

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

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

PRESENT: Sally Poundstone, Chairwoman; Timothy Meyer, Vice-Chairman; John Comiskey, Secretary; Brian Lilly; Steven Davidson, Alternate; Joe Fiteni, Alternate;

ABSENT: Peter Shiue, Alternate

A. CALL TO ORDER

Chairwoman Poundstone called the meeting to order at 7:17 P.M. She briefly reviewed the hearing process for applications that come before the Zoning Board of Appeals.

B. PUBLIC HEARINGS

1. #12-05-10 RAMCHANDANI 104 PINE RIDGE ROAD

Ms. Poundstone called the Hearing to order at 7:18 P.M., seated members Comiskey, Fiteni, Lilly, Meyer and Poundstone, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Secretary Comiskey read the legal notice dated May 8, 2012 and details of the application and the hardship as described on the application.

Present was Ms. Ramchandani, owner of 104 Pine Ridge Road, who presented the application. She explained she wishes to add a generator to her property, and it needs to be near the garage where the electrical panel is located. Needing it in the vicinity of the garage is the hardship. She further explained that due to the location of the well and the septic system, and the need to trench for the generator, the generator really can't be located elsewhere. Mr. Comiskey asked if the generator will use propane and the owner said yes. A representative of Cannondale Generators identified himself and said the tank would be buried about ten feet from the generator and he anticipated no problems with getting permission for that. Mr. Lilly inquired as to the response of neighbors and the

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applicant said that there were no responses from neighbors and they all have generators already. Mr. Davidson asked about the noise of the generator and the applicant thought it was the same level of noise as her neighbors' generators.

Ms. Poundstone asked if any member of the public would like to speak for or against the application. There being no further comments, the public hearing was closed at 7:23 P.M.

2. #12-05-11 MURIN/STIVRINS 15 WHIPPLE ROAD

Ms. Poundstone called the Hearing to order at 7:24 P.M., seated members Comiskey, Fiteni, Lilly, Meyer and Poundstone, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Secretary Comiskey read the legal notice dated May 8, 2012 and details of the application and the hardship as described on the application.

Mr. Michael M. Murin, owner of 15 Whipple Road, presented the application. He explained that the house was built in 1961, ten years prior to when the 1971/1972 setback and lot size requirements went into effect. This lot is smaller than required. The existing house is nonconforming as to setbacks and the lot is "L" shaped, resulting in substantial limitations due to lot size and shape as to where an addition could be placed. Currently, there are 3 bedrooms and 2.5 baths. The owners wish to add a master bedroom on the back of the house. He referred to a map showing the house, the setback lines and the proposed addition, and also wetlands which are far from the house and proposed addition. The Board members asked questions about the proposed size of the addition, and the owner explained the new room will be 22 feet by 24 feet, lining up for the most part with the house as it's currently configured, extending only about 1 foot beyond. Originally, they wanted an addition that would have added 3-4 feet, but they scaled back and ended up with only 1 foot in additional encroachment on the setback.

Ms. Poundstone asked if any member of the public would like to speak for or against the application. There being no further comments, the public hearing was closed at 7:30 P.M.

3. #12-05-12 HATCH 518 NOD HILL ROAD

Ms. Poundstone called the Hearing to order at 7:31 P.M., seated members Comiskey, Fiteni, Lilly, Meyer and Davidson, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Secretary Comiskey read the legal notice dated May 8, 2012 and details of the application and the hardship as described on the application.

The owner, R. Randolph Hatch's daughter, Emily Hatch, presented the application. She handed the Board members a package of materials. A letter from her father was read into the record and he described the hardship as the fact that the house, purchased by him in 1982, was originally built in 1795, with additions put on in 1850 and 1937. He also described that there are 2 parcels, with the house on one parcel and a cottage on the other,

thus necessitating two air conditioning units. Further, it was described that there really is no alternate location possible that would comply with setback lines. An issue here is that the air conditioner condensers have already been installed. Mr. Hatch thought the contractor would get the necessary permission from the town, and as soon as he found out he hadn't done so, Mr. Hatch started this process. Ms. Hatch also pointed out that the house is already right near the road – that her childhood bedroom was just over 5 feet from the road, so they knew that doing just about anything would require a variance, and they thought the contractor had taken care of it. Town Planner Bob Nerney pointed out that the hardships include that the historic house is set right up against the road, and was built before zoning existed. The Board members looked at a photo and remarked that some cellar doors partially obstruct the air conditioning condenser unit.

Chairman Poundstone asked if any member of the public would like to speak for or against the application. There being no further comments, the public hearing was closed at 7:41 P.M.

4. #12-05-13 DI GIORGIO 9 LAUREL LANE

Ms. Poundstone called the Hearing to order at 7:42 P.M., seated members Comiskey, Fiteni, Lilly, Meyer and Davidson, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Secretary Comiskey read the legal notice dated May 8, 2012 and details of the application and the hardship as described on the application.

The homeowner, Raymond DiGiorgio presented the application. He described that this is an addition of a master bedroom and two children's rooms. He explained that the required setback is 50 feet, and the house currently has a setback of 48.95 feet, so it is an existing nonconforming use. He further described that on the rear and sides there is a steep grade, and the septic system is also to the rear. Mr. Comiskey noted that they have received a letter from the architect, Douglas Cutler of Wilton, and he read that letter into the record. Mr. Cutler pointed out that the land to the right of the house has the property line cutting through any potential addition. He further noted that only the right corners of the proposed addition will encroach, that the house is currently smaller than most in town, and that this addition will go upwards, not out, which makes the most sense given the topography and the lot shape. He further pointed out that the house is a pre-existing nonconforming use. The owner then added that they tried to keep the house in its existing footprint, that the wetlands are all the way in the back of the property (not near the house or proposed addition), and that the addition can't be added on the back due to the septic system and an eight (8) foot drop off in the topography. Mr. Lilly asked and the owner confirmed that they are not expanding into the setbacks more than the existing house, so the footprint is unchanged, the addition will only go upwards. The three (3) foot existing encroachment is mostly in the front steps.

Chairman Poundstone asked if any member of the public would like to speak for or

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

C. APPLICATIONS READY FOR REVIEW AND ACTION

Ms. Poundstone called the Regular Meeting to order at 7:51 P.M., seated members Comiskey, Fiteni, Lilly, Meyer and Poundstone, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest.

1. #12-05-10 RAMCHANDANI 104 PINE RIDGE ROAD

The Board discussed that the generator is being set back as much as possible and that you have to put it near the electrical box which, in this case, is in the garage.

MOTION Mr. Fiteni motioned to approve application #12-05-10 for a variance of Section 29-5.D to permit a generator with a side yard setback of 30 feet where 40' is required, the sufficient hardship being the existing placement of the house, the topography, and the location of the utilities. Seconded by Mr. Lilly. The application for a variance was unanimously approved, 5-0

2. #12-05-11 MURIN/STIVRINS 15 WHIPPLE ROAD

Ms. Poundstone seated Comiskey, Fiteni, Lilly, Meyer and Poundstone and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest.

The Board discussed the location of this addition and agreed that this was the correct and only conceivable location for it, especially given the shape of the lot.

MOTION was made by Mr. Lilly, seconded by Mr. Comiskey and carried unanimously (5-0) to grant the variance of Section 29-5.D, to allow a building addition with a 24 foot side yard setback in lieu of the required 30 feet, on grounds that sufficient hardship was demonstrated given that the house was built in 1961, 10 years before the R1 setback and lot size requirements were put into effect, that this lot is smaller than the R1 requirement, and the existing house is non-conforming already.

3. #12-05-12 HATCH 518 NOD HILL ROAD

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

The Board noted that because of the positioning of the house, absolutely anything would need a variance. There is no alternate location for the air conditioning. The Board also

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noted that the air conditioning may help preserve the historic house. The hardship noted were the physical limitations of the house, its age and the location of the house on the lot.

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 an air conditioning condenser unit with a 32.6 foot front yard setback in lieu of the required 40 feet, the hardship being the limitations of the house, its age, and its location on the lot (adjacent to the roadway).

4. #12-05-13 DI GIORGIO 9 LAUREL LANE

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

The Board discussed that the present setback of 48.95 feet is nonconforming (50 feet is required). Also, that the addition will go up, not outward, and doesn't increase the footprint of the house. The hardship is that there is already a nonconforming structure.

MOTION was made by Mr. Lilly, seconded by Mr. Davidson and carried unanimously (5-0) to grant the variance of Section 29-5.D, allowing a building addition with a 42.6 foot front yard setback in lieu of the required 50 feet, the hardship being that the existing house is non-conforming already and this addition will not add to its nonconformance.

D. OTHER BUSINESS

1. Minutes – April 16, 2012

MOTION was made by Mr. Fiteni, seconded by Mr. Lilly and carried unanimously (6-0) to approve the minutes of April 16, 2012 as presented.

E. ADJOURNMENT

MOTION was made by Mr. Comiskey, seconded by Mr. Lilly and carried unanimously (6-0) to adjourn at 8:10 P.M.

Respectfully submitted,

Margaret K. Suib,
Recording Secretary