

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

**ZONING BOARD OF APPEALS
REGULAR MEETING
FEBRUARY 21, 2012
7:15 P.M.
TOWN HALL ANNEX - MEETING ROOM A**

PRESENT: John Comiskey; Steven Davidson, Alternate; Joe Fiteni, Alternate; Brian Lilly; Timothy Meyer; 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 7:15 P.M. He first welcomed new Board Member Timothy Meyer to the Zoning Board of Appeals. He then briefly reviewed the hearing process for applications that come before the Board.

B. ELECTION OF OFFICERS

[Tabled until March 19, 2012]

C. PUBLIC HEARINGS

1. #12-02-01 DILL 191 BRANCH BROOK ROAD

Mr. Shiue called the Hearing to order at 7:17 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 February 6, 2011 and details of the application and the hardship as described on the application.

Present was Kevin Quinlan, architect, on behalf of Michael and Sharon Dill, homeowners.

Mr. Quinlan referenced submitted site maps for the property, explaining the homeowners'

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desire to construct a two-story building addition to provide a home office on the main floor and a master bedroom suite of modest proportions on the second floor. He cited a need for an extra guest bedroom, with a ground floor full bath, to accommodate both owners' aging parents who often spend time at the residence in connection with doctors' visits in the city.

He noted for the record that the owners engaged the services of a site engineer and septic designer who designed a 7-bedroom code-compliant septic system for the property (which has been approved by Wilton Inland Wetlands and Health Departments) that could support the proposed expanded home in the event certain rooms are ever re-classified as bedrooms from a State Health Code perspective.

Referencing the hardship already stated in the application package (i.e. the increased zoning setbacks established after the house was built in 1971), he explained that the pre-existing nonconforming siting of the house when it was first constructed represents a constraint to the property. In that regard, he noted that the applicant has sought to hold the 40-foot front yard setback line that was in place in 1971 in order to maintain the spirit of the existing house as originally conceived, and to minimize any proposed intrusion into the currently required, and greater, front yard setback of 50 feet. He passed around photos of the property, which he noted is quite wooded, and indicated that surrounding neighbors are all fully supportive of the project as proposed, including those who are located closest to the proposed renovations.

In response to questions from the Board regarding alternative configurations that might involve a lesser variance request, Mr. Quinlan stated that alternative plans were considered and rejected due to impacts on the upper hallway at the corner where the new addition would be pinned, resulting in the potential loss of a bedroom. He noted further that adequate headroom in the upstairs hallway could also be at stake given the slopes of existing roof lines in that area.

Several Board members asked about the possibility of jogging the proposed addition in such a way so as not to cut off a corner of the room, but rather to move/pull the entire addition further out towards the front of the residence. Mr. Quinlan considered the suggestion, but indicated that he would have to study the roof lines further to be sure it wouldn't create other unforeseen problems. He also expressed concern with the loss of light and view that such a plan would entail, although he was aware that such issues cannot be factored into the Board's consideration of variance requests. Responding to further questions from the Board, Mr. Quinlan stated that the combined square footage proposed is approximately 216 square feet (108 square feet per floor).

Mr. Quinlan also referenced existing topography/slope issues on the site which constrain alternative locations for the proposed addition. He again emphasized the pre-existing nonconforming nature of the site with respect to the siting of the original residence and

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the fact that setbacks were increased after the house was built.

Ms. Poundstone felt that the applicant had done a good job balancing the needs of the homeowners while managing to address the issue of hardship.

Board members questioned the rationale/need for the landing and steps proposed on the outermost corner of the first floor, which would intrude to within 38.5 feet of the property line. Mr. Quinlan explained that the proposed access/double doorway in that location would provide an additional means of emergency egress as well as easier movement of furniture in/out of the residence. When questioned further by the Board as to the necessity of the proposed landing/steps, Mr. Quinlan stated that he would consider removing that stairway and replacing it with a window if necessary.

Mr. Fiteni read into the record letters of support from Chris and Katy Foster dated January 21, 2012; from Al and Linda Schmidt dated January 22, 2012; and from Sarmite LaGambina received January 25, 2012.

There being no further comments from the applicant and no one present in the audience to comment, the public hearing was closed at 7:58 P.M.

D. APPLICATIONS READY FOR REVIEW AND ACTION

Mr. Shiue called the Regular Meeting to order at 7:58 P.M., seated members Comiskey, Davidson, Fiteni, Lilly and Poundstone, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest.

1. #12-02-01 DILL 191 BRANCH BROOK ROAD

The Board discussed the requested variances.

Commissioners Comiskey and Fiteni stated that they were inclined to approve the request for a 39.1 foot front yard setback for the proposed two-story addition, but felt that it was reasonable to request that the stairs/landing (that would extend to within 38.5 feet of the front yard property line) be removed from the proposed plan.

Commissioners Davidson, Poundstone and Lilly were satisfied with the plan as proposed. They felt that hardship had been adequately demonstrated given the pre-existing nonconforming nature of the residence, and they did not feel that removing the aforementioned stairway would result in any significant lessening of the requested variance.

Mr. Shiue stated that he would feel more comfortable if the applicant removed the stairs

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in question, noting in particular their intrusion beyond even the 40-foot front yard setback line that was originally established in 1971.

MOTION was made by Mr. Lilly, seconded by Ms. Poundstone, and carried unanimously (5-0) to **grant** the variance of Section 29-5.D to allow a two-story building addition with a 39.1-foot front yard setback in lieu of the required 50 feet, as depicted on the submitted plans, on grounds that sufficient hardship was demonstrated given the pre-existing nonconforming nature of the original home, and to allow access to the proposed addition; and to **DENY** the variance for a landing and steps with a 38.5-foot front yard setback in lieu of the required 50 feet, as depicted on the submitted plans, on grounds that sufficient hardship was not demonstrated for that requested variance.

E. OTHER BUSINESS

1. Approval of Minutes – December 19, 2011

MOTION was made by Mr. Lilly, seconded by Ms. Poundstone, and carried (6-0-1) to approve the minutes of December 19, 2011. Mr. Meyer abstained.

F. ADJOURNMENT

MOTION was made by Mr. Lilly, seconded by Mr. Davidson, and carried unanimously (7-0) to adjourn at 8:17 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary