

Borough of Newtown Zoning Board of Appeals Newtown, Connecticut

Minutes of Meeting of April 26, 2017

Minutes of the meeting of the Borough of Newtown Zoning Board of Appeals on April 26, 2017, at Borough Office, Edmond Town Hall, 45 Main Street, Newtown. Chairman John Madzula called the meeting to order at 7:00 p.m.

Present: John Madzula, Kathy Geckle, Jane Maher, Mary Thomas and Pat Antal.

Staff Present: Maureen Crick Owen, Clerk.

Docket B17-01: Application of William and Barbara Snyder for a variance to Section 5.04 of the Borough zoning regulations so as to permit a 14' setback on the northeasterly side for the construction of a two car garage and a 23' setback on the southerly side to allow for a precast bilco door foundation. The property is located at 29 West Street in a R-1 Zone in the Borough of Newtown.

Chairman Madzula opened the public hearing at 7:00 p.m. Mrs. Maher read the legal notice. Chairman Madzula introduced himself and the rest of the board members.

Barbara and William Snyder of 105 Walnut Tree Hill Road, Sandy Hook, were present to present their application for variance to property located at 29 West Street. Mrs. Snyder said that the property was a blighted property which they bought to be their "retirement" home. This home was an opportunity for them to get into the Borough. The house was 988 square feet. They are proposing to build a master bedroom addition. The existing residence will remain. Water problem on property – runoff from other properties onto their property. They are correcting. The bilco door looks like it can go on the back of the building, therefore, no variance is requested for the bilco door. That addition complies with regulations.

They would like to have a two car garage. There was a one car garage initially. Mrs. Snyder said if they ran the garage in a straight line it would go into setback (with the breezeway). The proposed design puts the two car garage at an angle connected to the house by a breezeway. Mrs. Snyder said that all of the neighbors have told them verbally that they are okay with the proposed garage.

Mrs. Maher asked why they decided to keep the garage detached to the house instead of attached. Mr. Snyder said they wanted to have a breezeway so that you can get into the backyard area without having to get to it from going through the garage or going around the house. The lot is narrow. They intend to have gardens in the backyard and they thought it would be nice to pass through. This area would be their main entry to the house and it would give some good sight lines when approaching the house (to be

able to see through breezeway to manicured/garden backyard). Mrs. Snyder said turning the garage at an angle, not having the garage face straight at the street and an 11' breezeway would be an enhancement to the property.

Chairman Madzula noted that construction is going on now. He asked if they had a building permit. Mrs. Snyder said she filed the survey with the proposed garage as was being presented and told the Town that they did not have a variance approval on the garage setback. The Town gave the approval to start the addition. If approved, they will have to go back and get a building permit for the garage.

Mrs. Geckle asked if they were changing the driveway. Mrs. Snyder said yes that the driveway would come around and enter at an angle as opposed to straight on. She said Paul Brautigam drew the driveway and is not necessarily her plan. She said she would bring it in on a curve. These plans are not final. They are the basic footprint of the house.

Chairman Madzula asked that the setback they are requesting is a 14' setback on the sideyard. Mrs. Snyder confirmed that.

Discussion took place about the height of the garage.

Chairman Madzula said if you were to turn the garage facing the street and attached it to the house you would be within the setback. Mrs. Snyder stated that she did not want the garage attached to the house. She also said that the original house had a one car garage with a breezeway attached to the house. She said if she left the same footprint and added a second garage it would have gone out to the same setback area. She said she decided to turn it so it would look more attractive. Mr. Snyder said having a two car garage is what people expect today and is also better from a marketability standpoint.

Mrs. Geckle said if you eliminated the breezeway you could still have a two car garage and not be in the setback. Mrs. Antal inquired if they had thought about putting a patio in the rear to get the same effect.

Mrs. Snyder said they are trying to be respectful of their site issues especially the water on the property. Discussion took place regarding the water issues on the property.

Mr. Snyder said they want the convenience of the garage being close to the house. Mrs. Snyder then said well then you could attach it to the house. She said that if we are purely arguing hardship then I can understand if you said no. Chairman Madzula said that is what this is all about – hardship and it is per the regulation. Mrs. Snyder said she understood.

Discussion then turned to drainage from other neighboring properties onto their property.

Mrs. Snyder said she would be really sad if her variance was not granted as this is their dream and it would be hard for her to give up the design which will enhance the property. She said that is her emotional case for wanting the variance. The hardship is the type of property it is and that there are extreme issues – walls were bowing in, getting more water away from house will relieve pressure on cinder block walls.

Mrs. Geckle asked how far is the driveway (if garage is approved). Mrs. Snyder pointed out the existing driveway and described what she would propose would be the driveway. Mrs. Snyder said Kim D'Amico (neighbor) would look down into the garage because her house sits up higher.

Mrs. Snyder said the garage doors would not be facing straight on but at an angle. If moved, Ms. D'Amico would be looking at the garage from her backyard. She said the driveway would probably be gravel.

There was no public in attendance. There were no further questions from the board. The public hearing was closed at 7:40 p.m.

Discussion took place regarding the application. The discussion centered on the fact that the applicant did not present a hardship. After further discussion, a motion was made by Mrs. Geckle to deny the application of William and Barbara Snyder for a variance to Section 5.04 of the Borough zoning regulations so as to permit a 14' setback on the northeasterly side for the construction of a two car garage on property located at 29 West Street in a R-1 Zone for lack of evidence of a hardship. The motion was seconded by Mrs. Maher. The vote was:

John Madzula - Yes
Jane Maher - Yes
Kathy Geckle - Yes
Mary Thomas – No
Pat Antal – Yes

The motion passed 4-1. The application was denied. During the hearing Barbara Snyder withdrew the request for a variance for a 23' setback on the southerly side to allow for a precast bilco door foundation.

There being no further business to come before the meeting, the meeting was adjourned by the Chairman at 8:30 p.m.

Respectfully Submitted,

Maureen Crick Owen
Clerk