners, 339 Indian
Rock Road, for a Variance of
Sections 3.5.E.2 and 7.1.B.5.a
to reduce side yard setback
from 44.5 feet to 41 feet
to permit an extension and
enlargement of the existing
two-car garage, for property in
the Four Acre Residence Zone
(Map 34 Block 34 Lot 69) is
approved with conditions.
3. RESOLVED, application
of Stuart A. and Karen M.
Walker, owners, 64 White Oak
Shade Road, for a Variance of
Section 3.3.B.6.h to allow preexisting

legal front yard parking
area to serve as adequate
off-street parking requirement
for planned accessory dwelling
unit, for property in the
One Acre Residence Zone
(Map 37 Block 88 Lot 16) is
approved.
4. RESOLVED, application
of 53 Crystal Street
Associates LLC, owners, 53
Crystal Street, for a Variance
of Section 7.1.B.2.b to allow
construction of a dormer on a
legally non-conforming accessory
building, for property in
the A Residence Zone (Map M
Block 51 Lot H10) is approved
with conditions.
FRANK BARFUSS,
Secretary
March 27, 2009
4-2