

ZONING BOARD
OF
APPEALS
Telephone (203) 563-0185
Fax (203) 563-0284



TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

**ZONING BOARD OF APPEALS
REGULAR MEETING
JULY 20, 2009
7:15 P.M.
TOWN HALL ANNEX - MEETING ROOM A**

PRESENT: Miriam Sayegh, Chairwoman; Barbara Frees, Vice-Chairwoman; Lori Bufano; Secretary; John Comiskey; Peter Shiue, Alternate

ABSENT: Peter Bell, Daniel Darst, Barbara Frees – notified intended absences.

A. CALL TO ORDER

Ms. Sayegh called the meeting to order at 7:19 P.M.

B. PUBLIC HEARINGS

1. #09-06-07 F.O.A.D., LLC 830 Danbury Road

Ms. Sayegh called the Hearing to order at 7:19 P.M., seated members Bufano, Comiskey, Gardiner, Sayegh and Shiue, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. It was noted that the meeting was continued from June 15, 2009.

Present for the applicant was J. Casey Healy, Esq. He pointed out that there was a prior application, but there was a defect with the legal notice as to whether the property is 1.4' or 3.2' from the property line.

The property is located at 830 Danbury Road and is a .743+/- acre parcel zoned General Business. There are three buildings; a retail building, a residence, and a shop building, which is the subject of the variance request. The property is served by a driveway off of Route 7, which is a common driveway that goes behind the shop building and serves the Tait property.

Mr. Healy referred to posted plans/drawings. He said they had previously filed an application to reconstruct the shop building, which was denied as there was some concern on the part of the members of the Board as to what the shop building had been used for in the past.

He presented a letter from Gary Mecozzi, 16 Sunset Pass, who stated he was born in Georgetown in 1955 and has resided there his entire life, and that prior to the early '70s the property was used

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as a residence in back and a motor vehicle service and repair station in what they show as the retail building and the shop building. In the '70s, the use was expanded to include a Getty gas station. After the Getty station went out of business in the '80s, the shop continued to be used to repair motor vehicles. The retail building has housed a saw shop, a lawnmower repair shop, etc., so both buildings have been used commercially for the better part of 50 years.

Mr. Healy said that the Commission had previously granted a variance to Mr. Katz, principal of F.O.A.D., LLC, so that he could rehabilitate the retail building, and Mr. Healy posted pictures showing the renovated building.

He said the current variance request is needed because the shop building is approximately 3' to the foundation, and 1.4' from Route 7, so it is legally nonconforming. The buildings were built in the 1930's, when it was not uncommon for buildings to be built close to the road as the horse and carriage was still the principal mode of transportation.

The original variance requested a ridge line for the shop of 25.2', which would accommodate a full second story of 820 square feet. The Board, by a vote of 3 to 2, denied the variance request. It was clear from the members' comments that there was concern regarding the scale and mass of the building since it was located so close to Route 7.

They then had Leigh Overland Architects prepare a revised plan, which reduces the ridge line by five feet to 20.2', and reduces the second story to a half story, so the gross floor area is reduced from 820 to 731 square feet. The building height was 18.6' and is now down to 16.6'. Mr. Healy displayed a rendering showing the building with a ridge line of 25' versus the proposed ridge line of 20'.

The hardship lies in the fact that they have a 1930's building that was built too close to the road. The height is well within the 35' height limitation permitted under the zoning regulations, and the square footage is within the allowable square footage as well. There is no other place to move the shop building to make it more conforming.

One of the problems the shop building has encountered over the years is the pitch of the roof is such that it does not distribute the rain, ice or snow well, so they tried to design a better pitch to accommodate that problem, and also to make the building look better aesthetically and in keeping with the retail building.

Ms. Sayegh said she appreciates the changes made, and asked for clarification with regard to the right side elevation. Mr. Healy submitted a drawing showing the proposal for the front elevation versus what had been proposed previously, and said that Mr. Overland will address the side elevations.

Leigh Overland said, in order to give it the full headroom, the height of the second story was proposed at 8' on the previous plan, but that made it look tall from the road, which was one of

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the issues the Board had. The grade in the back is quite high, so in the revised proposal they have taken the height down just to get the building off the ground, and then put in a dormer in order to get a door into the space, so from both the front and the back the building will have a one-story effect. Mr. Overland said there will be no excavation as they are using the same footprint as well as the foundation that is there now.

Mr. Nerney noted that the application is being heard de novo, so the Commissioners shouldn't be comparing it to what they heard on the application that was denied, nor should they consider it on the basis of aesthetics. He said, based on the testimony, he thinks they can draw a conclusion as to whether it violates the spirit and intent of the zoning regulations.

Ms. Bufano read for the record the letter submitted from Gary Mecozzi.

There being no further comments from the Commission or the public, at 7:42 P.M. the Public Hearing was closed.

C. APPLICATIONS READY FOR REVIEW

1. #09-06-07 F.O.A.D., LLC 830 DANBURY ROAD

Ms. Sayegh said initially the applicant presented a variance request for a building that was bigger, higher and had more mass, and has now reduced the building to one and a half stories, the height from 25' to 20', and the second floor area from 820 to 731 square feet. She said she likes the plan a lot better and appreciates the changes that were made.

Mr. Shiue said, while he had no serious issues with the original plan, he likes the revised application a lot more, and thinks it is going to be a great improvement to the existing site.

Ms. Bufano said she thinks the applicant has proven the hardship, which is the topography, and she is in favor of the plan.

Mr. Gardiner said he didn't have a problem with the first application, and he thinks the new plan is an improvement. Reducing the building to one and a half stories makes it less of a presence on Route 7, which is a plus. He thanked the applicant for giving them the drawings of how the building is going to look on the site, and said he would support the application.

Mr. Comiskey said he was in favor of the application the first time, and is very happy with the changes.

MOTION was made by Ms. Sayegh, seconded by Ms. Bufano, and carried (5-0) to approve variance 09-06-07 in the matter of F.O.A.D., LLC located at 830 Danbury Road in that sufficient hardship has been shown in the fact that it is an undersized lot and the topography as well as the grade makes it difficult.

D. OTHER BUSINESS

1. Approval of Minutes – June 15, 2009

MOTION was made by Ms. Sayegh, seconded by Mr. Gardiner, and carried (5-0) to approve the minutes of June 15, 2009.

E. ADJOURNMENT

The meeting was adjourned at 8:10 P.M.

Respectfully submitted,

Karen Pacchiana
Recording Secretary