

TOWN OF WESTON, CONNECTICUT
ZONING BOARD OF APPEALS HEARING VIA ZOOM

September 29, 2020

MINUTES

Present: Board Members: Chairman, Macleod Snaith, Vice-Chairman, Don Scarborough, Glenn van Deusen, Dan Gilbert, Ilene Richardson and Alternates, John Moran, James Low and Megan Loucas

Also: Tracy Kulikowski, Land Use Director

Chairman Snaith opened the hearing at 7:35 p.m. and the Board Secretary read the legal notice into the record.

ELECTION OF OFFICERS

Mr. Snaith nominated Mr. Scarborough to be Chairman and Ms. Richardson seconded. All in favor, the motion carried (4-0).

Mr. Gilbert nominated Mr. van Deusen to be Vice-Chairman and Mr. Snaith seconded. All in favor, the motion carried (4-0).

127 GEORGETOWN ROAD, owners, JAROSLAW CHROBAK and KATARZYNA FRONCKIEWICZ, Map 1, Block 3, Lot 22. Variance to Section 321.6 of the Weston Zoning Regulations in order to complete construction of a gazebo on a stone floor to be located 20.1 and 25.5 feet from the northern side property line and 21.8 and 26.7 feet from the southern side property line.

Eric Chrobak, the owners' son and representative, explained that they were seeking a variance for a minor setback for the gazebo. The lot is very narrow and non-conforming and it is difficult to conform to the setbacks because of the size and shape of lot and there is only a small area that can utilize the shade. He stated that the width of the lot is 66 feet and with the 30 foot setbacks that only leaves 6 feet of buildable area. He further noted that 75% of the property is un-useable because of the slope, vegetation and existing bedrock at the rear of the property. Mr. Chrobak explained that his father was unaware that he would need to conform to 30 foot setbacks for the gazebo on top of the existing patio. He also stated that the neighbors are nowhere near in proximity to the gazebo and have no objection.

Mr. Gilbert commended the applicants for stopping construction and coming forward to get a permit. Mr. van Deusen stated that it meets criteria of a unique lot, but questions whether it is

the only space that creates adequate shading and thinks that if they moved closer to the house, it would fit and provide an area of shade within the current zoning regulations.

Mr. Snaith commented that the stone terrace does conform because it's not a structure, but by putting a roof it is considered a porch and a structure and doesn't see having shade as hardship.

Mr. Gilbert commented that they have a property that is nonconforming and the challenge is to conform to the law which is to not increase the non-conformity. Ms. Richardson commented that the Board has to base their decision on hardships and the law is fairly strict on what is a hardship. Discussion ensued.

Margaret Wirtenberg, Wilson Road, commented that there are lots of one acre lots in that area and questioned if something that could be moved was used would that be legal?

Mr. Snaith stated that if it were an umbrella situation and moveable, it would not be a problem.

Hearing no additional discussion or comment the public hearing was closed at 8:04 p.m.

DELIBERATION

Voting Members: Snaith, Scarborough, Gilbert, vanDeusen, Richardson

Mr. Scarborough noted that the consensus is that the structure is non-conforming and the Board cannot approve it to stay. Mr. Gilbert agreed.

MOTION TO DENY

Mr. Scarborough made a motion to deny the application for a wooden structure based on the fact that there was no demonstrable hardship. The stone terrace complies and can stay. Mr. Gilbert seconded the motion. All in favor, the motion carried (5-0).

APPROVAL OF MINUTES

Mr. van Deusen made a motion to approve the Minutes from July 28, 2020 and Mr. Snaith seconded. All in favor, the motion carried (8-0).

MOTION TO ADJOURN

Mr. Snaith made a motion to adjourn the meeting and Mr. Scarborough seconded. All in favor, the meeting adjourned at 8:13 p.m.

Respectfully submitted,

Delana Lustberg
Board Secretary

Date Approved: