

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

DRAFT
ZONING BOARD OF APPEALS
REGULAR MEETING
NOVEMBER 17, 2008
7:15 P.M.
TOWN HALL ANNEX - MEETING ROOM A

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

ABSENT: John Comiskey, Daniel Darst – notified intended absences.

A. CALL TO ORDER

Ms. Sayegh called the meeting to order at 7:24 P.M. She briefly reviewed the hearing process for applications that come before the Zoning Board of Appeals.

B. PUBLIC HEARINGS

1. #08-09-16 MAZIER 1072 RIDGEFIELD ROAD

Ms. Sayegh noted that the applicant had requested a continuance of the hearing. Mr. Nerney, Town Planner, read into the record a letter dated November 17, 2008 from J. Casey Healy requesting that the application be continued until December 15, 2008.

2. #08-11-21 NEJAME & SONS 46 OLD MILL ROAD

Ms. Sayegh noted that the application had been withdrawn. Ms. Sayegh read into the record a letter dated November 6, 2008 from Tom Nejame requesting that the application be withdrawn.

3. #08-11-22 GEITZ 8 SEELEY ROAD

Ms. Sayegh called the Hearing to order at 7:28 P.M. Ms. Frees read the legal notice dated November 4, 2008 and details of the application and the hardship as described on the application.

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Present were Tim and Lindsey Geitz, applicants.

Mr. Geitz reviewed details of the application, referring to posted plans. In particular, he explained that the proposed first floor improvements would be elevated approximately 12-14 inches above the 100-year flood mark. He passed around photos of the site, noting that they are trying to bring the home, which has not been occupied for the past three years, up to today's standards. He stated that a 440+/- square foot addition is proposed, which would bring total living space to approximately 2000+/- square feet. He referred to specific hardships of the site including the location of the septic and well, significant wetland considerations, the pre-existing nature of the site, as well as its topography (the residence being located on the only elevated area of the property).

In summary, Mr. Geitz noted that any construction on the site would necessitate an application for a variance.

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

Mr. and Mrs. Oliver of 77 Forest Lane, in the audience awaiting their hearing, stated that they supported the application.

There being no further comments, the public hearing was closed at 7:48 P.M.

4. #08-11-23 OLIVER 77 FOREST LANE

Ms. Sayegh called the Hearing to order at 7:49 P.M.

She then suspended the hearing for a moment in order to note for the record that Board members Bell, Frees, Gardiner, Sayegh and Shiue should be considered as officially seated for the preceding hearing #08-11-22. She also noted for the record that while she had inadvertently neglected to seat Board members for the preceding hearing, all of the aforementioned members had been present for all testimony pertaining to that hearing.

Ms. Sayegh then resumed the subject hearing, seating members Bell, Bufano, Frees, Gardiner, and Sayegh, and she referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Ms. Frees read the legal notice dated November 4, 2008 and details of the application and the hardship as described on the application.

Present were Michael and Christine Oliver, applicants.

Mr. Oliver referred to a posted site plan and reviewed details of the subject application. He stated that the applicants hoped to increase living space by approximately 1405 square

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feet, referring to their growing family and an elderly parent who is now living with them. He noted that they tried to be particularly mindful of zoning regulations and tried to keep their proposed improvements as minimal as possible. He explained the various portions of the proposed site improvements, including a 2-car garage with attached storage shed totaling 1074 square feet, a front porch totaling 234 square feet, new steps and a rear landing totaling 76 square feet, and a small 2nd floor balcony totaling 21 square feet. He cited hardships to the land including the pre-existing nonconforming nature of the residence, which was built in 1954, and the constraints posed by 2-acre zoning regulations being applied to a 1+ acre parcel.

Mr. Oliver distributed copies of 5 letters of support from surrounding neighbors.

Mr. Nerney noted that the proposed 2.8% overage in permitted building coverage equates to approximately 1296 square feet of the total 1405 square feet proposed. He also noted for the record that approximately 44 square feet of coverage attributable to the rear steps would be counted toward site coverage only, and not building coverage, since it would be considered a stoop per current zoning regulations.

In response to further questions from the Board, Mr. Oliver explained that the proposed storage area off the garage would measure approximately 8 x 16 feet, totaling 128 square feet. The applicants also indicated that the proposed 21 square-foot balcony on the second floor could be eliminated from the proposed plans, if necessary.

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

Joe Pozzi, 25 Forest Lane, the neighbor located behind the Olivers, stated that he was fully in support of the proposed plans.

Mr. and Mrs. Geitz of 8 Seeley Road, present in the audience, stated that they, too, supported the variance.

Ms. Frees read into the record five letters of support as follows: from Joseph A. and Courtney P. Pozzi dated October 21, 2008; Marie and Samuel W. Johnson dated October 22, 2008; from Kevan and Sara Quantock dated October 3, 2008; Steve and Kim Cafiero dated November 7, 2008; and Frank and Lorraine Sabbato dated October 25, 2008.

There being no further comments, the public hearing was closed at 8:25 P.M.

C. APPLICATIONS READY FOR REVIEW AND ACTION

Ms. Sayegh called the Regular Meeting to order at 8:27 P.M., seated members Bell, Frees, Gardiner, Sayegh, and Shiue, and referred to Connecticut General Statutes, Section

8-11, Conflict of Interest.

1. #08-09-16 MAZIER 1072 RIDGEFIELD ROAD

Continued.

2. #08-11-21 NEJAME & SONS 46 OLD MILL ROAD

Withdrawn.

3. #08-11-22 GEITZ 8 SEELEY ROAD

Members of the Board briefly discussed details of the application and were in general agreement that the site represents an extreme case of hardship, citing in particular its pre-existing nonconforming nature, its topography, the amount of wetlands, and its proximity to the railroad tracks. It was further agreed that the proposed improvements were minimal and would have very little impact on the site.

MOTION was made by Mr. Gardiner, seconded by Ms. Sayegh, and carried unanimously (5-0) to **grant** the variances of Section 29-5.D to permit a first story addition with a 16-foot 4-inch side yard setback in lieu of the permitted 40 feet; a second story addition with a 29-foot 9-inch side yard setback in lieu of the permitted 40 feet; and a condensing unit with a 13-foot 10-inch side yard setback in lieu of the permitted 40 feet on grounds that sufficient hardship was demonstrated due to the unusual topography, extreme amount of wetlands and flooding, the location of the house on the only buildable area of the property, and since the proposed improvements would represent a limited expansion of a pre-existing nonconforming use.

4. #08-11-23 OLIVER 77 FOREST LANE

Members of the Board discussed details of the proposed variances. Most members expressed concern with the proposed 9.8% building coverage, although they acknowledged the hardship of an undersized lot located in, and restricted by, two-acre zoning. It was the general consensus of the Board that the proposed balcony (21 square feet) was not necessary, nor was sufficient hardship demonstrated to support it. The majority of the Board also agreed that the proposed storage shed off the garage (128 square feet) was not justifiable from a hardship perspective and should be eliminated to reduce proposed building coverage on the site. It was noted that a storage shed measuring 10 x 16 feet already exists on the property.

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The Board determined that the loss of the aforementioned 149 square feet (21+128) would reduce requested building coverage from 9.8% to 9.48%.

MOTION was made by Ms. Sayegh, seconded by Mr. Bell, and carried unanimously (5-0) to **grant** a variance of Section 29-5.D to allow a second floor building addition with a pre-existing 35.1-foot side yard setback in lieu of the permitted 40 feet on grounds that sufficient hardship was demonstrated due to the undersized nature of the lot and its pre-existing nonconforming use; and to **deny** a variance of Section 29-5.D to allow a building addition with a 34-foot side yard setback in lieu of the permitted 40 feet on grounds that sufficient hardship was not demonstrated.

MOTION was made by Mr. Bell, seconded by Ms. Sayegh, and carried (4-1) to **grant** a variance of Section 29-5.D to allow building coverage of 9.48% in lieu of the permitted 7%, with the understanding that this coverage variance specifically excludes the proposed 7' x 3' balcony and the proposed 8' x 16' shed, on grounds that sufficient hardship was demonstrated due to the undersized nature of the lot. Mr. Gardiner opposed.

D. OTHER BUSINESS

1. Minutes – October 20, 2008

MOTION was made by Ms. Sayegh, seconded by Ms. Frees, and carried unanimously (6-0) to approve the minutes of October 20, 2008.

E. ADJOURNMENT

MOTION was made by Mr. Gardiner, seconded by Ms. Sayegh, and carried unanimously (6-0) to adjourn at 9:05 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary