

ZONING BOARD
OF
APPEALS
Telephone (203) 563-0185
Fax (203) 563-0284



TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

**ZONING BOARD OF APPEALS
REGULAR MEETING
APRIL 21, 2014
7:15 P.M.
TOWN HALL ANNEX - MEETING ROOM A**

PRESENT: L. Michael Rudolph, Chairman; Albert Nickel, Vice-Chairman; John Comiskey, Secretary; Brian Lilly; Scott Lawrence; Gary Battaglia, Alternate; Libby Bufano, Alternate

ABSENT: Andrew McNee (notified intended absence)

A. CALL TO ORDER

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

B. PUBLIC HEARINGS

1. #14-04-07 JOSEPH 19 HEATHER LANE

Mr. Rudolph called the Hearing to order at 7:19 P.M., seated members Bufano, Lawrence, Lilly, Nickel and Rudolph, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Mr. Comiskey read the legal notice dated April 8, 2014 and details of the application and the hardship as described on the application.

Mr. Nickel stated that he knows one of the neighbors, but he did not feel that it represented a conflict of interest for him.

Present were Shoy and Keenia Joseph, applicants/owners.

Mrs. Joseph explained that the applicants had considered all possible options for expanding the residence and since all options would have ultimately required variances, the applicants selected the version requiring the least number of variances. She noted that their property was changed from its original 1-acre zoning to its current 2-acre zoning designation, thus constraining the undersized 0.99-acre parcel to 7% building coverage

ZBA Minutes – April 21, 2014 - Page 2

instead of the 10% that would be permitted in 1-acre zoning districts.

In response to questions from the Board, Mrs. Joseph stated that the existing residence covers 2100+ square feet and the applicants are proposing an additional 700+ square feet. She explained the applicants' need for additional space is as a result of her mom moving in with their family.

Mr. Rudolph referenced a notation on the "Proposed Building Footprint" plan indicating a need to verify a setback. Mr. Joseph confirmed that the setback was indeed verified and that the proposed addition would comply with setback regulations.

Mrs. Joseph reviewed Section 29-13.B.6.a thru 6.d (Findings) of zoning regulations and reviewed compliance of the subject application on a point-by-point basis. She noted in particular that 1) previous rezoning from a 1-acre to a 2-acre zoning district represented a distinct hardship for the undersized parcel; 2) the variance proposed is the minimum necessary; 3) proposed site modifications are in harmony with the Town's Plan of Development and with other houses in the area, and 4) granting of the requested variance is not based upon the nonconformity of neighboring homes.

Questions arose from the Board as to the accuracy of the submitted coverage numbers. Board members reviewed submitted plans and expressed concerns that the proposed additional building coverage might not actually exceed what would be permitted as-of-right on the property, which would be 3043 square feet in total. It was noted that existing building coverage was indicated on the plans at 5.03% (i.e. 2186 square feet) and requested building coverage was projected at 8.69% (i.e. 3780 square feet). Upon careful review of the submitted plans/dimensions, Board members questioned whether the applicants were actually proposing that amount of additional building coverage (i.e. $3780 - 2186 = 1584$ square feet), noting that perhaps the applicants did not require as much of a building coverage variance as requested, if any at all.

In response to a question from Mr. Comiskey, the applicants indicated that they were not aware of the property limitations when they purchased it. Mr. Joseph also confirmed that the height of the proposed addition would not exceed existing roof heights of the structure.

In response to a question from Mr. Lawrence, Mr. Joseph confirmed that the roof overhang on the southeast corner of the kitchen addition would not protrude into the setback, noting further that a pre-survey will be submitted prior to final construction of the addition to confirm same.

It was the consensus of the Board to continue the hearing until the next meeting so that the applicants could reach out to their surveyor to confirm the accuracy of coverage numbers submitted, including the representation that projected site and building

ZBA Minutes – April 21, 2014 - Page 3

coverages would be the same.

Mr. Lilly noted for the record that no one was present in the audience to speak for or against the application.

MOTION was made by Mr. Lilly, seconded by Mr. Nickel, and carried unanimously (5-0) to continue the hearing until May 19, 2014 so that coverage percentages could be verified by the applicants/surveyor as heretofore noted.

There being no further comments, at approximately 8:00 P.M. the public hearing was continued until May 19, 2014.

C. APPLICATIONS READY FOR REVIEW AND ACTION

Mr. Rudolph called the Regular Meeting to order at approximately 8:00 P.M., seated members Battaglia, Bufano, Comiskey, Lawrence, Lilly, Nickel and Rudolph, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest.

1. #14-04-07 JOSEPH 19 HEATHER LANE

Tabled.

D. OTHER BUSINESS

1. Minutes – March 17, 2014

MOTION was made by Mr. Nickel, seconded by Mr. Lilly, and carried (7-0-1) to approve the minutes of March 17, 2014. Ms. Bufano abstained.

E. ADJOURNMENT

MOTION was made by Mr. Nickel, seconded by Mr. Lilly, and carried unanimously (7-0) to adjourn at approximately 8:03 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary