

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

**ZONING BOARD OF APPEALS
REGULAR MEETING
JANUARY 19, 2010
7:15 P.M.
TOWN HALL ANNEX - MEETING ROOM A**

PRESENT: Miriam Sayegh, Chairwoman; Barbara Frees, Vice-Chairman; Lori Bufano, Secretary; John Comiskey; Peter Shiue, Alternate

ABSENT:

A. CALL TO ORDER

Ms. Sayegh called the meeting to order at 7:26 P.M. She briefly reviewed the hearing process for applications that come before the Zoning Board of Appeals.

B. PUBLIC HEARINGS

1. #10-01-01 SCHAEFER 43 SHARP HILL ROAD

Ms. Sayegh called the Hearing to order at 7:29 P.M., seated members Bufano, Comiskey, Frees, Sayegh, and Shiue, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Ms. Bufano read the legal notice dated January 4, 2010 and details of the application and the hardship as described on the application.

Present were Eric and Suzanne Schaefer, applicants.

Mr. Schaefer explained the applicant's intention to replace three existing sheds with one larger shed measuring 20 x 12 feet, with a total footprint approximately 22% less than the combined footprint of the existing three sheds. He noted topographical constraints including the narrowness of the lot and the fact that a brook runs through the middle of the entire lot, resulting in either zoning or wetland setback constraints throughout the entire parcel. He noted further that the adjoining neighbors actually prefer the proposed shed to be located as close as possible to the property line since the steep slope in that area would effectively shield upland neighbors' view of the shed. He stated that all of the immediate neighbors support the subject application.

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Mr. Schaefer distributed photos of existing conditions and provided a brochure of “New England Style Post & Beam Carriage Houses, Garden Sheds & Country Barns” from Country Carpenters for the Board’s review. He posted a survey of the lot, noting that the proposed structure would be situated at an angle to the property line and would be supported by six sonotube piers. In response to questions from the Board regarding the height of the proposed structure, he stated that the shed would be 15 feet high if constructed with an even pitch roof and 12 ½ feet high if constructed in a salt box style. He noted that the height of the highest existing structure is 10½ feet.

The Board asked if the applicant planned to construct a cupola on the shed and he indicated that they were not sure.

Ms. Bufano read into the record three letters of support as follows: from Jane and Michael Hoffman sent via email January 14, 2010; from Howard and Lisa Chubinsky received January 12, 2010; and from Michael and Maureen Deacy sent via email dated January 19, 2010.

Ms. Sayegh asked if anyone wished to speak for or against the application.

Sally Poundstone, 48 sharp Hill Road, expressed support for the application. She stated that the subject parcel is unique, with extraordinarily beautiful topography. She noted that the Schaeferes have made ongoing improvements to the property and everyone in the area is supportive of the subject application. She urged the Board to approve the proposed site modifications.

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

C. APPLICATIONS READY FOR REVIEW AND ACTION

Ms. Sayegh called the Regular Meeting to order at 7:51 P.M., seated members Bufano, Comiskey, Frees, Sayegh, and Shiue, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest.

1. #10-01-01 SCHAEFER 48 SHARP HILL ROAD

The Board reviewed/discussed the subject application.

Mr. Shiue felt that hardship was proved due to the narrowness of the lot, the brook running through the property, and the parcel’s inherent topography. He felt that the proposed construction would represent a great improvement over existing conditions, although he also felt it would be important to try to minimize the height of the proposed structure, noting in particular that a cupola (which would add to the overall height) is not

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a necessary component of the plan.

The other members of the Board concurred, noting further the pre-existing nonconforming nature of the parcel and the fact that the overall square footage of the proposed shed would be less than the combined footprints of the three existing sheds.

There was general consensus that a cupola would not be desirable and that the overall height of the proposed structure should be minimized in deference to surrounding neighbors. While the Board did not want to specify a design choice, it determined that the maximum height of the proposed shed should be no greater than 15 feet.

MOTION was made by Mr. Shiue, seconded by Ms. Frees, and carried unanimously (5-0) to **grant** the variance for a 4.5-foot side yard setback in lieu of the required 30 feet, per proposed plans, on grounds that sufficient hardship was demonstrated, given the narrowness of the lot, its overall topography, and the brook that runs through the middle of the parcel. The variance was granted subject to the following conditions: 1) the proposed shed will replace three existing sheds; 2) the maximum height to the peak will be no greater than 15 feet; 3) there is to be no cupola; and 4) the measurement from the property line to the roof overhang shall be no less than 4.5 feet.

D. OTHER BUSINESS

1. Approval of Minutes – December 21, 2009

MOTION was made by Ms. Bufano, seconded by Mr. Comiskey, and carried (4-0-1) to approve the minutes of December 21, 2009 as written. Ms. Sayegh abstained.

2. Election of Officers

Tabled until February 16, 2010 since Mr. Gardiner was not in attendance.

E. ADJOURNMENT

MOTION was made by Mr. Comiskey, seconded by Ms. Bufano, and carried unanimously (5-0) to adjourn at 8:16 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary