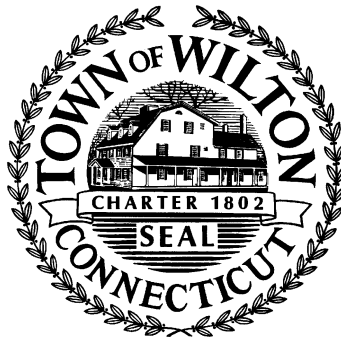


ZONING BOARD
OF
APPEALS
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TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

**ZONING BOARD OF APPEALS
REGULAR MEETING
DECEMBER 21, 2015
7:15 P.M.
TOWN HALL ANNEX - MEETING ROOM A**

PRESENT: Gary Battaglia, Chairman; Joshua Cole, Vice-Chairman; Brian Lilly, Secretary; Libby Bufano; Tracey Serpa; Andrea Preston, Alternate; Kenny Rhodes, Alternate

ABSENT: Andrew McNee

A. CALL TO ORDER

Mr. Battaglia 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. NOMINATION & ELECTION OF OFFICERS

MOTION was made by Mr. Cole, seconded by Ms. Preston, and carried unanimously (7-0) to nominate and elect Gary Battaglia as Chairman.

MOTION was made by Mr. Battaglia, seconded by Ms. Bufano, and carried unanimously (7-0) to nominate and elect Joshua Cole as Vice-Chairman.

MOTION was made by Mr. Battaglia, seconded by Ms. Bufano, and carried unanimously (7-0) to nominate and elect Brian Lilly as Secretary.

C. PUBLIC HEARINGS

1. #15-12-12 JACOBSON 11 BAYBERRY LANE

Mr. Battaglia called the Hearing to order at approximately 7:16 P.M., seated members Battaglia, Bufano, Cole, Preston, and Rhodes, and referred to Connecticut General

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Statutes, Section 8-11, Conflict of Interest. Mr. Lilly read the legal notice dated November 30, 2015, and details of the application and the hardship as described on the application.

Mr. Lilly recused himself from the proceedings and left the meeting room.

Present was Kristin Jacobson, applicant/owner.

Ms. Jacobson distributed and entered into the record a letter of support dated December 15, 2015 from Carole and Tom Kelleher to Zoning Board of Appeals.

Ms. Jacobson stated that the applicant wishes to add a dormer and a portico onto the pre-existing nonconforming corner of their home which was built in the corner of their lot with a portion of the house already located into the side yard setback. She noted that there would be no change to the existing footprint in connection with the dormer and the foundation/steps already exist for the proposed portico.

Ms. Jacobson explained that there is currently only one small window in their children's room and the dormer is needed for safety reasons per recommendation of the Wilton Fire Department. She noted further that a portico is necessary to protect them from inclement weather conditions.

Mr. Cole observed further, and Ms. Jacobson confirmed, that the dormer would not extend beyond the height of the existing roof line and would remain within the existing house footprint, i.e. would not encroach any further into the setback than existing.

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

There being no further comments, at approximately 7:21 P.M. the public hearing was closed.

2. #15-12-13 SANDERS/BRANCH 14 STONECROP LANE

Mr. Lilly returned.

Mr. Battaglia recused himself because of his professional relationship with Mr. Sanders.

Mr. Cole, acting as Chairman in the absence of Mr. Battaglia, called the Hearing to order at approximately 7:21 P.M., seated members Bufano, Cole, Lilly, Preston, and Serpa, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Mr. Lilly read the legal notice dated November 30, 2015 and details of the application and the hardship as described on the application.

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Present were Rob Sanders, architect; and Richard Branch, homeowner.

Mr. Sanders explained that the property is pre-existing nonconforming, noting that the house was built in 1969 (as were all the houses on Stonecrop Lane) when two-acre setbacks were 10 feet less than what they are today. He reviewed the history of previous additions onto the original house, noting that there are some serious structural issues that need to be addressed in conjunction with the proposed renovations.

Mr. Sanders reviewed hardships of the property, citing wetlands and steep contours in the back, heavy rock outcroppings, and the need for a new septic that will be located in the rear, all of which impact any other possible locations for the proposed renovations. He explained that the proposed addition would not be visible from the street since it will be tucked in behind the right side of the house, and all coverages will be completely conforming to regulations. He also noted for the record that there are two existing A/C condensers on slabs which will remain in their current locations. He submitted 3 letters of support into the record.

Mr. Lilly referenced the three letters into the record – from Jillian and Thomas Desiderio dated December 19, 2015; from Paul and Cara Lorenzoni dated December 16, 2015; and from Randolph O. Ramirez dated December 18, 2015.

Mr. Sanders briefly reviewed floor plans and elevations.

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

There being no further comments, the public hearing was closed at 7:41 P.M.

3. #15-12-24 COLE

135 DEFOREST RD

Mr. Battaglia returned and resumed the Chairmanship.

Mr. Battaglia called the Hearing to order at approximately 7:41P.M., seated members Cole, Lilly, Preston, Rhodes, and Serpa, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Mr. Lilly read the legal notice dated November 30, 2015, and details of the application and the hardship as described on the application. He read into the record a letter dated December 21, 2015 from J. Casey Healy to Zoning Board of Appeals requesting a continuance of the subject application until January 19, 2015, as well as a letter of opposition dated December 17, 2015 from John F. Ragazzini to Wilton Zoning Board of Appeals. Mr. Lilly also referenced into the record two additional letters of opposition - from Colleen Sinnaeve[sp?] to Wilton Zoning Board of Appeals, received December 17, 2015; and from Mark Wiltamuth and Stacey Sapper dated December 21, 2015 to Wilton Zoning Board of Appeals.

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

There being no further comments, at approximately 7:44 P.M. the public hearing was continued until January 19, 2016 per the applicant's request.

D. APPLICATIONS READY FOR REVIEW AND ACTION

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

1. #15-12-22 JACOBSON 11 BAYBERRY LANE

Mr. Lilly left the meeting room.

The Board briefly discussed the application. It was the consensus of the Board that sufficient hardship was demonstrated in connection with the application and that the proposed renovations would represent a benefit to the neighborhood.

Mr. Rhodes noted in particular that there are special circumstances that apply to the lot and the placement of the house on this particular lot, which is not the result of any willful act of the applicant; that the granting of the variance is in harmony with Town regulations and will not be injurious to the neighborhood or detrimental to public health or safety; that it is not based on the nonconformity of neighboring lots but is unique to the subject lot.

MOTION was made by Mr. Rhodes, seconded by Mr. Battaglia, and carried unanimously (5-0) to **grant** the variance of Section 29-5.D to allow a dormer with a side yard setback of 34.8' in lieu of the required 40'; and a portico with a side yard setback of 36.7' in lieu of required 40'; as per submitted "Map of Property" dated November 16, 2015 and "Proposed West and South Elevations", A200 and A201 dated October 28, 2013; on grounds that sufficient hardship was demonstrated due to safety issues, and as per the aforementioned findings above.

2. #15-12-23 SANDERS/BRANCH 14 STONECROP LANE

Mr. Lilly returned and Mr. Battaglia left the meeting room.

The Board briefly discussed the application.

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Mr. Cole noted that the new portico would be located within the footprint of the existing nonconforming concrete stoop and thus would not encroach any farther into the setback; and the proposed side addition, although it does violate setback requirements, would be tucked in behind the existing nonconforming area of the structure.

He noted hardships of the site, including the pre-existing nonconforming nature of the property, the irregular shape of the lot, existence of wetlands in the eastern portion of the site, and rock outcroppings behind the house, thus making the proposed addition location the only area available for such use. He also noted that the proposed site improvements would not be visible from the front of the house.

Mr. Lilly observed further that safety was a factor as well, noting that the proposed renovations would improve the structural integrity of the house.

MOTION was made by Mr. Cole, seconded by Ms. Preston, and carried unanimously (5-0) to grant the variance of Section 29-5.D to allow an addition with a side yard setback of 25' in lieu of 40' required, and a front entry portico addition with a setback of 48' in lieu of 50' required; as per submitted "Zoning Location Survey" by Riordan Land Surveying, dated Sept. 4, 2015, Revised Nov. 30, 2015; and Rob Sanders Architects, LLC maps SP, EX-1, EX-2, A-1 (all dated November 24, 2015) and map A-2 dated September, 2015; on grounds that sufficient hardship was demonstrated given the pre-existing nonconforming nature of the primary structure, existing wetlands and rock outcroppings on the property, all of which make the proposed renovation locations the only viable place, in addition to public safety considerations and making it structurally more sound and safe to the owners and the public.

3. 15-12-24 COLE 135 DEFOREST ROAD

Tabled.

E. OTHER BUSINESS

1. Minutes – October 19, 2015

MOTION was made by Mr. Rhodes, seconded by Mr. Lilly, and carried (6-0-1) to approve the minutes of October 19, 2015. Ms. Serpa abstained.

F. ADJOURNMENT

MOTION was made by Mr. Battaglia, seconded by Mr. Lilly, and carried unanimously (7-0) to adjourn at approximately 8:15 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary