

ZONING BOARD  
OF  
APPEALS  
Telephone (203) 563-0185  
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TOWN HALL ANNEX  
238 Danbury Road  
Wilton, Connecticut 06897

**ZONING BOARD OF APPEALS  
REGULAR MEETING  
JANUARY 20, 2015  
7:15 P.M.  
TOWN HALL ANNEX - MEETING ROOM A**

**PRESENT:** Scott Lawrence, Chairman; Gary Battaglia, Vice-Chairman; Brian Lilly, Secretary; Libby Bufano; Joshua Cole; Andrew McNee, Alternate; Kenny Rhodes, Alternate

**ABSENT:** Andrea Preston (notified intended absence)

**A. CALL TO ORDER**

Mr. Lawrence called the meeting to order at 7:15 P.M. He briefly reviewed the hearing process for applications that come before the Zoning Board of Appeals.

**B. PUBLIC HEARINGS**

**1. #14-12-20 NELSON 39 GRUMMAN HILL ROAD**

Mr. Lawrence called the Hearing to order at 7:15 P.M., seated members Battaglia, Bufano, Lawrence, Lilly, and Rhodes, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. He noted that the hearing was continued from a previous date.

Present were J. Casey Healy, attorney; and Jack Franzen, architect.

Mr. Healy reviewed details of the application, noting that the property is pre-existing nonconforming, with the house and garage built in 1929 on a .96-acre property, which does not comply with today's one-acre zoning requirements. He referenced in particular the inability to fit today's requirement of a 150-foot square within the parcel and the fact that existing site coverage is 16.3%, which is greater than the current allowed maximum of 15%.

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Mr. Healy explained that the existing garage is located 2.5 feet from the westerly property line and the applicant would like to add approximately 278 square feet onto the garage, which would place the proposed addition at 4.4 feet from the westerly property line (i.e. less than existing). He stated that if the requested variance is granted, the applicant, who collects/owns six cars, would remove portions of the asphalt driveway so that the currently nonconforming 16.3% site coverage would be reduced to the 15% maximum permitted in the zone.

Mr. Healy explained that the hardship results from the fact that the lot was created in the early 1900s prior to the adoption of zoning regulations, and the garage was constructed in 1929, also prior to current zoning regulations. He noted that the applicant's intent to make the property more compliant with respect to site coverage is consistent with Section 29-4.F.1 of zoning regulations, noting again that the new garage addition would be no closer to the setback than the existing garage.

Mr. Rhodes and Mr. Lawrence both raised questions as to whether site coverage was calculated correctly on the submitted survey. The areas in question were a patio and slate walkway, as well as a covered porch and deck. Mr. Healy stated that he would check with the surveyor and if, in fact, site coverage was not calculated correctly, then the applicant would try to find other opportunities that may exist to reduce site coverage on the parcel. He requested that the application be continued until next month and indicated that he would provide a letter to staff tomorrow granting an extension of the deadline to close the hearing.

A question arose regarding possible suitability of an existing space adjacent to the existing garage for the additional car storage space required by the applicant. Mr. Franzen explained that the space in question is currently utilized as a wine cellar with a workout/gym area on the second floor. He noted further that it is even narrower than the current garage. He stated that the proposed location for the new garage addition seemed like the obvious place for such an expansion since it would have little impact on neighbors and would also not be visible from the road.

Mr. Lawrence asked if anyone wished to speak for or against the application.

There being no further comments, at approximately 7:30 P.M. the public hearing was continued until Tuesday, February 17, 2015.

**2. #15-01-01 GEITZ**

**8 SEELEY ROAD**

Mr. Lawrence called the Hearing to order at approximately 7:30 P.M., seated members Battaglia, Bufano, Cole, Lawrence, and Lilly, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Mr. Lilly read the legal notice dated January 6, 2015 and details of the application and the hardship as described on the application.

Present were Tim and Lindsey Geitz, owners/applicants.

Mr. Geitz reviewed details of the application. He explained that in 2008 a variance was approved for a 4.1-foot side yard setback at the rear of the house, noting that they were dealing at the time with a number of issues, including wetlands, floodplain issues, the railroad, septic, etc. To be certain that the finished exterior walls would conform to the 4.1-foot setback that was granted, he stated that the side wall of the garage was pushed in 3.5 inches during construction, resulting in an even greater setback of 4.4 feet from the property line to the exterior wall. He explained that due to a misinterpretation on his part of the zoning regulations which allow up to 12 inches in certain architectural protrusions (but which he later found out actually excludes construction where a variance was previously granted), the structure was found to be intruding 4.5 inches into the permitted setback due to a roof overhang of an additional 8 inches. He explained that since the house is sited on an angle on the property, the actual area of noncompliance is only 1.2 square feet, for which he is seeking the subject variance.

He next referenced the second requested setback for a 4.7-foot side yard setback in connection with a generator behind the garage. He stated that the proposed location is the highest elevation of the property and seemed to be the optimal location given flood plain considerations, as well as manufacturer's clearance requirements for service and other departments' setback requirements. He noted further the insurance company's requirement that it be located above the 100-year flood elevation.

Mr. Lawrence requested clarification as to how the roof overhang oversight actually occurred. Mr. Geitz explained that they hadn't completed final design decisions on every portion of trim, including the roof overhang design, at the time the variance was granted, and when decisions were ultimately made in that regard, the misinterpretation of the zoning regulations (as referenced earlier) caused them to believe that the 8-inch roof overhang would not be problematic. He noted that the issue first became apparent when the after-construction as-built was prepared and submitted to zoning.

Mr. Lawrence asked if anyone wished to speak for or against the application.

John Heggeland of 20 Seeley Road stated that he owns the adjacent property between the subject parcel and the train tracks. He asked to see a copy of the submitted survey and its date, noting that he had visited Town Hall several months ago and had spoken with

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Zoning Enforcement Officer Tim Bunting and Town Planner Bob Nerney, at which time they had had difficulty locating a proper A-2 survey for the site. He presented a survey that he personally commissioned from licensed surveyor Doug Faulds, noting that the corner of the house was shown to be only 3.1 feet to the property line as opposed to the 3.7 feet noted by the applicant's surveyor. He noted further that Mr. Faulds had found no benchmarks or evidence of a previous survey on the site.

Mr. Heggeland explained that his issue is one of liability, noting that Pat Sesto, Director of Environmental Affairs, had informed him that there had been quite a few complaints about the subject property and if there were any violations involving his adjacent property, which is only a few feet away, then he would be held personally liable. He also cited liability in connection with safety issues on the site, noting that if someone were on a ladder and/or if a child were hurt, the small 3-foot+ distance to his property could result in a liability claim against him.

Mr. Lawrence stated that the Board was in possession of a stamped, certified A-2 survey of the subject property dated November 26, 2014, which he showed to Mr. Heggeland. Mr. Heggeland noted that the submitted survey indicated 3.7 feet to the foundation, conflicting with his survey which he noted was completed prior to the applicant's. He stated that the old foundation had been razed and a new one put in closer to the property line (i.e. moved from 4.1 feet to 3.1 feet to the property line).

Mr. Lawrence asked how a difference of only 1 foot would alleviate Mr. Heggeland's concerns pertaining to liability. Mr. Heggeland explained that he had a particular concern relating to ladders propped up against the structure and the difficulties of trying to service anything with such a narrow distance to his property line.

Mr. Heggeland raised another issue relating to a variance issued for the subject property in 1961, copies of which he had been unable to obtain at Town Hall, expressing concerns regarding possible violations in connection with that variance. A copy of said variance was subsequently found to be included in the file, and Mr. Lawrence noted that if there were any such violation(s), it is long over, in addition to not being relevant to what the Board must consider this evening.

Mr. Heggeland felt that granting the subject variance would set a bad precedent for the Town, potentially allowing other builders to feel that they can over-build and ultimately get away with it. Mr. Lawrence addressed that concern, noting that sometimes an error such as this does occur and that such applications are reviewed carefully by the Board on a case-by-case basis.

Addressing the issue of the conflicting surveys, Mr. Lawrence stated that such a dispute would probably have to be resolved among the two parties. He acknowledged his understanding that the applicant is requesting that the 3.7-foot variance requested by the

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applicant not be granted by the Board.

Mr. Heggeland expressed astonishment that the Town did not require a certified survey at the time the zoning permit was issued. Mr. Lawrence clarified that the issue before the Board this evening is whether an A-2 certified survey was ever provided when the zoning permits were issued or if the survey submitted in connection with the subject application is the first such survey that exists in the file.

Mr. Nerney confirmed that a survey is always provided at the time of a zoning permit application.

Mr. Geitz responded, noting that when they applied, every application/submission had included a stamped, sealed survey. He also indicated that their surveyor had tried to reach Mr. Heggeland's surveyor, but without success. He noted further that they had an as-built completed after construction, emphasizing that they actually comply even more as a result of pushing back the garage wall 3.5 inches (as heretofore noted), and that they were here this evening just to address the issue of the overhang.

Mr. Nerney noted for the record that staff did locate the initial survey submitted by the applicant at time of permitting, noting that it showed the location of the proposed improvements and is part of the Town records. He invited Mr. Heggeland to come into the Planning and Zoning Department, noting that he would be happy to share all such records with him.

Ms. Geitz noted for the record that they had talked about possibly purchasing the adjacent parcel from Mr. Heggeland but had been unsuccessful in efforts to contact him. Mr. Heggeland indicated that he has always been available and reachable. With respect to the Geitz's current survey, he stated that he would bring a copy of it to his surveyor for review.

Mr. Lawrence explained that the Board has to deal with the survey that is presented to it by the applicant.

Ms. Geitz noted for the record that they would be willing to consider signing a waiver of liability as one possible means of dealing with Mr. Heggeland's liability concerns.

Mr. Lawrence asked again if anyone wished to speak or against the application.

There being no further comments, the public hearing was closed at 8:04 P.M.

**3. 15-01-02 KYLE**

**135 OLD KINGS HWY**

Mr. Lawrence called the Hearing to order at approximately 8:04 P.M., seated members Battaglia, Bufano, Cole, Lawrence, and Lilly, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Mr. Lilly read the legal notice dated January 6, 2015 and details of the application and the hardship as described on the application.

Mr. Lilly noted that his daughter was on the same soccer team with Mr. Kyle's daughter but he did not feel it would affect his ability to impartially render a decision.

Present were Robert Kyle, applicant/owner; and Elizabeth DiSalvo, architect.

Mr. Kyle reviewed a posted site plan, noting the triangular configuration of the main portion of the subject lot (consisting of approximately 1.018 acres) in addition to a long paved driveway encumbered by easements to share with three other lots (consisting of approximately .178 acre). Referencing the slight addition to site coverage that he is requesting, he explained that his neighbors, the Leungs, paved a portion of his property a few years ago, amounting to about 909 square feet of coverage, and he was unaware at the time that this area was on his property and would thus have an impact on his site coverage.

He reviewed proposed site modifications which he felt were modest (referencing an addition that would be only 6 feet wide), and which he felt were necessary to bring the home up to today's standards, particularly with respect to the sizes of both the garage and closets dating back to 1966. He explained their plan to mitigate the proposed increase in coverage by reducing their existing patio coverage by 80 square feet, thus keeping the net increase in site coverage to 266 square feet, or 0.6%.

He recounted hardships of the site, referencing the triangular-shaped property and the easements encumbering the accessway, all of which were not a result of the applicants' or any previous owners' actions. He stated that the small 0.6% proposed increase in site coverage is necessary for reasonable use of the property and, further, that the proposed site modifications will make the subject property consistent with others in the area.

He submitted a chart into the record entitled "Bramble Hill – Living Area and Gross Area as a Percentage of Lot Size", noting the subject property's smaller percentage (except for one other property) of living area as compared to lot size, as well as its relatively smaller percentage of gross area as a percentage of lot size when matched up against five other properties in the area.

He summarized by noting that the proposed addition/renovations would be consistent with the Town's Plan of Conservation and Development and would not be detrimental to public health, safety and welfare.

Addressing the proposed storage shed location, Mr. Kyle explained that the topography and lot shape limit possible locations for the shed. He cited ponding that occurs during and after heavy rains at the southeastern edge of the lawn as well as the location of the septic fields, thus constraining that portion of the site. On the north side of the driveway, he noted large oak trees and boulders, in addition to feeling that a shed in that location would detract from the neighborhood aesthetic. He noted further that the proposed shed location benefits from existing vegetation and elevations that will provide natural screening.

He submitted a letter of support, which Mr. Lilly read into the record, from Andrew and Rachel Leung dated January 5, 2015.

Mr. Lawrence stated that he was trying to better understand the issue of coverage on the site as well as the impact of the driveway easements and the aforementioned driveway area that was paved by the Leungs. He requested clarification/confirmation that it is the area within the triangular portion of the lot that actually affects the coverage calculation for the applicant. Mr. Kyle confirmed that the driveway easements/paved areas do not essentially burden the site from a site coverage calculation perspective. That said, Mr. Lawrence stated that although he understood the hardships as cited by the applicant, he expressed concern regarding the proposed net increase to site coverage on the approximate 1-acre portion of the site. He asked if there is any other way(s) to reduce site coverage further on the property.

Mr. Kyle stated that, worst case, they could perhaps give back a bit more of the patio or possibly convert some driveway pavement to Belgian block, although they would prefer not to. He stated that he considers the proposed site improvements to be a reasonable request and he reminded the Board that surrounding neighbors have all been contacted and none has indicated any objection.

Mr. Rhodes also expressed concern with the existing and proposed site coverage, questioning whether there were ways to bring the site coverage down to the 15% maximum permitted level or to at least get it more conforming overall.

Mr. Nerney stated that the site is nonconforming today, with existing site coverage at 20.7%. He explained that prior site improvements predate coverage requirements instituted in the 1990s. He noted that what the Board has tended to do in the past with these types of applications is to hold the line with existing nonconformity as opposed to extending it which, in theory, would imply trying to convert the proposed additional .6% of coverage to something previous if at all possible.

Mr. Lawrence pointed out that the site is fairly far afield of the original intent of current zoning regulations (i.e. a maximum of 15% site coverage). Although he acknowledged

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that the current owners are not responsible for the significant overage, he felt that it would be preferable if site coverage could at least be maintained at the current 20.7% level as opposed to increasing it an additional .6%.

Mr. Cole suggested possibly scaling the driveway back a bit in order to reduce impervious coverage.

Mr. Lawrence explained that the applicant could request a continuance of the hearing if he wished to make any such changes to his proposed plan or, if not, the Board, during its deliberation, could decide to approve or to deny without prejudice so that the applicant could come back at a future time with a modified plan. The applicant asked that the Board render a decision this evening, noting that his second choice would be to try to work with the Town/zoning to scale back his proposed coverage if absolutely necessary.

It was also determined that the shed location/setback variance could be reviewed and decided upon separately from the requested site coverage variance.

Mr. Lawrence asked if anyone wished to speak or against the application.

There being no further comments, the public hearing was closed at 8:35 P.M.

### **4. #15-01-04 SCOZZAFAVA 18 WOODCHUCK LA**

Mr. Lawrence called the Hearing to order at approximately 8:35 P.M., seated members Battaglia, Bufano, Cole, Lawrence, and Lilly, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Mr. Lilly read the legal notice dated January 6, 2015 and details of the application and the hardship as described on the application.

Mr. Lilly stated that he graduated high school with the applicant's builder but he did not feel his ability to be impartial would be affected in any way.

Present was Joseph Scozzafava, owner/applicant.

Mr. Scozzafava stated that they downsized to the subject property this past September after having lived in Town for 30 years. He referenced the proposed site plan, noting that they would like to reconfigure the existing deck to fill in a notch (as indicated on the plan) and thus provide improved and reasonable access to the deck from the house. He explained that the proposed modification would also improve safety and wheelchair/handicapped access. He noted further that they are proposing a reduction in site and building coverages by cutting back 2 small areas of decking, reducing existing site coverage of 19.5% down to 19.47%.



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Mr. Lawrence asked if anyone wished to speak for or against the application.

There being no further comments, the public hearing was closed at 8:40 P.M.

### **5. #15-01-05 FIDELCO GUIDE DOG FDN, INC. 27 CANNON RD**

Mr. Lawrence called the Hearing to order at approximately 8:40 P.M., seated members Battaglia, Bufano, Cole, Lawrence, and Lilly, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Mr. Lilly read the legal notice dated January 6, 2015 and details of the application and the hardship as described on the application.

Present were J. Casey Healy, attorney; and Elliott Russman, CEO, Fidelco Guide Dog Foundation, Inc.

Referencing a posted site plan prepared by Ryan and Faulds Surveyors, Mr. Healy reviewed details of the subject site, noting that the applicant wishes to install a generator within 33.3 feet of the side yard property line in lieu of the 40 feet required. He cited several property constraints including the Norwalk River running along the entire easterly and southerly side of the property, a parking area located in the front/northerly portion of the site, and no area available westerly of the building where the generator could be located in compliance with setback requirements. He explained further the legal hardships of the site, noting that areas of the property on which a structure can be located in conformance with environmental land use regulations are severely limited by the Norwalk River, the flood hazard zone and the floodway and inland wetlands upland review area.

Mr. Healy explained that a generator is required to operate sump pumps 24/7 if/when power is out on the property and the river floods. In response to questions from the Board as to possible alternate locations for the generator, Mr. Russman explained that existing walkways, A/C units, dumpsters, and code-required minimum distances from buildings/structures make other locations difficult. He noted further that the proposed location allows for a very short direct trench from the generator to the hook-up/propane tank, and its proximity to the railroad tracks will make the generator virtually invisible from abutting properties.

In response to further questions from Board members, Mr. Healy confirmed that the generator would be located outside of the flood zone and that there would be no issues in connection with the CL&P right-of-way.

Mr. Lawrence asked if anyone wished to speak for or against the application.

There being no further comments, the public hearing was closed at 8:55 P.M.

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The Board took a short recess at 8:55 P.M.

The Board returned from recess at 8:58 P.M.

### **C. APPLICATIONS READY FOR REVIEW AND ACTION**

Mr. Lawrence called the Regular Meeting to order at 8:55 P.M., seated members Battaglia, Bufano, Cole, Lawrence, Lilly, McNee and Rhodes, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest.

#### **1. #14-12-20 NELSON 39 GRUMMAN HILL RD**

Tabled until February 17, 2015.

#### **2. #15-01-01 GEITZ 8 SEELEY ROAD**

The Board reviewed issues raised in connection with the subject application.

Mr. Lawrence stated that the Board addressed, in turn, each point raised by Mr. Heggeland, noting that much of it was beyond the scope of this Board. He stated that if there is a property line dispute, it too would be beyond the scope of this Board. He did not see any human use of the adjacent plot next door that's reasonably going to represent a legal liability for the neighbor. He felt that the Board has everything it needs to decide the application. He stated that the variance request is for a de minimus intrusion due to an admitted mistake on the part of the applicant, but fortunately there is nothing on the adjacent lot that would be impacted in any way with respect to safety, health, sight views, value, etc.

Mr. Lilly felt that the concerns raised by the neighbor were legitimate but he also questioned what impact such a small difference on the one corner of the house could possibly make with respect to liability for the adjoining property owner. He urged the two respective property owners to talk and try to address the obstacles that have been raised or that may come up in the future. With respect to the generator, Mr. Lilly stated that he had no issue, noting that the hardship is the property's location next to a river and the historical power issues experienced in the Town.

Ms. Bufano, Mr. Battaglia and Mr. Rhodes concurred and agreed to move forward with a motion to grant the variances as requested.

**MOTION** was made by Mr. Lilly, seconded by Ms. Bufano, and carried unanimously (5-0) to **grant** variances of Section 29-5.D to permit modifications to a previously approved variance to include a roof overhang encroachment of 4.5", resulting in a

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side yard setback of 3.7' where 40' is required; and to permit the placement of a stand-by generator resulting in a side yard setback of 4.7' where 40' is required; as per submitted Improvement Location Survey/As-Built dated November 26, 2014 and Proposed Site Plan dated November 26, 2014, both prepared by Pereira Engineering, LLC; on grounds that sufficient hardship was demonstrated as follows:

- Mr. Lilly read zoning regulations Section 29-13.B.6.a, noting that the subject property has a unique situation with the Norwalk River located to the west side and train tracks on the east side, making it nonconforming, in addition to wetland issues and thus a very limited area to build or install a generator;
- Mr. Lilly read zoning regulations Section 29-13.B.6.b, noting that installation of the generator is a reasonable use on the property, given the property's proximity to the river and its likely need for sump pumps on a 24/7 basis during power outages;
- Mr. Lilly read zoning regulations Section 29-13.B.6.c, noting that the granting of the requested variances would fit within the general intent of the Town's regulations, and the proposed improvements to the house, in particular to that small corner of the house, would not be injurious to anyone in the Town or change any liabilities to the neighboring sliver of land; and similarly for the generator in its proposed position;
- Mr. Lilly read zoning regulations Section 29-13.B.6.d, noting that the subject application clearly has nothing to do with any other lot in the neighborhood nor was any reference made to any financial or economic hardship.

### **2. #15-01-02 KYLE**

### **135 OLD KINGS HWY**

Mr. Lawrence stated that while he was fully sympathetic to the needs/desires of the applicant, he felt that at a certain point a property becomes so far above what the general intent of the zoning regulations is and, at that point, the existing nonconformity should not be allowed to increase any farther. He felt that the proposed net increase to site coverage is too much. He had no issue with the setback variance requested for the storage shed.

Mr. Battaglia did not feel that the applicant was asking for all that much, especially given the shape of the parcel. He felt that taking a small piece of asphalt out of the driveway and replacing it with stone would not make a significant difference or accomplish all that much to justify such an endeavor.

Mr. Rhodes concurred. He felt that if the neighbors (the Leungs) had not paved a portion of their driveway located on the subject site, the applicant would not be here this evening.

Mr. Cole and Ms. Bufano agreed. Mr. Cole noted the peculiar shape of the property and did not believe that tearing up a small portion of black top would change anything

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significantly. He also noted that the applicant has the support of the neighbor that would be most impacted by the proposed site modifications.

**MOTION** was made by Mr. Lilly, seconded by Mr. Battaglia, and carried (4-1) to **grant** variances of Section 29-5.D to allow a proposed building addition and renovation of existing residence and installation of a storage shed resulting in site coverage of 21.3% in lieu of the permitted maximum of 15%; and to allow placement of same storage shed with a 20-foot front yard setback in lieu of the required 40 feet; as per submitted Zoning Location Map prepared by Stalker Land Surveying, Inc., Job No. 00652014, dated November 12, 2014; and Proposed Plan (architectural), sheet #A1.1, prepared by Trillium Architects, LLC dated December 23, 2014; on grounds that sufficient hardship was demonstrated given the pre-existing nonconforming nature of the lot, as well as limitations due to topography and septic within the allowable, usable lot area. Mr. Lawrence opposed.

### **3. #15-01-04 SCOZZAFAVA 18 WOODCHUCK LA**

Mr. Lilly felt that the application is fairly straightforward, noting that the applicant is more than compensating for the proposed overage in site coverage. He noted that the new incursion into the setback is only partial and that the area they are taking away is fully in the setback.

Other Board members concurred.

**MOTION** was made by Mr. Lawrence, seconded by Mr. Lilly, and carried unanimously (5-0) to **grant** variances of Section 29-5.D to allow a deck addition with a 14.5' side yard setback in lieu of the required 30' and site coverage of 19.47% in lieu of the permitted maximum of 15% where existing site coverage is 19.5%; as per submitted Zoning Location Map prepared by Stalker Land Surveying, Inc., dated October 3, 2014; and Scozzafava Residence Addition & Renovations maps T-1, EX-1, A-1, A-3, S-1, and A-2, dated October 27, 2014; on grounds that sufficient hardship was demonstrated as follows:

- Referencing Section 29-13.B.6.a of zoning regulations, the special circumstances affecting the lot being shape, topography/severe rock ledges that surround the upper portion and lower portion of the lot; and the pre-existing nonconforming nature of the property is being reduced with respect to setback and site coverage;
- Referencing Section 29-13.B.6.b, the applicant is just continuing reasonable use of an already nonconforming use with less of an intrusion into the setback and site coverage;
- Referencing Section 29-13.B.6.c, the granting of the variance is in harmony with the general intent of zoning regulations; it will not be visible to surrounding properties and will not otherwise detrimentally impact on public health, safety and welfare;
- Referencing Section 29-13.B.6.d, the granting of the variance is not based upon the nonconformity of neighboring lots or on a financial or economic hardship.

**4. #15-01-05 FIDELCO GUIDE DOG FDN, INC. 27 CANNON RD**

The Board briefly discussed details of the application. It was the consensus of the Board to approve the application, with the understanding that if any issues were to arise in connection with the proposed placement of the generator (e.g. too close to other structures, etc.) and if placement needed to be changed for any reason, then the applicant would need to come back before the Board.

MOTION was made by Ms. Bufano, modified by Mr. Lawrence, seconded by Mr. Cole, and carried unanimously (5-0) to **grant** a variance of Section 29-5.D to allow a generator to be installed within 33.3 feet of the side yard property line in lieu of the 40 feet required; as per submitted Zoning Location Survey, Proposed, prepared by Ryan and Faulds, dated August 18, 2014; and Site Plan, SP1.0, prepared by Doyle/Coffin Architecture dated December 18, 2014; and on grounds that sufficient hardship was demonstrated as follows:

- Referencing Section 29-13.B.6.a, special circumstances include lot shape, its dual zoning district, the original structure being pre-existing nonconforming, the property's location along the river, part of it in a flood zone and part in wetlands, a northern boundary being bounded by both a CL&P easement and train tracks, and location of the parking lot in relation to the flood zone making the location of the generator the highest point, farthest away from flood risk;
- Referencing Section 29-13.B.6.b, the use of the generator represents a reasonable use of the property;
- Referencing Section 29-13.B.6.c, generator placement as proposed is not injurious to the neighborhood, or public health, safety or welfare;
- Referencing Section 29-13.B.6.d, the granting of the variance is not based upon the nonconformity of neighboring lots or on a financial or economic hardship.

**D. OTHER BUSINESS**

**1. Minutes – December 15, 2014**

MOTION was made by Mr. Lawrence, seconded by Mr. Lilly, and carried (5-0-2) to approve, as amended, the minutes of December 15, 2014. Board members Battaglia and Bufano abstained.

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Town Planner Nerney reminded Board members that:

- Next month's ZBA meeting will be held in the Presidents' Room at Wilton Library (next door to tonight's location);
- A zoning training session/seminar for the benefit of Board members will be conducted by Town Counsel, probably in April, time to be determined;
- If members wish to attend the Law Seminar (details were included in packages this month), the Town will pick up the cost of registration.

### **E. ADJOURNMENT**

MOTION was made by Mr. Lawrence, seconded by Mr. Battaglia, and carried unanimously (7-0) to adjourn at approximately 9:35 P.M.

Respectfully submitted,

Lorraine Russo  
Recording Secretary