

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

**ZONING BOARD OF APPEALS
REGULAR MEETING
DECEMBER 19, 2011
7:15 P.M.
TOWN HALL ANNEX - MEETING ROOM A**

PRESENT: John Comiskey; Steven Davidson, Alternate; Joe Fiteni, Alternate; Brian Lilly; Sally Poundstone; Peter Shiue, Alternate

ABSENT: Barbara Frees (notified intended absence)

A. CALL TO ORDER

Mr. Shiue, acting as Chairman, called the meeting to order at 7:16 P.M. He welcomed new Board members Brian Lilly and Sally Poundstone. He then briefly reviewed the hearing process for applications that come before the Zoning Board of Appeals.

B. PUBLIC HEARINGS

1. #11-12-22 GARDINER 905 RIDGEFIELD ROAD

Mr. Shiue called the Hearing to order at 7:18 P.M., seated members Comiskey, Davidson, Fiteni, Lilly and Poundstone, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Mr. Fiteni, acting as Secretary, read the legal notice dated December 5, 2011, and details of the application and the hardship as described on the application.

Present was John Gardiner, applicant.

Mr. Gardiner referenced a posted survey of his property, noting the very irregular-shaped parcel and the proximity of the garage to the property line. He explained that the applicant wishes to install a generator and related propane tanks outside the garage, which would place both items within the side yard setback due to the pre-existing nonconforming nature of the parcel. He noted that the only possible conforming area is not permitted as a generator location by both Building Code and manufacturer requirements because of its less than 6-foot proximity to windows.

ZBA Minutes – December 19, 2011 - Page 2

He noted that the closest neighbors, the Hines, whose garage is located in very close proximity to the applicant's garage, have no objection to the requested variance.

Mr. Fiteni read into the record a letter of support dated December 12, 2011 from Alice N. Levin to Zoning Board of Appeals; and a letter of support dated November 6, 2011 from Barry and Leslie Hines to Board of Zoning Appeals.

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

There being no further comments, the public hearing was closed at 7:29 P.M.

2. #11-12-23 MARONNA/KTF DESIGN, LLC 6 BROOKSIDE PLACE

Mr. Shiue called the Hearing to order at 7:30 P.M., seated members Comiskey, Davidson, Lilly, Poundstone, and Shiue, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Mr. Fiteni, acting as Secretary, read the legal notice dated December 5, 2011, and details of the application and the hardship as described on the application.

Present were Scott Maronna, applicant; and Dwayne Bryant.

Mr. Maronna briefly reviewed the applicant's desire to raise the roof of an existing dormer approximately 22-24 inches to increase ceiling head height, in an area where the front yard setback is 38'5" in lieu of the required 40 feet. He explained that the existing inside head height varies from 6' at its highest point to 5'10" at its lowest. He noted that the proposed modification is a responsible way to improve the property while not blocking any views or changing the appearance of the residence from the perspective of the roadway. He also noted the very small lot size (0.28+/-acre) as a further constraint of the property.

Mr. Bryant noted that it would make the space usable so that people would not hit their heads on the low ceiling, and it would not result in any increase to the existing footprint.

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

There being no further comments, the public hearing was closed at 7:40 P.M.

C. APPLICATIONS READY FOR REVIEW AND ACTION

Mr. Shiue called the Regular Meeting to order at 7:40 P.M., seated members Comiskey,

ZBA Minutes – December 19, 2011 - Page 3

Davidson, Fiteni, Lilly and Poundstone, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest.

1. #11-12-22 GARDINER 905 RIDGEFIELD ROAD

The Board briefly discussed the subject application. It was the consensus of the Board that hardship was clearly demonstrated given the pre-existing nonconforming nature of the property, the odd shape of the lot, and the applicant's need to comply with Building Code/manufacture placement requirements for the generator. The Board also felt that the applicant had done his due diligence and the proposed location was appropriate and made sense.

MOTION was made by Ms. Poundstone, seconded by Mr. Davidson, and carried unanimously (5-0) to **grant** a variance of Section 29-5.D to permit the installation of a generator with side yard setbacks of 13.8 feet and 18.8 feet in lieu of the required 40 feet, and to permit the installation of related propane tanks with a side yard setback of 14.9 feet in lieu of the required 40 feet, in accordance with submitted plans, on grounds that sufficient hardship was demonstrated given the property's pre-existing nonconforming use and its irregularly shaped lot.

2. #11-12-23 MARONNA/KTF DESIGN, LLC 6 BROOKSIDE PLACE

Mr. Fiteni was unseated and Mr. Shiue was reseated.

The Board discussed the subject application. It was the consensus of the Board that hardship was adequately demonstrated given the pre-existing nonconforming nature of the property and the very small size of the lot. Board members also noted the minimal nature of the proposed modifications and the fact that there would be no change in the existing footprint.

MOTION was made by Mr. Davidson, seconded by Mr. Lilly, and carried unanimously (5-0) to **grant** the variance of Section 29-5.D to allow raising the roof of the original dormer, with a front yard setback of 38'5" in lieu of the required 40 feet, in accordance with submitted plans, on grounds that sufficient hardship was demonstrated given the pre-existing nonconforming nature of the property and its very small lot size (0.28+/- acre).

D. OTHER BUSINESS

1. Minutes – November 21, 2011

ZBA Minutes – December 19, 2011 - Page 4

MOTION was made by Mr. Fiteni, seconded by Mr. Shiue, and carried (3-0-3) to approve the minutes of November 21, 2011. Board members Davidson, Lilly and Poundstone abstained.

2. Election of Officers [Continued until January 17, 2012]

E. ADJOURNMENT

MOTION was made by Mr. Comiskey, seconded by Ms. Poundstone, and carried unanimously (6-0) to adjourn at 7:58 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary