

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
SEPTEMBER 21, 2009
7:15 P.M.
TOWN HALL ANNEX - MEETING ROOM A**

PRESENT: Barbara Frees, Vice-Chairman; Lori Bufano, Secretary; John Gardiner; John Comiskey; Peter Shiue, Alternate

ABSENT: Peter Bell, Daniel Darst, Miriam Sayegh (notified intended absences)

A. CALL TO ORDER

Ms. Frees, acting as Chairwoman, called the meeting to order at 7:15 P.M.

B. PUBLIC HEARINGS

1. #09-09-08 CHILDS 115 HURLBUTT STREET

Ms. Frees called the Hearing to order at 7:15 P.M., seated members Bufano, Comiskey, Frees, Gardiner, and Shiue, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Ms. Bufano read the legal notice dated August 26, 2009 and details of the application and the hardship as described on the application.

Present was Lyle Fishell, architect.

Mr. Fishell explained the nature of the requested variance, noting that the original variance application for this property, submitted on August 25, 2008, had correctly requested a 10.8% coverage variance as well as a setback variance. He explained that the application was subsequently withdrawn by the applicant when P&Z staff discovered that an additional setback variance was also required. He noted that when the application was resubmitted to correctly reflect the additional setback variance, the originally requested 10.8% coverage number was inadvertently noted on the application as 10.4% (essentially

ZBA Minutes – September 21, 2009 - Page 2

a “typo” error).

As a result, Mr. Fishell explained that the variances ultimately granted by the Board included the 10.4% coverage variance even though all plans (including the survey) had always correctly shown building coverage as 10.8%. He respectfully requested that the Board grant the 10.8% coverage, which he again noted was correctly annotated on all original application materials submitted in August of 2008.

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

There being no further comments, the public hearing was closed at 7:21 P.M.

C. APPLICATIONS READY FOR REVIEW AND ACTION

Ms. Frees called the Regular Meeting to order at 7:21 P.M., seated members Bufano, Comiskey, Frees, Gardiner, and Shiue, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest.

1. #09-09-08 CHILDS 115 HURLBUTT STREET

The Board briefly discussed the application. All members were in agreement that the hardship was satisfactorily established when the application was originally approved in 2008. They did not feel that the current application presented any issues, especially in light of the small size of the lot located in a two-acre zone, and the fact that all plans had correctly reflected the 10.8% coverage from the beginning.

MOTION was made by Mr. Gardiner, seconded by Mr. Shiue, and carried unanimously (5-0) to **grant** the variance on grounds that sufficient hardship was demonstrated, given the pre-existing nonconforming nature of the parcel and the configuration/small size of the lot (approximately .5+/- acre) located in a two-acre zoning district.

D. OTHER BUSINESS

1. Minutes

MOTION was made by Ms. Bufano, seconded by Mr. Gardiner, and carried (4-0-1) to approve the minutes of July 20, 2009. Ms. Frees abstained.

E. ADJOURNMENT

MOTION was made by Mr. Gardiner, seconded by Ms. Bufano, and carried unanimously (5-0) to adjourn at 7:29 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary