

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

WILTON ZONING BOARD OF APPEALS MINUTES *
SEPTEMBER 19, 2022 – REGULAR ELECTRONIC MEETING (VIA ZOOM)

PRESENT: Anthony Cenatiempo, Chairman; Tom Gunther, Vice-Chairman; Jaclyn Coleman, Secretary; Libby Bufano; Justin Anderson

ABSENT: Tara Pagano

A. CALL TO ORDER

Mr. Cenatiempo called the meeting to order at approximately 7:15 P.M. He briefly reviewed the hearing process for applications that come before the Zoning Board of Appeals.

B. PUBLIC HEARINGS

1. 22-09-12 NESSEL/KELLOGG 113 PORTLAND AVE.

Request a variance of Section 29-5.D to allow installation of air conditioning condensers with an 18.4 foot rear yard setback in lieu of the required 40 feet, a 25 foot front yard setback in lieu of the required 40 feet, a 22.2 foot side yard setback in lieu of the required 30 feet. Said property is owned by Paul Nessel and consists of 0.27+/- acres in a Residential (R-1A) Zoning District as shown on Assessor's Map #13, Lot #5.

Hearing was called to order at approximately 7:15 P.M.
Members seated were Anderson, Bufano, Cenatiempo, Coleman and Gunther.

Present was Tucker Kellogg, on behalf of the applicant.

Hardships were cited, including the pre-existing nonconforming nature of the under-sized 0.27-acre property, in addition to the width of the property being under 50 feet. It was noted that there is no area on the property that could satisfy the required setback for the proposed condensers.

No public comment was received.

Hearing closed at approximately 7:19 P.M.

2. 22-09-13 COLE/SANDERS 14 OLD BELDEN HILL RD

Request variances as follows: of Section 29-4.D.1.a to permit construction of an Accessory Dwelling Unit with 1,191 sq. ft. in lieu of 750 sq. ft. allowed; of Section 29-4.D.1.g to permit construction of an Accessory Dwelling Unit on a parcel with an area of 1.307+/- acres in lieu of 2 acres as required in an R-2A zone; of Section 29-8.B.8 to permit construction of a driveway extension 8 ft from the front yard line in lieu of 25 feet required. Said property is owned by Loren & Candace Cole and consists of 1.307+/- acre in a Residential (R-2A) Zoning District as shown on Assessor's Map #98, Lot #33.

Hearing was called to order at approximately 7:20 P.M.

Members seated were Anderson, Bufano, Cenatiempo, Coleman and Gunther.

Present was Rob Sanders, architect, on behalf of the applicant.

Hardships were cited, including the pre-existing nonconforming nature of the under-sized 1.307-acre property located in an R-2A zoning district, as well as the residence's location at approximately 40' above the driveway elevation, requiring a driveway extension to allow level access to the front entry porch. It was further noted that the proposed accessory dwelling unit on the second floor of an existing 3-car garage would not involve any additional building or site coverage; nor would the upstairs contain any stove/cooking capability. An additional hardship noted was the lack of any basement storage in the main house which is built over crawl space.

No public comment was received and hearing was closed at approximately 7:35 PM.

3. 22-09-14 PENNIMAN 30 LIBERTY ST

Request a variance of Section 29-5.D to allow addition of shed with a rear yard setback of 3 feet in lieu of the required 50 feet, and building coverage of 8.9% in lieu of the permitted 7% maximum. Said property is owned by Nicole & Phil Penniman and consists of 0.454+/- acres in a Residential (R-2A) Zoning District as shown on Assessor's Map #18, Lot #51.

Hearing was called to order at approximately 7:35 P.M.

Members seated were Anderson, Bufano, Cenatiempo, Coleman and Gunther.

Present were Nicole & Phil Penniman, applicants/owners.

Hardships were cited, including the pre-existing, nonconforming nature of the under-sized 0.454-acre property, in addition to topographical limitations and an odd-shaped property. It was noted that the proposed shed location, which was approved via a recent variance, is being moved closer to the residence due to wetland constraints, but is maintaining the same 3-foot distance to the rear of the property, and adequate screening.

No public comment was received and hearing was closed at approximately 7:38 PM.

4. 22-09-15 BELLINO 20 OLD DRIFTWAY

Request a variance of Section 29-5.D to allow a one-story accessory apartment addition with a 14.4 foot (to eave) and 15.7 foot (to building addition) side yard setback in lieu of the required 40 feet; and to allow an HVAC unit with a side yard setback of 10 feet in lieu of the required 40 feet. Said property is owned by Scott & Stephanie Bellino and consists of 2.466+/- acres in a Residential (R-2A) Zoning District as shown on Assessor's Map #116, Lot #6.

Hearing was called to order at approximately 7:38 P.M.

Members seated were Anderson, Bufano, Cenatiempo, Coleman and Gunther.

Present was Joe Cugno, architect, on behalf of the applicant.

Hardships were cited, including a significant grade to the rear/east side; existing septic system line on the north side; and constraints in connection with a 6-foot drop in topography and resulting access/safety issues for elderly parents who will be residing in the accessory apartment. An alternate possibility, i.e. the existing garage, was determined to be structurally unsound for a second floor addition.

Public comments of concern were received from Mr. DiCamillo on behalf of Maryann Connors at 16 Old Driftway.

Hearing closed at approximately 7:55 P.M.

C. APPLICATIONS READY FOR REVIEW AND ACTION

1. 22-09-12 NESSEL/KELLOGG 113 PORTLAND AVE.

A brief discussion ensued, with the application ultimately being approved as follows:

MOTION was made by Mr. Cenatiempo, seconded by Mr. Gunther, and carried unanimously (5-0) to **grant** the variances as requested, on grounds that sufficient hardship was demonstrated per hearing testimony. The Board specifically noted the application's compliance with all four required findings per Section 29-13.B.6 of zoning regulations.

2. 22-09-13 COLE/SANDERS 14 OLD BELDEN HILL RD

A brief discussion ensued, with the application ultimately being approved as follows:

MOTION was made by Mr. Cenatiempo, seconded by Mr. Gunther, and carried unanimously (5-0) to **grant** the variances as requested, on grounds that sufficient hardship was demonstrated per hearing testimony, with the condition that no cooking appliances/equipment be placed in the new accessory dwelling unit, as stated/agreed to during hearing testimony. The Board specifically noted the application's compliance with all four required findings per Section 29-13.B.6 of zoning regulations.

3. 22-09-14 PENNIMAN 30 LIBERTY ST

A brief discussion ensued, with the application ultimately being approved as follows:

MOTION was made by Mr. Cenatiempo, seconded by Mr. Gunther, and carried unanimously (5-0) to **grant** the variances as requested, on grounds that sufficient hardship was demonstrated per hearing testimony. The Board specifically noted the application's compliance with all four required findings per Section 29-13.B.6 of zoning regulations.

4. 22-09-15 BELLINO 20 OLD DRIFTWAY

A brief discussion ensued, with the application ultimately being approved as follows:

MOTION was made by Mr. Cenatiempo, seconded by Ms. Bufano, and carried unanimously (5-0) to **grant** the variances as requested, on grounds that sufficient hardship was demonstrated per hearing testimony. The Board specifically noted the application's compliance with all four required findings per Section 29-13.B.6 of zoning regulations.

D. OTHER BUSINESS

1. Minutes – July 18, 2022

MOTION was made by Mr. Gunther, seconded by Mr. Cenatiempo, and carried unanimously (5-0) to approve the minutes of July 18, 2022.

Mr. Cenatiempo thanked Mr. Holdridge, who recently resigned from the Board, for his service to the Zoning Board of Appeals as well as the many other Town Boards he has served on over the years.

E. ADJOURNMENT

MOTION was made by Mr. Gunther, seconded by Mr. Cenatiempo, and carried unanimously (5-0) to adjourn at approximately 8:18 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary