

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

**WILTON ZONING BOARD OF APPEALS MINUTES *
FEBRUARY 20, 2024 – REGULAR ELECTRONIC MEETING (VIA ZOOM)**

PRESENT: Commissioners Tom Gunther, Jeff Turner, Mohammed Ayoub, Tara Pagano, and Town Planner Michael Wrinn

A. CALL TO ORDER

The meeting was called to order at approximately 7:15 PM

B. ELECTIONS OF OFFICERS (CHAIR, VICE-CHAIR, AND SECRETARY)

Mr. Gunther was nominated and elected unanimously to the Chairman position, Ms. Coleman was nominated and elected unanimously to the Vice-Chairman position, and Mr. Ayoub was nominated and elected unanimously to the position of Secretary.

C. PUBLIC HEARINGS

1. #24-1-1 Price 166 Old Huckleberry Road

Request a variance of Section 29-5.1.5.d to allow five stepped retaining walls in a series, in lieu of the maximum number of three stepped retaining walls, and to allow a 4' wide shelf for each shelf in lieu of a 10' wide shelf minimum. Said property is owned by Barry and Jennifer Price and consists of 4.282+/- acres in a Residential (R-2A) Zoning District, as shown on Assessor's Map #126, Lot #6.

Hearing was called to order at approximately 7:30 PM
Members seated were Gunther, Turner, Ayoub, and Pagano

Present for the applicant were Mr. Barry Price (owner) and Mr. Andy Soumelidis (Engineer/LandTech)

Mr. Soumelidis provided an overview of the property. He pointed out that although it consists of four acres, with wetlands and building setbacks the

developable area is approximately one acre, with a site survey illustrating steep slopes throughout the property. Photos were shown which illustrated the elevation change from the driveway to the pool. Originally, there was no stepping, resulting in soil erosion which fed into the pool area. To alleviate the erosion, the five steps were added.

Hardships stated were the environmental impacts around the site and the existing steep slopes.

No public comment was received.
Hearing closed at approximately 7:45 PM

2. #24-1-2 Perry 1 Dudley Road

Request a variance of Section 29-4.D.1.g and for Section 29-5.D to allow an accessory dwelling unit with a 0.1' front-yard setback of in lieu of the required 40', and to allow a variance of Section 29-4.D.1.a to allow an accessory dwelling unit of 1,237 SF in lieu of one-fourth of the gross floor area of the primary building, which is greater than the 3,017 SF building. Said property is owned by Elizabeth B. Perry and consists of 1.0+/- acres in a Residential (R-1A) Zoning District, as shown on Assessor's Map #55, Lot #25.

Hearing was called to order at approximately 7:45 PM
Member seater were Gunther, Turner, Ayoub, and Pagano

Present for the applicant were Elizabeth Perry (owner) and Carter Perry

Mr. Perry provided details of the property, noting that the primary building was built circa 1820. The floor plan showed that there is a kitchen area, bathroom, and great room on the first floor, with the second floor consisting of a 280 SF room and crawl space.

The hardship cited was the pre-existing, non-conforming nature of the circa 1820 built property.

No public comment was received.
Hearing closed at approximately 7:55 PM

3. #24-1-3 Jones and Hilgeman 14 Nutmeg Lane

Request a variance of Section 29-5.D. to allow a building addition with a roof overhang/eave with a 34.6' side-yard setback in lieu of the required 40', to allow a variance of Section 29-5.D to allow a roof overhang/eave over second floor with a 35.5'

side-yard setback in lieu of the required 40' and to allow a variance of Section 29-5.D to allow an awning/overhang over a garage with a 37.5' side-yard setback in lieu of the required 40'. Said property is owned by Gregg Jones and Jan Hilgeman, and consists of 3.39+/- acres in a Residential (R-2A) Zoning District as shown on Assessor's Map #118, Lot #8.

Hearing was called to order at approximately 8:00 PM
Members seated were Gunther, Turner, Ayoub, and Pagano

Present for the applicants were Gregg Jones and Jan Hilgeman (owners) and Elizabeth Tisalvo (Trillium Architects).

Ms. Tisalvo illustrated the placement of the addition and the resulting encroachments into the setbacks. The owners then read their letter of hardship, detailing how their desired floorplan design would be impacted by the location of the addition. Before closing the hearing, Mr. Gunther asked if any alternative solutions were considered to achieve their desire outcome. Ms. Tisalvo responded that based on the trapezoidal shape of the property this was the only possible solution.

No public comment was received.
Hearing closed at approximately 8:20

4. #24-2-4 Brewster and Soyland 1086 Ridgefield Road

Request a variance of Section 29-5.D to allow an oil tank with a 4.16' side-yard setback in lieu of the required 40'. Said property is owned by Victoria Brewster and Kristopher Soyland, and consists of 0.53+/- acres in a Residential (R-2A) Zoning District, as shown on Assessor's Map #109, Lot #22.

Hearing was called to order at approximately 8:20 PM
Members seated were Gunther, Turner, Ayoub, and Pagano

Present were the applicants, Victoria Brewster and Kristopher Soyland.

They are requesting to replace a 25-30 year old oil tank without changing the location. However, based on the home being located on a 0.53 acre lot in an R-2A zoning district, to be in compliance, a new tank would need to be situated away from the home and be connected with an oil line over the well. The placement of the new tank will be no closer to the property line than the existing tank.

No public comment was received.
Hearing closed as approximately 8:30

D. APPLICATIONS READY FOR REVIEW AND ACTION

1. #24-1-1 Price 166 Old Huckleberry Road

Mr. Gunther cited 1) the small developable area based on slopes, wetlands, and ledge; 2) smaller scale of impact and providing of stability; 3) positive visual impact; and 4) stabilization of area containing six geothermal wells as reasons he was in favor of an approval.

MOTION was made by Mr. Gunther to approve the application. The motion was seconded by Mr. Ayoub, and the motion to approve the application carried unanimously (4-0).

2. #24-1-2 Perry 1 Dudley Road

Mr. Gunther noted that the barn being turned into an ADU is a reasonable use and that no changes would be made to the exterior of the structure.

MOTION was made by Mr. Gunther to approve the application. The motion was seconded by Mr. Ayoub, and the motion to approve the application carried unanimously (4-0).

3. #24-1-3 Jones and Hilgeman 14 Nutmeg Lane

Mr. Ayoub expressed his belief that it would be possible for an addition to remain within the setback; Mr. Gunther agreed. Having seen the property, Mr. Turner was in favor of granting an approval as the neighbors would not be impacted by addition. Ms. Pagano expressed concern that alternative solutions could be cost prohibitive and result in greater hardship.

MOTION was made by Mr. Gunther to deny the application. The motion was seconded by Mr. Ayoub, and the motion to deny the application passed 2-2-0. As four votes were required for approval, the variance was denied.

4. #24-2-4 Brewster and Soyland 108 Ridgefield Road

The hardship cited was that the property is a pre-existing, non-conforming, 0.53-acre lot in an R-2A zoning district. To comply with regulations, the tank would need to be away from the home, necessitating an oil line over a well.

MOTION was made by Mr. Gunther to approve the application. The motion was seconded by Ms. Pagano, and the motion to approve the application carried unanimously (4-0)

E. OTHER BUSINESS

1. Minutes – December 18, 2023

Approval of minutes passed 3-0-1 (Mr. Gunther abstaining).

Mr. Gunther requested that Mr. Wrinn arrange a special meeting between the ZBA and the Town Council to present an overview of recent case law relating to zoning issues. Mr. Wrinn will schedule the meeting.

F. ADJOURNMENT

Respectfully submitted,

Rich Callahan
Recording Secretary