

ZONING BOARD
OF
APPEALS
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**WILTON ZONING BOARD OF APPEALS MINUTES *
JULY 16, 2018 – REGULAR MEETING**

PRESENT: Joshua Cole, Chairman; Tom Gunther, Secretary; Libby Bufano; Jaclyn Coleman, Alternate; Gerald Holdridge, Alternate

ABSENT: Gary Battaglia (notified intended absence); Tracy Serpa; Rem Bigosinski

A. CALL TO ORDER

Mr. Cole called the meeting to order at approximately 7:26 P.M. He briefly reviewed the hearing process for applications that come before the Zoning Board of Appeals.

The agenda was scrambled to hear application #18-07-11 under **Public Hearings (Item C.)** prior to **Nomination and Election of Vice-Chairman (Item B.)**.

C. PUBLIC HEARINGS

1. #18-07-11 CUSATO/GRAHAM 55 GRUMMAN HILL ROAD

Mr. Cole called the Hearing to order at approximately 7:27 P.M., seated members Bufano, Cole, Coleman, Gunther, and Holdridge, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Mr. Gunther read the legal notice dated June 28, 2018 and details of the application and the hardship as described on the application.

Present were Michael Cusato, architect/applicant; and Ian and Priscilla Graham, homeowners.

Mr. Cusato referenced posted plans and reviewed details of the proposed site modifications. He explained that the pre-existing nonconforming residence was devastated by the impact of a 20,000-pound tree hitting the roof and upper structure during a particularly powerful storm in March. He explained that the roof, attic floor joists and interior stairs all needed to be replaced. He noted in particular that the existing stairs could not be replaced without installing a dormer, requiring a front yard setback variance, to accommodate the additional ceiling height/headroom necessary to bring the stairs into current-day code compliance. He explained that the roof height would also need to increase from 22'11" to 24'3" to provide a steeper roof pitch and thus greater

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safety during snowy winters. He noted that there would be no increase in coverage or footprint.

Ms. Graham briefly explained the events of March 2nd and the near miss of the falling tree onto her son who was asleep in his bed at the time of impact.

Mr. Cole observed that the dormer would actually sit back approximately 7" further from the roof edge, thus decreasing the existing nonconformance of 27.2 feet from the front property line.

Mr. Cole asked if anyone wished to speak for or against the application.

There being no further comments, at approximately 7:43 P.M. the public hearing was closed.

D. APPLICATIONS READY FOR REVIEW AND ACTION

Mr. Cole called the Regular Meeting to order at approximately 7:43 P.M., seated members Bufano, Cole, Coleman, Gunther, and Holdridge, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest.

1. #18-07-11 CUSATO/GRAHAM 55 GRUMMAN HILL ROAD

The Board briefly discussed the application. It was the consensus of the Board that there were sufficient grounds to grant the variance, noting the pre-existing nonconforming nature of the structure and the applicant's satisfaction of the four findings required per Section 29-13.B of zoning regulations.

MOTION

was made by Mr. Cole to **grant** the variance of Section 29-5.D to permit reconstruction of a second story addition and dormer with a front yard setback of 27.2 feet, where 40 feet maximum is permitted, and a midpoint roof height of 24 feet 3 inches within requested setback area; as per submitted Zoning/Location map of property dated June 21, 2018; and architectural plans A1 through A8, all dated "062018"; on grounds that sufficient hardship was demonstrated due to the pre-existing nonconforming location of the structure on the property; the fact that the requested variance does not encroach any further than existing and in fact reduces an existing nonconformity by 7"; failure to grant the variance would deprive the applicant of reasonable use of the structure; the proposed repairs are necessary for the structure to be code compliant; granting of the variance is in harmony with the general purposes/intent of the regulations/Plan of Development and not injurious to the neighborhood or to public health, safety and welfare (it was noted that it will actually protect public health by bringing the structure into code compliance).

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The motion was amended by Mr. Holdridge to exclude the reference to reducing an existing nonconformity by 7", and further amended by Mr. Gunther to reflect that the house was severely damaged by a tree, significant evidence of which was provided to the Board; the proposed variance is the minimum necessary to bring it to code; there will be no infringement on light or views of the neighbors as a result of the proposed reconstruction; and no financial or economic hardship was presented, just reconstruction after significant tree damage.

The motion, as subsequently amended by Messrs. Holdridge and Gunther, was seconded by Ms. Bufano and carried unanimously (5-0).

B. NOMINATION & ELECTION OF VICE-CHAIRMAN

Vice-Chairman

MOTION was made by Mr. Cole to nominate and elect Mr. Battaglia for Vice-Chairman, noting that Mr. Battaglia had expressed an interest in serving although he was unable to attend this evening's meeting.

Motion was seconded by Ms. Bufano and carried (3-0) with all regular Board members (Bufano, Cole, Gunther) voting, as per statute requirements. Alternates Holdridge and Coleman did not vote.

Mr. Gunther indicated his willingness to serve as Vice-Chair if Mr. Battaglia is not interested or unable for any reason.

D. OTHER BUSINESS

1. Minutes – June 18, 2018

MOTION was made by Mr. Cole, seconded by Mr. Gunther, and carried unanimously (5-0) to approve the minutes of June 18, 2018.

E. ADJOURNMENT

MOTION was made by Mr. Cole, seconded by Mr. Gunther, and carried unanimously (5-0) to adjourn at 7:55 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary

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