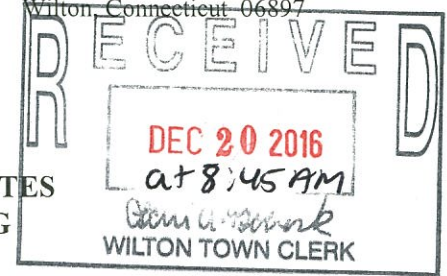


ZONING BOARD
OF
APPEALS
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**WILTON ZONING BOARD OF APPEALS MINUTES
NOVEMBER 21, 2016 – REGULAR MEETING**

TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897



PRESENT: Joshua Cole, Vice-Chairman; Brian Lilly, Secretary; Libby Bufano; Ray
Tobiassen; Kenny Rhodes, Alternate; Tracey Serpa, Alternate

ABSENT: Gary Battaglia (notified intended absence)

A. CALL TO ORDER

Mr. Cole, acting as Chairman in the absence of Mr. Battaglia, called the meeting to order at 7:15 P.M. He briefly reviewed the hearing process for applications that come before the Zoning Board of Appeals.

B. PUBLIC HEARINGS

1. #16-11-13 JENKINS 830 RIDGEFIELD ROAD

Mr. Cole called the Hearing to order at approximately 7:16 P.M., seated members Bufano, Cole, Lilly, Serpa, and Tobiassen, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Mr. Lilly read the legal notice dated November 8, 2016 and details of the application and the hardship as described on the application.

Present were Frank and Kristen Jenkins, applicants.

Ms. Jenkins explained that the home, which was built in 1825, is located very close to the road and the property is only 0.24+/- acre, but is located in and constrained by two-acre zoning. She stated that they would like to install an automatic generator on the site, which is a rental property, because the previous portable generator was not maintained properly by their renters, resulting in burst pipes and thousands of dollars worth of damage. She explained that the proposed location was chosen because of its proximity to the propane tank, but she noted that, due to the very small size of the parcel, any location would have required a variance.

In response to questions from the Board, Ms. Jenkins stated that the proposed generator would be much quieter than the previous portable one and it would be tested weekly as recommended by the manufacturer. It was also noted that there were no responses/comments from surrounding neighbors.

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

There being no further comments, at approximately 7:25 P.M. the public hearing was closed.

2. #16-11-14 CAREY 217 OLMSTEAD HILL ROAD

Mr. Cole called the Hearing to order at approximately 7:25 P.M., seated members Bufano, Cole, Lilly, Rhodes, and Tobiassen, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Mr. Lilly read the legal notice dated November 8, 2016 and details of the application and the hardship as described on the application.

Present were Margaret Carey, applicant; and Bruce Mandia, on behalf of the applicant.

Mr. Mandia distributed a handout entitled “217 Olmstead Hill Road Zoning Presentation”.

Mr. Mandia explained that the applicant plans to demolish an existing 3-car garage, which is nonconforming with respect to both front and side yard setbacks, and replace it with a 1 ½-car garage and carport that will be located closer to the house. He stated that the current garage is difficult to use and very dangerous since it requires backing out into oncoming traffic moving at a high rate of speed. He referenced a new breezeway that is also proposed to connect the garage to the kitchen, noting that the proposed site modifications/additions would involve only about 24 square feet of intrusion into the setback.

Addressing the issue of hardship, Mr. Mandia explained that the proposed location is the only feasible one given the steep/rocky topography of the site. In response to questions from the Board as to whether the length of the breezeway could be shortened or the size of the covered garage could be reduced to avoid the need for a variance, he explained that the site modifications, as proposed, are necessary to provide access to the utility meters and propane tank, and to allow yard equipment to access the rear yard. He noted further that the proposed new garage would provide storage that would be safer to access than the current storage afforded by the existing 3-car garage at the bottom of the property. He also noted that the portion encroaching into the setback is in the far back corner of the site and would have no impact on surrounding neighbors.

In response to a question regarding a nonconforming shed on the property, Mr. Mandia stated that the applicant could possibly remove the shed, if necessary, but he noted that it wasn't part of the applicant's plans/application.

Mr. Lilly questioned whether a future property owner could someday re-erect the 3-car

garage after it was demolished by the existing owner. Mr. Nerney explained that there is a short period of time, per zoning regulations, during which anyone can rebuild a demolished nonconforming structure, and only if the rebuilt structure will not increase the previous nonconformity. He also explained that if the Board is inclined to approve the application, it could reference the applicant's stated plan to remove the existing 3-car garage and make that a condition of approval.

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

There being no further comments, the public hearing was closed at 7:41 P.M.

C. APPLICATIONS READY FOR REVIEW AND ACTION

Mr. Cole called the Regular Meeting to order at 7:41 P.M., seated members Bufano, Cole, Lilly, Rhodes, Serpa, and Tobiassen, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest.

1. #16-11-13 JENKINS 830 RIDGEFIELD ROAD

The Board briefly discussed the application. It was the consensus of the Board that a hardship was clearly proven given the very small size of the lot which is located in a 2-acre zone and the fact that any alternate location for the generator would also have required a variance. It was further noted that a generator is essentially a necessity these days in this part of the country, and it would be shielded well from surrounding neighbors.

Mr. Cole noted the undersized nature of the lot as a demonstrated hardship; the fact that the owners would be deprived of reasonable use of their lot if the variance were denied; the granting of the variance would be in harmony with the general intent of the regulations and not injurious to the neighborhood; and is not based upon any financial or economic hardship.

MOTION was made by Mr. Cole, seconded by Mr. Lilly, and carried unanimously (5-0) to **grant** the variance of Section 29-5.D to allow a proposed generator with a rear yard setback of 19 feet where 50 feet is required; a side yard setback of 37 feet where 40 feet is required; and site coverage of 16.8% where 16.7% exists and a maximum of 12% is allowed; as per submitted map prepared by RKW Land Surveying dated June 7, 2011, updated October 11, 2016; on grounds that sufficient hardship was demonstrated due to the undersized nature of the lot (less than ¼-acre in size) which is located in and constrained by 2-acre zoning; there is no alternative location that would also not be in violation of the setbacks; and neither a setback nor a coverage variance would have been required if the parcel were a conforming 2-acre lot.

2. #16-11-14 CAREY

217 OLMSTEAD HILL ROAD

The Board discussed the application. Mr. Lilly noted the topographical hardship of the 2.5-acre property where very little of the land is usable and drops off in every direction. He referenced the fact that the applicant would be removing a large 3-car garage which is currently located in the setback and is nonconforming. He noted further that if the proposed addition were moved closer to the house, thus avoiding the need for a variance, it would be more difficult for the utility company to read the existing meter and for the propane company to fill the existing tank.

MOTION was made by Mr. Rhodes, amended by Mr. Lilly and Mr. Cole, seconded by Mr. Tobiassen, and carried unanimously (5-0) to **grant** the variance of Section 29-5.D to allow a building addition (garage/carport) with a 35-foot side yard setback in lieu of the 40-foot setback required, contingent upon the removal of the existing 3-car garage as proposed by the applicant; as per submitted Zoning Location Survey prepared by Advanced Surveying Land Surveyors, dated October 2, 2016, and plans A01 and A02 prepared by O'Brien Architecture, dated September 9, 2016; on grounds that sufficient hardship was demonstrated due to the difficult topography of the lot; the fact that it is the only viable location for the proposed addition; the owners would be deprived reasonable use of their property if the variance were denied; it will be in harmony with the general intent of the regulations and not injurious to the neighborhood; and it results in the removal of a large nonconforming structure.

D. OTHER BUSINESS

1. Minutes – October 17, 2016

MOTION was made by Ms. Bufano, seconded by Mr. Lilly, and carried (5-0-1) to approve the minutes of October 17, 2016. Ms. Serpa abstained.

E. ADJOURNMENT

MOTION was made by Mr. Tobiassen, seconded by Ms. Serpa, and carried unanimously (6-0) to adjourn at approximately 8 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary