

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
DECEMBER 15, 2014
7:15 P.M.
TOWN HALL ANNEX - MEETING ROOM A**

PRESENT: Scott Lawrence, Chairman; Brian Lilly, Secretary; Joshua Cole; Andrew McNee, Alternate; Andrea Preston, Alternate; Kenny Rhodes, Alternate

ABSENT: Gary Battaglia, Libby Bufano (both notified intended absences)

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. #14-11-15 MINOGUE 93 KENT ROAD

Mr. Lawrence called the Hearing to order at 7:15 P.M., seated members Cole, Lawrence, Lilly, McNee and Preston, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Mr. Lilly read the legal notice dated November 4, 2014 and details of the application and the hardship as described on the application.

Present were Michael Minogue, applicant/owner; and Jay Craig, CT Deck Pros, on behalf of the applicant.

Mr. Craig thanked the Board for continuing the hearing from last month, noting that there was a miscommunication on his part regarding the date of last month's meeting and was not reflective of a lack of a respect for the Board and its time. He distributed handouts containing two aerial maps of the subject property as well as a letter of support from adjoining neighbors (the Kriemelmeyers) at 113 Belden Hill Road.

Mr. Craig cited property constraints including the position of the residence on the lot, its proximity to wetlands, and existing and proposed septic systems, as well as the topography of the lot.

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With respect to the proposed pool location, Mr. Minogue explained that they needed to also take into account the location of a new septic system (per a B-100 plan) should their existing septic system fail.

In response to a question from Mr. Lawrence regarding a possible alternate location for the proposed site improvements, e.g. in the east area of the lot between the house and the existing septic, Mr. Craig explained that there are rules governing the location of a deck in proximity to a septic system, although he acknowledged that the pool itself would not be so constrained since it is an above-ground pool as opposed to an in-ground pool. He explained further that the deck also needs to meet/butt up against the proposed pool, which will be 18' x 33' x 4' high and will be accessed from sliding doors in the residence and from exterior stairs. Mr. Minogue confirmed that the sides of the pool would be blue with metal frames that will extend straight up, and he noted that the nearest property is quite far, as well as down a cliff, from the subject site.

Mr. Lilly read into the record a letter from Alan D. & Christine L. Kriemelmeyer dated December 7, 2014, indicating no objections to the proposed pool/deck construction.

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

There being no further comments, at approximately 7:32 P.M. the public hearing was closed.

2. #14-12-19 HARAKAS/QUINLAN 782 RIDGEFIELD ROAD

Mr. Lawrence called the Hearing to order at approximately 7:32 P.M., seated members Cole, Lilly, Lawrence, Preston and Rhodes, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Mr. Lilly read the legal notice dated December 2, 2014 and details of the application and the hardship as described on the application.

Present were Kevin Quinlan, architect; and Andy and Donna Harakas, owners.

Mr. Quinlan briefly reviewed a history of the antique home, noting that it was built circa 1840, prior to current zoning regulations. He noted that the current owners purchased the property in 2002 and are committed to historic preservation, which is reflected in their efforts to be deferential to the style/design of the main house.

Mr. Quinlan distributed photos of the house and property, highlighting the current state of disrepair of the existing brick patio and stone risers/treads, noting that both will be rebuilt as part of the proposed site modifications.

He explained that most of the volume of the proposed addition/deck is behind the setback and thus permitted as of-right, with a substantial portion of the existing residence being

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pre-existing/nonconforming and located within the front yard setback. Referencing the submitted zoning location map, he explained that the requested 33-foot front yard setback reflects a measurement to the roof ridge/peak. He also explained that the property was approved back in 1987 for a second floor addition above the existing structure with a closer front yard setback than currently requested (i.e. 25 feet from the front yard property line). He stated that the current plans would stay at or below existing structure heights, and both building and site coverages would increase by less than 1% as a result of the proposed site modifications.

Mr. Nerney clarified that all variances are tied to plans/drawings as submitted, noting that any modifications to those plans and/or any increase to a nonconformity in any dimension requires another application before the ZBA.

Mr. Harakas confirmed the applicants' belief that an existing concrete slab on the property used to be an old shed, and he explained that he recently re-built in the same location an existing wood shed, which has been on the property a very long time.

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

There being no further comments, the public hearing was closed at 7:50 P.M.

3. #14-12-20 NELSON 39 GRUMMAN HILL ROAD

Mr. Lawrence called the Hearing to order at approximately 7:50 P.M., seated members Cole, Lilly, Lawrence, McNee and Preston, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Mr. Lilly read the legal notice dated December 2, 2014 and details of the application and the hardship as described on the application. He also read into the record a letter dated December 15, 2014 from J. Casey Healy to Wilton Zoning Board of Appeals requesting a continuance, and granting an extension of the deadline to close the public hearing, until the Board's January meeting.

Mr. Nerney noted for the record that the letter specifically referenced a continuation date of January 19, 2015, although the next regular meeting is scheduled for January 20, 2015. He explained that staff attempted to reach Mr. Healy earlier in the day but was unsuccessful. However, Mr. Nerney did not anticipate any issue with obtaining a corrected letter from the applicant and assured Board members that they would be notified if an issue arose in that regard.

MOTION was made by Mr. Lawrence, seconded by Mr. Lilly, and carried unanimously (5-0) to continue the hearing until January 20, 2015.

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

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There being no further comments, at 7:50 P.M. the public hearing was continued until January 20, 2015.

C. APPLICATIONS READY FOR REVIEW AND ACTION

Mr. Lawrence called the Regular Meeting to order at 7:50 P.M., seated members Cole, Lawrence, Lilly, McNee and Preston, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest.

1. #14-11-15 MINOGUE 93 KENT ROAD

The Board briefly discussed the application.

Mr. Lilly stated that he walked the property, noting property constraints including wetlands on the side, a rocky/hilly front area, and a well in the front yard; and thus the only location that makes any sense is where the applicant has proposed, as long as the proposed use is deemed reasonable by the Board.

Mr. Lawrence noted further that an area to the east is constrained because of the septic system and there are topography/slope issues to the west which would make the siting of a pool in that location difficult.

It was further noted by Mr. McNee that the closest neighbor had no objection to the site improvements as proposed.

It was the consensus of the Board that the application represented a reasonable request.

MOTION was made by Mr. Lilly, amended by Mr. Lawrence, seconded by Ms. Preston, and carried unanimously (5-0) to **grant** a variance of Section 29-5.D to allow a rear yard setback of 29.8 feet (proposed swimming pool) and a rear yard setback of 48.3 feet (proposed deck) in lieu of the required 50 feet; as per submitted Zoning Location Survey prepared by Advanced Surveying Land Surveyors, dated September 8, 2013, revised October 22, 2014; and architectural drawings, sheets no. 1 of 5, 2 of 5, 3 of 5, 4 of 5, and 5 of 5, prepared by CT Deck Pros dated October 21, 2014; and “Footing Triangulation” plan, sheet no. 3 of 5, prepared by CT Deck Pros dated August 8, 2014; on grounds that sufficient hardship was demonstrated due to the topography of the land limiting use of the property, in addition to the constraining location of wetlands and septic on the site, with the expressed limitation that the size of the pool be limited to 18’ x 33’ x 4’ high; and with the further observation that the proposed location is the only viable one in order to obtain reasonable use of the property.

2. #14-12-19 HARAKAS/QUINLAN 782 RIDGEFIELD ROAD

The Board briefly discussed the application.

Mr. Lilly stated that he was in favor of granting the variance, noting that the only portion of the addition that does not comply with setback limitations is the portion that is pre-existing nonconforming, and the applicants are just replacing already existing stairs. He further noted that the applicant has made an effort to build further back from the setbacks and to maintain the feel of the existing house.

It was the consensus of the Board that the requested variance was reasonable in light of the property constraints.

MOTION was made by Mr. Lawrence, amended by Mr. Lilly, seconded by Mr. Cole, and carried unanimously (5-0) to **grant** a variance of Section 29-5.D to permit construction of structural additions and architectural features resulting in a front yard setback of 33 feet where 50 feet is required; as per submitted Zoning Location Map prepared by Stalker Land Surveying, Inc., dated May 29, 2014; and architectural plans EX-1, EX-2, EX-3, and EX-4, dated November 25, 2014; and architectural plans SD-1, SD-2 (undated), SD-3, SD-4, SD-5, SD-6, and SD-7, dated November 25, 2014; on grounds that sufficient hardship was demonstrated due to the pre-existing nonconforming nature of the circa 1840 structure, as well as the existence of wetlands and sloping topography on the site, with the further observation that the proposed modifications would be limited to nearly the existing footprint of the house (i.e. a large portion would be occurring within the area of pre-existing construction), with most heading away from the setback.

3. #14-12-20 NELSON 39 GRUMMAN HILL ROAD

Tabled.

D. OTHER BUSINESS

1. Minutes – November 17, 2014

MOTION was made by Mr. Lawrence, seconded by Mr. Lilly, and carried (5-0-1) to approve the minutes of November 17, 2014. Mr. Rhodes abstained.

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Mr. Nerney noted that a special meeting/educational seminar will be held, similar to last year, with Town Counsel sometime early next year, with a date/time to be announced.

E. ADJOURNMENT

MOTION was made by Mr. Lawrence, seconded by Mr. Lilly, and carried unanimously (6-0) to adjourn at 7:18 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary