PLANNER’S MEMORANDUM

September 30, 2020

To: ZBA Members
    K. Moynihan, First Selectman
    K. Corbet, Selectman (via email)
    N. Williams, Selectman (via email)
    I. Bloom, Town Attorney (via email)

From: Lynn Brooks Avni, AICP, Town Planner/Sr. Enforcement Officer

Re: Zoning Board of Appeals Meeting Memo: October 5, 2020

There are three (3) new Public Hearings.

The next meeting is scheduled for November 2, 2020. If you are unable to attend, please notify the office as soon as possible.

PUBLIC HEARING:

1. **773 Silvermine Road** – Zoning Variance – Upon application of Derrek and Palmer M. Metz, owner(s), for a Variance of Section(s) 3.5.E.2 to allow relief of side yard setback where 35 feet is required to 28 feet, 4 feet for addition. The relief of front yard setback where 45 feet is required to 41.9 feet for addition; preexisting is 39.5 for property in the Two Acre Zone (Map 49, Block 109, Lot 204).

   **Discussion:** This property on Silvermine Road is approximately two (2) acres in size and is located in the Two Acre Zone almost directly across from the intersection with Mill Road. The subject parcel is improved with a single family dwelling, constructed, according to the Tax Assessor records in 1865, a one story cottage/garage, a pool and several sheds. The house and the garage/cottage are primarily located in the northwest portion of the subject parcel while the southeastern portion is comprised of a pond that appears to be a delineated wetland. Wetlands also appear in the southwestern portion of the site. The septic is located directly behind the house limiting use of the backyard. These improvements are generally depicted on an Improvement Location Survey prepared for Derek Metz and Palmer Metz, certified by Moody & O’Brien LLC and dated February 27, 2020. The Applicants propose an addition to the existing one story cottage garage which will generally extend in an east west direction and will connect the cottage/garage to the existing two story frame house via a breezeway.
In order to grant this variance, the Board must make a determination that a literal enforcement of the Regulations would result in an exceptional difficulty or an unusual hardship. Additionally, the hardship needs to be solely with the parcel of land that is the subject of this application and it is owing to conditions that especially affect this parcel and not generally the district.

2. **141 Hemlock Hill Road** – Zoning Variance – Upon application of Daniel Radman, Radman Architects, LLC, Authorized Agent for Matthew and Mariko LeBaron, owner(s), for a Variance of Section(s) 3.5.F.1, 3.5.F.2 and 3.5.F3 to allow demolition both of the existing freestanding 5-car garage structures, which include a 2-bedroom apartment on second story and replace with a smaller single 3-car garage structure with a 2-bedroom apartment on second floor. In order to create a usable garage height and second floor ceiling height, along with a more architecturally appropriate roof slope, we need to elevate the total building height above the 25 feet allowable to a proposed height of 27 feet 4 inches for property in the Two Acre Zone (Map 33, Block 22, Lot 100).

**Discussion:** This property is located on a curve along Hemlock Hill Road and is a front parcel and is bordered in the rear by a large body of water. The western portion of the site straddles Flood Zone A and Flood Zone X and there are also flagged wetlands on the property. The site is improved with a two-story single family dwelling, a two-story garage with an apartment and a one story garage as depicted on a Zoning Location Survey prepared by Accurate Land Surveying and dated August 25, 2015. The New Canaan Tax Assessor records indicate that it is a one and a half story garage with two bedrooms and four (4) rooms total built in 1964. The Applicant is proposing to demolish the existing two story garage with apartment above and the one story garage, together these structures contain five (5) garage bays and a two-bedroom apartment. These structures are proposed to be replaced with a three car garage with a two-bedroom apartment on the second floor. The new building will be a two-story structure, where only one and a half stories are permitted thus a variance of Sect. 3.5.F is being sought. It should be noted that the existing garage which is proposed to be demolished is two stories and would be considered legally non-conforming as to height if it were to remain. The Applicant is also seeking a variance of the Building Height and Total Building Height per Sect. 3.5.F subsection 1 and 2. It should be noted that the site is under their allowable Building Coverage and the combined garage structures total approximately 1,627 SF of coverage which is proposed to be reduced to approximately 1,211 SF.

In order to grant this variance, the Board must make a determination that a literal enforcement of the Regulations would result in an exceptional difficulty or an unusual hardship. Additionally, the hardship needs to be solely with the parcel of land that is the subject of this application and it is owing to conditions that especially affect this parcel and not generally the district.

3. **59 Sheridan Drive** – Zoning Variance – Upon application of Charles and Joanna Wirth, owner(s), for a Variance of Section 3.5.E.3 to allow minimum yard setbacks for accessory
buildings, 25 feet is proposed where 50 feet is required, for property in the Four Acre Zone (Map 41, Block 103, Lot 23).

**Discussion:** This parcel is a front facing lot located along the curve in Sheridan Drive and is improved with a single family dwelling as shown on a Map prepared by RKW Land Surveying dated November 14, 2019. The lot is approximately 4.2 acres in the Four Acre Zone. The Applicant is proposing to construct a detached garage with a loft space above approximately twenty-five (25) feet from the side property line where 50 feet is required. The Applicant has noted that the location of their septic system, the sloped grade of their property and the COVID-19 pandemic are hardships that limit them from constructing the garage elsewhere on their property. Please note that the legal notice for this matter advertised it as principal buildings instead of accessory based on what the Applicant submitted. Revisions were submitted by the applicant after the matter was advertised and have been corrected to reflect accessory buildings.

In order to grant this variance, the Board must make a determination that a literal enforcement of the Regulations would result in an exceptional difficulty or an unusual hardship. Additionally, the hardship needs to be solely with the parcel of land that is the subject of this application and it is owing to conditions that especially affect this parcel and not generally the district.

END