

POST

TOWN OF WILTON

ZONING BOARD OF ADJUSTMENT

OCTOBER 14, 1992

VOTING BOARD: Chairman Neil Faiman; members Herb Klein & Tom Mitchell;
alternate members Joanna Eckstrom & Jim Tuttle.

CLERK: Diane Nilsson

AGENDA: Robert E. Spear, Jr. - request for a variance.
Randal & Ellen Tremblay - request for a variance.

Chairman Faiman called the meeting to order at 7:35 p.m.

Case # 10/14/92-1 SPEAR

Robert E. Spear, Jr., Curtis Farm Road, Lot B-047 in the Residential/Agricultural District, requested a variance to the terms of Section 6.2.4 of the Wilton Zoning Ordinance to permit construction of a garage less than 35 feet from a lot line.

Mr. Faiman noted that he, along with Mr. Klein & Mr. Mitchell visited the site before the meeting.

Mr. Spear presented drawings of his site showing the proposed location of the garage. He stated that he is proposing a 26' X 26' garage with storage above. The garage would be 20' high and would be located 4' from the side lot line and 10' from the road.

Mr. Spear stated that the Audette's house, abutters next to the property line where the proposed garage would be located, is at least 35' away from the property line & sits up on a knoll.

Mr. Spear stated that he wanted to place the garage at this site because the other site that he had considered would require an inordinate amount of fill work and would cost more than he wanted to spend. He added that this choice of site would also require him to destroy part of his lawn, block part of his view and he would need to build retaining walls.

Mr. Spear's property frontage of Curtis Farm Road is 207' and it is 444' deep.

Mr. Spears stated that he would construct the garage in such a way as to minimize the obstruction of view to his neighbors, the Audette's.

> There were no abutters present.
Ms. Eckstrom felt that any other location on the property would pose more difficult problems for fire and ambulance access and that Mr. Spear has chosen the most logical location.

Mr. Klein was concerned about the height of the garage in relation to the close proximity to the neighbor and the road.

Mr. Mitchell felt that a building this tall and this close to the road would not enhance the property values and he also believed that there were other options for placement of the garage.

Mr. Faiman felt that the extent of the reduction in setbacks was so extreme as to almost eliminate them entirely. He felt that the effect of such a large and tall building so close to the road would be quite intrusive to the neighborhood. He also felt that although it may be inconvenient for Mr. Spear to locate the garage elsewhere on his property, the magnitude of the inconvenience does not constitute hardship.

Ms. Eckstrom asked what the allowed maximum height of a structure is. Mr. Faiman answered that it is 35'.

Mr. Tuttle offered another site for constructing the garage.

Mr. Faiman offered yet another idea for the location.

All in all, the Board suggested four alternative sites for construction of the garage.

MOTION: Mr. Mitchell moved to deny the variance application, seconded by Mr. Klein. Four members voted YES and Ms. Eckstrom voted NO.

Mr. Faiman stated that the request had been denied and that the applicant would receive a written notice of denial in the mail. He further stated that the Selectmen, any party to the action or proceedings, or any person affected thereby may apply for a rehearing of this decision. A request for a rehearing must be filed in writing with the Zoning Board of Adjustment on or before November 3, 1992, and must fully specify all grounds on which the rehearing is requested.

The application has been denied for the following reasons:

1. The very tall (20 foot) garage within four feet of the neighboring property could be detrimental to the neighbors' property values.
- 2.. The proposed garage, within ten feet of a small and rural dirt road, would be visually obtrusive, and not in the public interest.
3. The radical diminution of two setbacks is inconsistent with the spirit of the ordinance.
4. The Board did not find hardship to be present, since it was not convinced that a garage could not be designed and located so as to be much less offensive to the spirit of the ordinance.

MOTION: Mr. Mitchell moved to approve the reasons for denying the variance request, seconded by Mr. Klein. Four members were in favor with Ms. Eckstrom abstaining.

Case # 10/14/92-2 TREMBLAY

Randal & Ellen Tremblay, Samantha's Way, Lot # 107-4 in the Residential/Agricultural District, requested a variance to the terms of Section 6.2.4 of the Wilton Zoning Ordinance to permit construction of a garage less than 35' from a lot line.

Mr. Faiman stated that he, Mr. Klein & Mr. Mitchell visited the site before the meeting.

Mr. Tremblay stated that he would like to construct a garage at the end of his driveway, adjacent to but not attached to, his house. He noted that he had spoken to his two closest abutters and they had no objection to the construction. There were no abutters in attendance.

Mr. Mitchell stated that there didn't seem to be any other reasonable place to site the garage. Because of the shape of the lot, this is a reasonable request.

Mr. Klein noted that there is a thick buffer between the road & the proposed site and no other homes are close by.

MOTION: Mr. Tuttle moved to grant the variance as requested, seconded by Mr. Mitchell with all in favor.

Mr. Faiman stated that the Tremblay's will receive a written notice of approval in the mail. He further stated that the Selectmen, any party to the action or proceedings, or any person affected thereby may apply for a rehearing of this decision. A request for a rehearing must be filed in writing with the Zoning Board of Adjustment on or before November 3, 1992, and must fully specify all grounds on which the rehearing is requested.

The application has been granted for the following reasons:

1. The proposed use would not diminish the surrounding property values because the style and location of the proposed building is consistent with other properties in the area.
2. Granting this variance would be in the public interest because the proposed garage increases the taxable value of the property. The substantial setback from the public right-of-way results in no impact on the public interest.
3. Denial of the variance would cause unnecessary hardship because of the following special circumstances which make this property unique from other properties in the same zone: This odd shaped lot provides very little property suitable for building due to its being very narrow near the front of the lot and a fairly steep grade and stone wall directly behind the proposed building site.
4. Granting the variance would do substantial justice because every other house on the cul-de-sac currently has a garage.
5. The use is not contrary to the spirit of the ordinance because the spirit of the ordinance will be maintained since the distance between the proposed building and the closest building on the adjacent lot will be 121.7 feet.

MOTION: Mr. Klein moved to accept the reasons for granting the variance request, seconded by Mr. Mitchell with all in favor.

MINUTES - September 9, 1992

MOTION: Mr. Tuttle moved to accept the 9/9/92 minutes, seconded by Mr. Klein.

Ms. Eckstrom stated that some of her comments were not included in the minutes. She further suggested that tapes not be destroyed in the future, until after the minutes have been approved.

The Board decided to table the approval of the 9/9/92 minutes until the next meeting in order to include all amendments to the minutes. Mr. Tuttle withdrew his motion to accept.

The meeting was adjourned at 9 p.m.

Respectfully submitted,

Diane Nilsson

Diane Nilsson. Clerk

Posted: 10/20/92