

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

**ZONING BOARD OF APPEALS  
REGULAR MEETING  
OCTOBER 19, 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; Andrea Preston, Alternate; Kenny Rhodes, Alternate

**ABSENT:**

**A. CALL TO ORDER**

Mr. Lawrence called the meeting to order at 7:15 P.M.

**B. PUBLIC HEARINGS**

**1. 15-10-20 FAWCETT 29 REDDING ROAD**

Mr. Lawrence called the Hearing to order at approximately 7:15 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 September 28, 2015 and details of the application and the hardship as described on the application.

Present was Scott Fawcett, applicant/owner.

Mr. Fawcett reviewed details of the application, referencing submitted photos of the original front porch. He explained that the original porch was demolished (via the Town's demolition permit process) due to its state of disrepair and resulting safety concerns, but since its reconstruction wasn't commenced within 6 months thereafter, it is necessary to come before the Board this evening for approvals. He distributed and entered into the record a more recent photo of the structure, explaining that the applicant

## **ZBA Minutes – October 19, 2015 - Page 2**

wishes to reconstruct the porch across the remaining smaller front portion of the house, utilizing salvaged materials from the original porch in order to preserve its historical significance. He noted that a Certificate of Appropriateness was obtained for the porch from the Historical Commission.

A concern was raised regarding authorization of the proposed reconstruction without submission of actual elevation drawings, i.e. something definitive to which an approval could be pinned. Mr. Fawcett explained that the porch would be built to the exact dimensions as previously, including the original railing, columns, and gingerbread details, noting that it would not be any higher than it was originally; the only difference would be its overall width (i.e. narrower across the front) since it would no longer be spanning the full front of the structure.

It was the consensus of the Board that any approval would need to be conditioned upon consistency of the reconstructed porch with the original porch dimensions as documented by 2012 photos submitted into the record.

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 closed.

### **2. 15-10-21 QUINLAN/SULLIVAN 28 SHARP HILL ROAD**

Mr. Lawrence called the Hearing to order at approximately 7:30 P.M., seated members Battaglia, Bufano, Lawrence, Lilly, and Preston, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Mr. Lilly read the legal notice dated September 28, 2015 and details of the application and the hardship as described on the application.

Present were Kevin Quinlan, architect; and Robert Desel, homeowner.

Mr. Quinlan posted existing and proposed site plans. He explained that the existing garage would be dismantled and a new one constructed, utilizing the rear right corner as a pin pivot point, resulting in a request for a 7-foot rear yard setback to the roof overhang.

Addressing the issue of hardship, he noted that the parcel and existing garage are all pre-existing nonconforming. He explained that alternative locations were ruled out because of well constraints, which require a 75-foot radius; existing septic and severe sloping topography in the front; and sloping in the rear up to a flat area that is set aside for a reserve septic. In addition, the proposed garage location allows use of the existing paved area, which helps to hold the property to its current site coverage percentage.

Addressing the issue of site coverage further, Mr. Quinlan explained that the applicant worked with his surveyor to take the existing 16.2% site coverage down a bit by removing an existing shed, an asphalt paved area to the right of the garage, and by replacing an additional 400 square feet of asphalt with permeable pavers. He noted further that the garage (which would only be increased from 1-car to 2-car) would also be moved a bit further away from the property line as compared to its current location on the site.

Mr. Quinlan summarized by noting that the proposed roof overhang was pulled back as compared with the previous (denied) plan of a month ago, noting that the applicant is now requesting just the bare essentials to complete the project. He noted further that the area is heavily wooded, with Town conservation land adjacent to it; and both surrounding neighbors have expressed no objection to the plan as proposed.

Mr. Rhodes asked for clarification regarding specific modifications that were made in connection with the subject application as compared to the previous application which was denied. Mr. Quinlan explained that a previously proposed covered walkway was removed; an existing shed was removed; an existing paved area will be converted to permeable pavers; and setbacks were improved by a factor of 67% by decreasing the size of the proposed roof overhang.

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

There being no further comments, the public hearing was closed at approximately 7:44 P.M.

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

Mr. Lawrence called the Regular Meeting to order at 7:44 P.M., seated members Battaglia, Bufano, Cole, Lawrence, Lilly, McNee, Preston, and Rhodes, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest.

**1. 15-10-20 FAWCETT 29 REDDING ROAD**

The Board briefly discussed the application. It was the consensus of the Board that hardship was proved in connection with the proposed renovations, and that historical restoration/preservation of the structure would benefit the Town; the only caveat being that an approval must be pinned to the submitted map and photos so that all future improvements (regardless of who completes them) will be consistent with what was represented to the Board by the applicant this evening.

## ZBA Minutes – October 19, 2015 - Page 4

Mr. Lawrence reviewed hardships for the site, including the irregular shape of the lot, its pre-existing nonconforming nature, re-establishment of the historical porch, topography/slope conditions in the back, and the existence of other structures on the site. Mr. Lilly pointed out that the base of the patio is already there, i.e. it is not encroaching any farther. Mr. Cole also noted that there would be no change to the existing footprint.

MOTION was made by Mr. Lawrence, seconded by Mr. Cole, and carried unanimously (5-0) to **grant** a variance of Section 29-5.D to allow a 24-foot side yard setback in lieu of the required 30 feet; and an 18.2-foot front yard setback in lieu of the required 40 feet; as per submitted Zoning Location Survey prepared by Ryan and Faulds, dated February 13, 2015; and as per submitted photos (labeled #1, #2, and #3) which are part of the file record and referenced in the public hearing; on grounds that sufficient hardship was demonstrated due to the 4-factor test, primarily due to the pre-existing nonconforming nature of the lot, the odd shape of the lot, the historical nature of the structure and its location on the lot within the setback, the topography of the back portion of the lot, and the fact that surrounding lots are not similarly-shaped or burdened by strict application of the zoning laws.

It is also to be understood that the variance is subject to the following restrictions: 1) that it must stay within the boundary denoted for the porch and the submitted survey (referenced above); and 2) it should conform, in terms of height and style, to submitted photos (also referenced above), particularly photo #1 from September, 2012, which shows the height and style of the proposed porch, with the added restriction that it is not to exceed the height indicated in the photo.

### **2. 15-10-21 QUINLAN/SULLIVAN 28 SHARP HILL ROAD**

The Board briefly reviewed the application. Mr. Battaglia noted that the applicant addressed all concerns raised by the Board in the course of the previous application from a month ago; in particular keeping site coverage to less than or the same as it is currently, i.e. 16.2%.

Mr. Lilly noted that it is a pre-existing nonconforming property; site coverage is not being increased from its existing 16.2% level; and the proposed garage will not encroach any further towards the property boundary, pinning it to the right rear corner.

Mr. Lawrence reviewed hardships for the site, including the pre-existing nonconforming nature of the site; location of the structure with relation to setbacks; the odd shape/size of the driveway and location of the existing garage were all pre-determined and nonconforming, and thus nonconformity is being marginally increased but in the only location that is feasible on the property given topography, lot shape/size, well location, septic, and topography.

**ZBA Minutes – October 19, 2015 - Page 5**

MOTION was made by Mr. Lilly, seconded by Mr. Lawrence, and carried unanimously (5-0) to **grant** a variance of Section 29-5.D to permit construction of a garage with a proposed rear yard setback of 7.0 feet in lieu of the required 40 feet, with the restriction that it be pinned to the right rear corner of the original garage as per Property Survey prepared by PAH, Inc., dated February 6, 2006, Revised August 18, 2015 and September 23, 2015, covering 16.2% of the property when completed; on grounds that sufficient hardship was demonstrated given the pre-existing nonconforming nature of the property, its topography, location of well and septic on the site, as well as the shape of the property.

**D. OTHER BUSINESS**

**1. Minutes – September 21, 2015**

MOTION was made by Mr. Lawrence, seconded by Mr. Battaglia, and carried (6-0-2) to approve the minutes of September 21, 2015. Messrs. Cole and McNee abstained.

**E. ADJOURNMENT**

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

Respectfully submitted,

Lorraine Russo  
Recording Secretary