

ZONING BOARD
OF
APPEALS
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TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

DRAFT
ZONING BOARD OF APPEALS
REGULAR MEETING
MAY 17, 2010
7:15 P.M.
TOWN HALL ANNEX - MEETING ROOM A

PRESENT: Miriam Sayegh, Chairman; Barbara Frees, Vice-Chairman; Lori Bufano, Secretary; John Gardiner; Peter Shiue, Alternate; Steven Davidson, Alternate

ABSENT: Peter Bell, John Comiskey (notified intended absences)

A. CALL TO ORDER

Ms. Sayegh called the meeting to order at 7:18 P.M. She briefly reviewed the hearing process for applications that come before the Zoning Board of Appeals.

B. PUBLIC HEARINGS

1. #10-05-09 NICHOLAS 182 DRUM HILL ROAD

Ms. Sayegh called the Hearing to order at 7:19 P.M., seated member Bufano, Frees, Gardiner, Sayegh, and Shiue, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Ms. Bufano read the legal notice dated May 3, 2010 and details of the application and the hardship as described on the application.

Mr. Davidson recused himself from the hearing and left the meeting room.

Ms. Nicholas reviewed details of the application. She explained that her recent front porch addition was built 0.4 inches wider than was permitted per a ZBA variance that was granted in May of 2004. She stated that the error was completely unintentional on her part and did not come to her attention until she attempted to obtain a Zoning Compliance Certificate from the Zoning Enforcement Officer. She explained further that the setback intrusion has also caused both her building and site coverage percentages to be greater than what was approved in 2004. In particular, she noted that walkways on her property,

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accounting for 0.6% site coverage, were not calculated as part of site coverage at the time she applied for the previous variance.

A brief discussion ensued as to whether walkways set in stone dust, which are pervious by nature, are actually included in site coverage calculations for purposes of zoning. It was determined that all such walkways are counted at 50% towards site coverage calculations.

The Board asked whether the applicant would be willing to remove the walkways and thus eliminate 0.6% of the 0.7% site coverage variance that the applicant was seeking. She stated that she would be reluctant to remove the walkways due to safety concerns, but would be more amenable to removing some of the asphalt driveway in order to make up the 0.6% difference.

It was the general consensus of the Board that site coverage issues, in particular, require serious consideration from the Board.

Ms. Sayegh asked if anyone wished to speak for or against the application.

There being no further comments, the public hearing was closed at 7:45 P.M.

2. #10-05-10 DARST 1054 RIDGEFIELD ROAD

Mr. Davidson returned to the meeting room.

Ms. Sayegh called the Hearing to order at 7:47 P.M., seated members Bufano, Davidson, Frees, Gardiner, and Shiue, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Ms. Bufano read the legal notice dated May 3, 2010 and details of the application and the hardship as described on the application.

Present was Sam Gardner, architect, on behalf of the applicant.

Mr. Gardner explained that most of the pre-existing nonconforming residence is located completely within the front yard setback. He noted that a modest addition is proposed for the rear of the house but, given the siting of the structure, the addition will still be located within the front yard setback.

Mr. Gardner referred to posted drawings of the proposed site modifications, noting that there would be no building or site coverage issues. He explained that although there are substantial wetlands on the property, Environmental Affairs Director Pat Sesto had no problem with respect to the addition as currently proposed. He noted further that the proposed addition would be consistent with the character and style of the existing older portion of the residence. He stated that the proposed site for the addition is the best

possible location in terms of the configuration of the residence as well as existing topographical constraints.

Ms. Sayegh asked if anyone wished to speak for or against the application.

There being no further comments, the public hearing was closed at 7:58 P.M.

C. APPLICATIONS READY FOR REVIEW AND ACTION

Ms. Sayegh called the Regular Meeting to order at 7:58 P.M., seated members Bufano, Frees, Gardiner, Sayegh, and Shiue, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest.

Mr. Davidson recused himself from the deliberation and left the meeting room.

1. #10-05-09 NICHOLAS 182 DRUM HILL ROAD

The Board discussed details of the variance application. It was the general consensus of the Board that the applicant did not intentionally cause the setback intrusion of 0.4 feet, which also caused in a 0.1% increase in building coverage. Although the Board felt that the violations were somewhat self-created, it determined that the overall increases were de minimus. However, it was the consensus of the Board that the overage in site coverage of the full 0.7% needed to be corrected by the applicant by removing some driveway pavement and/or removing existing walkways.

MOTION was made by Mr. Shiue, seconded by Ms. Frees, and carried unanimously (5-0) to **grant** a variance of Section 29-5.D to allow a 28-foot side yard setback in lieu of the permitted 40 feet, where 28.4 feet was previously granted, on grounds that sufficient hardship was demonstrated due to the undersized nature of the lot which is located in a 2-acre zoning district.

MOTION was made by Mr. Shiue, seconded by Ms. Frees, and carried unanimously (5-0) to **deny** a variance of Section 29-5.D to allow site coverage of 15.6% in lieu of the permitted 12% where 14.9% was previously granted, on grounds that sufficient hardship was not demonstrated.

MOTION was made by Mr. Shiue, seconded by Ms. Bufano, and carried unanimously (5-0) to **grant** a variance of Section 29-5.D to allow building coverage of 7.9% in lieu of the permitted 7% where 7.8% was previously granted, on grounds that sufficient hardship was demonstrated due to the undersized nature of the lot which is located in a 2-acre zoning district.

2. #10-05-10 DARST 1054 RIDGEFIELD ROAD

Mr. Davidson returned and was reseated.

The Board briefly reviewed/discussed the variance application. It was the consensus of the Board that the variance should be granted due to the pre-existing nonconforming nature of the site, the substantial amount of wetlands on the site, the disadvantageous lot layout, and the fact that the proposed addition is minimal and could not practically be located anywhere else on the site.

MOTION was made by Mr. Gardiner, seconded by Ms. Frees, and carried unanimously (5-0) to **grant** a variance of Section 29-5.D to allow a 2-story building addition with a 22-foot front yard setback in lieu of the permitted 50 feet on grounds that sufficient hardship was demonstrated due to the pre-existing nonconforming nature of the lot, its unusual configuration, and the substantial amount of wetlands on the property.

D. OTHER BUSINESS

1. Minutes – April 19, 2010

MOTION was made by Mr. Gardiner, seconded by Ms. Bufano, and carried (5-0-1) to approve the minutes of April 19, 2010. Mr. Davidson abstained.

E. ADJOURNMENT

MOTION was made by Ms. Bufano, seconded by Ms. Frees, and carried unanimously (6-0) to adjourn at 8:18 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary