

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

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

PRESENT: L. Michael Rudolph, Chairman; Brian Lilly, Secretary; Scott Lawrence; Gary Battaglia, Alternate; R. Andrew McNee, Alternate

ABSENT: Libby Bufano, Albert Nickel (notified intended absences); Andrea Preston

A. CALL TO ORDER

Mr. Rudolph 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. #14-09-11 WRIGHT 40 OAK LEDGE LANE

Mr. Rudolph called the Hearing to order at 7:15 P.M., seated members Battaglia, Lawrence, Lilly, McNee, and Rudolph, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Mr. Lilly read the legal notice dated August 26, 2014 and details of the application and the hardship as described on the application. He also referred for the record to four letters of support – from John and Nagore Huntley dated September 5, 2014; from Betsy and Bill Raftery dated August 25, 2014; from Maura Webb dated August 21, 2014; and from Jacqueline and Andrew Cox dated August 22, 2014.

Present were Robert Wright and Dana Haddox-Wright, owners/applicants.

Ms. Haddox-Wright explained that the applicants wish to construct a new garage that will increase site coverage beyond what is permitted by zoning regulations. She stated that the reason for the proposed construction is their desire to convert the current garage (with the

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help of Make-A-Wish foundation) into a space that their daughter can play in. She noted that their property is already over permitted site coverage due to 6000 square feet of paved driveway turnaround that is considered part of the applicants' property but is actually public space. She explained further that their driveway, due to its length and steepness, needs to remain paved as opposed to pervious gravel coverage, in order to access and egress the property during winter months.

In response to a question from Mr. Rudolph, Ms. Haddox-Wright confirmed that the cul-de-sac was there when they purchased their home in 2010 and all site conditions were the same then as now.

Mr. Nerney explained that the cul-de-sac area is actually part of a Town road which was created in the mid-1960s. At that time the plan was to extend Oak Ledge northward beyond the existing cul-de-sac, remove the existing pavement and landscape the area. He acknowledged that the applicants' situation is unique in that their 1.0026-acre lot includes the paved turnaround area as part of their lot acreage as opposed to being incremental to the minimum required lot size for the zone, something he had never seen done in the past. He also noted that given current development in the area, it is unlikely the road will ever be extended northward as originally planned.

Mr. Lilly noted that snow plow, fire apparatus/emergency vehicles, mail trucks, etc. all need/utilize the paved cul-de-sac area.

In response to a question from Mr. Rudolph, Mr. Nerney confirmed that if the aforementioned 6000 square feet of turnaround pavement were replaced with lawn (as was originally planned for the site), then the applicants would not need to be here this evening.

Mr. Wright clarified that point further, noting that site coverage would be 9.19% without the addition and 10.51% with the proposed improvements (where 15% site coverage is permitted), if the paved area were discounted but the overall land included in the coverage calculation.

Mr. Nerney explained that most of the proposed addition would be built over an already existing asphalt driveway, and Mr. Wright noted further that the small amount of additional coverage beyond existing would total about 252 square feet.

In response to a question from Mr. Rudolph, Ms. Haddox-Wright confirmed existing property constraints, including rock ledge framing the cul-de-sac, a gradual slope on the north side of the property that extends down towards the Toll Brothers development on River Road, and an existing catch basin in the paved portion of the cul-de-sac.

Mr. Wright also confirmed that a small portion of their neighbor's driveway cuts across

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the southeast corner of their property and also counts against the applicants' site coverage.

Addressing the question of a possible man-made hardship, Mr. Lawrence asked if the applicants have any control over that area of the driveway. The applicants explained that neighbors utilize that portion of the driveway to park cars during serious snowfalls and as additional parking space for guests, confirming that the area is generally used as public space.

Mr. Rudolph observed that the cul-de-sac situation does not qualify as a self-created hardship since it took place before the applicants moved in.

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

Pam Keough, President of Make-A-Wish Foundation, explained that because of the applicants' daughter's illness, she needs to be indoors within a climate-controlled area. Ms. Keough stated that the Foundation is prepared to construct an appropriate play space for the applicants' daughter and is ready to move forward, assuming ZBA approval is granted this evening.

Deborah List, volunteer for Make-A-Wish Foundation, stated that she has volunteered for a number of years with the Foundation and has never had a 4 year-old child request that she be able to play with her friends. She noted further that there has been an outpouring of support from the community for the project and the applicants.

Franklin Dunn, 54 Horseshoe Road, asked for clarification as to what the impact might be for his property, located down-slope from the subject site, with respect to discharge of water toward his property. In response to a question from Mr. Rudolph, Mr. Dunn indicated that rain/snow melt runs naturally down the slope toward his property and then veers north around his property and out onto the new Toll Brothers development. He explained that although most of the runoff currently bypasses his property, he was concerned that extra gutters in connection with the proposed new construction might result in additional runoff onto his property.

Referencing the submitted site plan, Mr. Lilly noted that the proposed addition would be on the side of the applicants' house that is opposite from where Mr. Dunn's property is located. He noted further that most of the proposed addition would be constructed over an already paved area, thus not adding very much to existing impervious coverage.

Mr. Nerney also reviewed the site plan with Mr. Dunn, noting that the grades of the land adjacent to the proposed addition would result in water flow heading northward towards the Toll Brothers development and not in the direction of Mr. Dunn's property. Mr. Nerney noted further that the amount of accelerated runoff would be negligible.

Mr. Dunn thanked the Board and staff for the clarification provided.

Mr. Wright added that there are two properties in between the subject property and Mr. Dunn's property. He also noted that Toll Brothers installed sewer on its site as well as a discharge system to address drainage.

There being no further comments, the public hearing was closed at 7:49 P.M.

C. APPLICATIONS READY FOR REVIEW AND ACTION

Mr. Rudolph called the Regular Meeting to order at 7:49 P.M., seated members Battaglia, Lawrence, Lilly, McNee, and Rudolph, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest.

1. #14-09-11 WRIGHT 40 OAK LEDGE LANE

The Board briefly discussed the application and expressed no concerns in connection with the requested variance.

MOTION was made by Mr. Lilly to **grant** a variance of Section 29-5.D to allow the building of an addition resulting in site coverage of 24.19%, where 22.86% exists and a maximum of 15% is permitted; on grounds that adequate hardship was demonstrated due to the paved cul-de-sac and a small paved portion of a neighbor's driveway that are both located on the subject property and which count against the property for site coverage, in addition to an existing ledge that was built up to produce the existing cul-de-sac, and existing steep ledge on the north side of the property; as per submitted Zoning/Location Survey prepared by Walter H. Skidd dated July 15, 2014 and revised August 6, 2014. For the record, Mr. Rudolph clarified further that there are 6000+ square feet of paved cul-de-sac coverage that the applicants are being charged for, and without which there would be no need for the subject variance.

The motion was seconded by Mr. Battaglia and carried unanimously (5-0).

D. OTHER BUSINESS

1. Approval of Minutes – July 21, 2014

MOTION was made by Mr. Battaglia, seconded by Mr. Lawrence, and carried unanimously (5-0) to approve the minutes of July 21, 2014.

E. ADJOURNMENT

MOTION was made by Mr. Lilly, seconded by Mr. Battaglia, and carried unanimously (5-0) to adjourn at approximately 7:52 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary