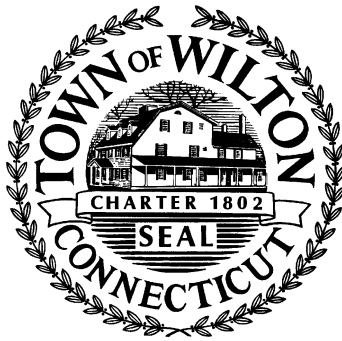


ZONING BOARD  
OF  
APPEALS  
Telephone (203) 563-0185  
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TOWN HALL ANNEX  
238 Danbury Road  
Wilton, Connecticut 06897

**ZONING BOARD OF APPEALS  
REGULAR MEETING  
NOVEMBER 19, 2012  
7:15 P.M.  
TOWN HALL ANNEX - MEETING ROOM A**

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

**ABSENT:** Steven Davidson, Albert Nickel

**A. CALL TO ORDER**

Ms. Poundstone called the meeting to order at 7:15 P.M.

**B. PUBLIC HEARINGS**

**1. #12-09-20 GABORIAULT HONEY HILL RD**

Ms. Poundstone called the Hearing to order at 7:15 P.M. She advised the Board and members of the audience that the application was withdrawn at the request of the applicant. Mr. Comiskey referenced into the record a letter of withdrawal from Peter and Brook Gaboriault, received November 15, 2012.

**2. #12-11-26 BREITLING, USA, INC. 206 DANBURY ROAD &  
20 SHARP HILL ROAD**

Ms. Poundstone called the Hearing to order at 7:16 P.M., seated members Bufano, Comiskey, Fiteni, Meyer, and Poundstone, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Mr. Comiskey read the legal notice dated November 6, 2012 and details of the application and the hardship as described on the application.

Present were J. Casey Healy, attorney; Richard Kent, landscape architect; Mickey

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Mallardi, architect; and Sebastien Amstutz, principal.

Mr. Healy referenced posted topographic and site plans and briefly reviewed details of the application. He stated that the application involves two parcels: the existing 1.5+/- acre Breitling parcel which is zoned General Business (GB); and an adjoining parcel owned by the Aulenbachs, to be purchased by Breitling, consisting of 1.09+/- acres, which is zoned Residential (R-1A).

He reviewed all the requested setback variances that are necessary to accommodate additional parking spaces, to widen an existing parking space for handicapped use, and to construct a second story building addition over the rear parking lot. He noted zoning constraints of the irregularly shaped GB-zoned lot, referring in particular to its skinny width and L-shaped configuration.

Mr. Kent reviewed circulation issues, noting that a one-way system will be utilized even though adequate space is available for two-way traffic. He explained that some pavement would be added to the site; the existing dumpster would be eliminated; and an existing shed would remain. He also noted that there would be a total of 79 parking spaces on the improved site, including four handicapped spaces. Regarding landscaping, he noted that existing vegetation to the south would remain and that some additional landscaping would be installed along the eastern property line.

Mr. Healy noted for the record that the adjoining Aulenbach parcel would remain zoned residential and its uses would therefore conform to those permitted in a residential zone.

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

There being no further comments, the public hearing was closed at 7:33 P.M.

### **3.      #12-11-27                      SCOTT/FAWCETT                      27 ROUTE 107**

Ms. Poundstone called the Hearing to order at 7:33 P.M., seated members Bufano, Comiskey, Fiteni, Lilly, and Meyer, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Mr. Comiskey read the legal notice dated November 6, 2012 and details of the application and the hardship as described on the application.

Present were Kevin O'Brien, on behalf of the applicants; and Gavin Scott and Colleen Fawcett, applicants/owners.

Mr. O'Brien reviewed details of a posted site plan, noting that the applicants wish to divide their existing 2.30+/- acre parcel into two lots, with each house located on its own individual lot. He noted that although the proposed smaller 0.53-acre lot would not

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conform to one-acre zoning regulations, it is more than twice the size of the two adjacent lots and would be in keeping with the character of the other properties in the neighborhood. He explained further that the applicants made a distinct effort to ask for the least number of variances possible by creating the lots so that the larger lot would be totally conforming to zoning regulations.

Addressing the details of the variances involved, Mr. O'Brien explained that one-acre residential zoning regulations require a minimum lot width and depth of 150 feet, whereas the largest square that could fit into the proposed smaller lot would be only 86.1 x 86.1 feet. He noted that the attempt is to preserve the 1869 house located in the front portion of the existing parcel and to allow it to be owner-occupied as opposed to rented, which has been its status for most of its existence.

Mr. Lilly asked the Town Planner whether these types of land splits have been done in the past. Mr. Nerney responded by noting that he was not aware of any such land divisions, although he noted that this is a rather unique and uncommon situation in Town.

Mr. O'Brien stated for the record that septic considerations were not used as a criterion for the proposed land split, noting that the applicants would have to rework the septic systems on the parcel to make the proposed new configuration work. He also noted for the record that the applicants have no intention of building anything on the new lot, nor are they asking for any building or site coverage relief/variances.

In response to questions from the Board, Mr. O'Brien explained that by approving the requested variances, the Board is not actually granting the second parcel but rather is only granting the applicants the opportunity to bring their proposal before the Planning and Zoning Commission via an application for a subdivision.

Mr. Scott explained that the applicants' ultimate goal is to maintain ownership of both properties and to restore both existing homes. He noted, however, that there are no comps for this type of property, which makes obtaining a loan/mortgage difficult from a bank perspective, but if it could be shown that there is the potential for the property to be subdivided, it would improve the applicants' ability to obtain such financing in the future.

Ms. Fawcett noted that both homes are on the National Historic Registry and are also located in a Wilton historic district.

Mr. Nerney questioned whether the parcel might qualify for a "first cut". Mr. O'Brien was not sure, but he noted that Attorney Doug Bayer is currently researching that particular issue.

Mr. Fiteni questioned a plan notation regarding a proposed site coverage reduction. Mr. O'Brien explained that the applicants plan to gravel a portion of the driveway and

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possibly a portion of the walkway to reduce site coverage by 1500+ square feet, thus bringing the site into conformance with the maximum-permitted 15% site coverage.

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

Pat Hegnauer, 25 Redding Road, stated that she owns the adjoining parcel southwest of the subject property. She spoke in favor of the application, praising the great care taken by the applicants of their property. She also noted that all properties in this area of Georgetown are small and nonconforming, and therefore the subject property would fit in well with the surrounding community.

Mr. Scott also noted that 70% of the homes in this historic district are less than 1 acre in size.

Mr. Comiskey asked whether the historic nature of the property/buildings lends itself more easily to the granting of the requested variances, referencing in particular the likelihood that such properties would be more oddly-shaped. Mr. Nerney responded by noting that such a decision has more to do with the land in question as opposed to the historic character of the buildings/property.

There being no further comments, the public hearing was closed at 7:52 P.M.

### **C. APPLICATIONS READY FOR REVIEW AND ACTION**

Ms. Poundstone called the Regular Meeting to order at 7:52 P.M., seated members Bufano, Comiskey, Fiteni, Lilly, Meyer, and Poundstone, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest.

#### **1. #12-09-20 GABORIAULT HONEY HILL RD**

Withdrawn.

#### **2. #12-11-26 BREITLING, USA, INC. 206 DANBURY ROAD & 20 SHARP HILL ROAD**

The Board briefly discussed the application. It was the consensus of the Board that the applicant was doing everything in a reasonable and respectful manner in an effort to maximize the space available, noting especially the applicant's proposal to purchase the property in the rear in order to alleviate potential setback issues. The odd shape of the lot was also noted, as well as the fact that no other alternatives exist to satisfy the expressed needs of the applicant.

**MOTION** was made by Mr. Fiteni, seconded by Ms. Bufano, and carried unanimously (5-0) to **grant** the variances of Section 29-6.E to allow a building addition with a 17.3 foot side yard setback in lieu of the required 25 feet and a 49.0 foot side yard setback in lieu of the required 85 feet; parking with a 0 foot side yard setback in lieu of the required 10 feet (to widen an existing parking space to convert same to a handicap space); and parking with 44.0, 18.0 and 29.0 foot side yard setbacks in lieu of the required 60 feet, per submitted Zoning Location Survey prepared by Ryan and Faulds, dated October 9, 2012, on grounds that sufficient hardship was demonstrated given the odd shape of the lot and the need to make the best use of the property.

**3. #12-11-27 SCOTT/FAWCETT 27 ROUTE 107**

The Board briefly discussed the application. It was the consensus of the Board that this was a rather unusual situation in Town and that the proposed parcel realignment was the best possible alternative given the pre-existing nature of the properties. The Board particularly noted the applicants' efforts to configure lot #1 so as not to require any additional variances.

**MOTION** was made by Mr. Lilly, seconded by Mr. Meyer, and carried unanimously (5-0) to **grant** variances of Section 29-5.D to allow a garage with a 3.0 foot rear yard setback in lieu of the required 40 foot rear yard setback; a lot with an 86.1 foot minimum lot width and depth in lieu of the required 150 foot minimum lot width and depth; a lot with a minimum lot area of 0.530 acres in lieu of the required 1.0 acre minimum lot area, per submitted Property Survey prepared by Ryan and Faulds and dated October 22, 2012, on grounds that sufficient hardship was demonstrated given the nonconforming nature of the property that needs to be divided in order to obtain bank approval for any proposed site modifications; given the unique configuration of the property with two residential homes located on the single parcel, and with two adjoining properties squeezing it from either side; and to maintain the property in keeping with the historic nature of the area.

Mr. Fiteni noted that a reference should also be made to the applicants' stated intention to remove 1500+ square feet of existing impervious site coverage so that lot #2 will conform to maximum site coverage regulations.

**D. OTHER BUSINESS**

**1. Minutes**

**MOTION** was made by Mr. Fiteni, seconded by Mr. Lilly, and carried unanimously (6-0) to approve the minutes of October 15, 2012, as amended.

**E. ADJOURNMENT**

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

Respectfully submitted,

Lorraine Russo  
Recording Secretary