

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

**ZONING BOARD OF APPEALS  
REGULAR MEETING  
FEBRUARY 17, 2015  
7:15 P.M.**

**WILTON PUBLIC LIBRARY – THE PRESIDENTS’ ROOM**

**PRESENT:** Scott Lawrence, Chairman; Gary Battaglia, Vice-Chairman; Brian Lilly, Secretary; Libby Bufano; Joshua Cole; Andrew McNee, Alternate; Andrea Preston, Alternate

**ABSENT:** Kenny Rhodes

**A. CALL TO ORDER**

Mr. Lawrence 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. #14-12-20 NELSON 39 GRUMMAN HILL ROAD**

Mr. Lawrence called the Hearing to order at 7:16 P.M., seated members Battaglia, Bufano, Cole, Lawrence, and Lilly, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. He noted that the hearing was continued from a previous date.

Present were Ed Schenkel, Gregory and Adams, attorney; and John Stevens, J.P. Franzen Associates, architect.

Mr. Schenkel distributed copies of a letter dated February 17, 2015 from J. Casey Healy to Wilton Zoning Board of Appeals, with attached Zoning Location Survey/Plan of Property dated March 3, 2014 and Site Development Plan dated December 1, 2014, revised February 13, 2015. Mr. Lilly referenced the aforementioned documents into the record.

Mr. Schenkel explained that site coverage was incorrectly shown as 16.3% on the survey submitted with the original application package, but has since been corrected to 16.9% on

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the revised survey submitted this evening, correctly reflecting a grouted blue stone patio area as impervious coverage. To compensate, he explained that the applicant has proposed removing approximately 1400+ square feet of driveway (approximately one-third the total driveway area) and replacing it with pervious asphalt, reducing total site coverage to 14.16% where 15% is permitted, and thus eliminating an existing nonconformity. He confirmed that the 14.16% figure did already reflect the proposed garage addition, noting that the applicant is only applying for a side yard setback variance.

Mr. Stevens confirmed that all else remains the same on the revised survey/plan.

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

There being no further comments, at approximately 7:29 P.M. the public hearing was closed.

**2. #15-02-06 LEPORE/SCHMIDT 44 SADDLE RIDGE ROAD**

Mr. Lawrence called the Hearing to order at approximately 7:29 P.M., seated members Battaglia, Bufano, Cole, Lawrence, and Lilly, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Mr. Lilly read the legal notice dated February 3, 2015 and details of the application and the hardship as described on the application.

Present were Antonella Schmidt, Antonella Designs; and Joanna and Timothy Lepore, owners.

Ms. Schmidt briefly reviewed proposed plans for the site. She stated that the home is currently nonconforming, noting that it was built in 1965 with a side yard setback of 33.2 feet when side yard setbacks were only 30 feet, but when zoning was changed from R-1A to R-2A for the parcel, required side yard setbacks were increased to 40 feet. She explained that the site is additionally constrained by wetland and septic locations, as well as the odd shape of the lot and the home's existing garage and kitchen locations. She noted that the proposed plans do not encroach any farther beyond the line of the existing residence.

In response to a question from Mr. Lawrence, Ms. Schmidt confirmed that the site is not within the second taxing watershed district.

Mr. Lepore confirmed that they spoke to their neighbors who voiced no concerns regarding the proposed site modifications. He also assured the Board that an existing chicken coup, which is actually on their neighbor's property, would be moved into a zoning-compliant location on the subject site.

Mr. Lepore also confirmed that any other location options would be extremely difficult given the shape of the lot, the location of both septic and well, as well as the existing kitchen and garage locations.

Ms. Antonella confirmed, in response to a question from Mr. Lawrence, that the requested setback variance takes into account all overhangs/architectural projections.

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

There being no further comments, the public hearing was closed at 7:40 P.M.

**C. APPLICATIONS READY FOR REVIEW AND ACTION**

Mr. Lawrence called the Regular Meeting to order at 7:40 P.M., seated members Battaglia, Bufano, Cole, Lilly, Lawrence, McNee, and Preston, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest.

**1. #14-12-20 NELSON 39 GRUMMAN HILL RD**

The Board briefly discussed the application. It was the consensus of the Board that sufficient hardship was demonstrated given the pre-existing nonconforming nature of the lot. It was also noted that the new survey accurately reflects current site conditions; the proposed garage addition is farther away from the setback than the existing garage; and the applicant has made an effort to reduce existing nonconformity by reducing site coverage on the property.

MOTION was made by Mr. Lilly to **grant** the variance of Section 29-5.D to allow the construction of an addition to an existing garage with a side yard setback of 4.4 feet in lieu of the 30 feet required; on grounds that sufficient hardship was demonstrated due to the pre-existing nonconforming nature of the structure, with the understanding that a portion of existing paved driveway would be removed and replaced with flagstone as per Drawing No. 1 of 1 dated December 1, 2014, submitted with original application, in addition to a revised Site Development Plan (Job #501) dated December 1, 2014, revised February 13, 2015 submitted this evening, showing new section of pavement to be removed to bring current nonconforming site coverage into conformance.

Motion was amended by Mr. Lawrence to call additional attention to the topography of the site limiting what can be built without incurring extraordinary expense.

Motion was seconded by Mr. Cole and carried unanimously (5-0).

**2. #15-02-06 LEPORE/SCHMIDT 44 SADDLE RIDGE ROAD**

The Board discussed the application. Mr. Cole noted the irregularly-shaped lot, the wetland and septic location constraints, the existing nonconforming setback, and the fact that the proposed addition location is a logical choice and does not extend beyond the existing line of the residence.

MOTION was made by Mr. Cole to **grant** the variance of Section 29-5.D to allow a building addition with a 23.4-foot side yard setback in lieu of the required 40 feet; on grounds that sufficient hardship was demonstrated due to the irregularly-shaped lot, the location of wetlands and septic on the site, and the fact that the proposed addition maintains the existing line of the residence without any further jut-out into the setback.

Motion was amended by Mr. Lilly to note that the variance is granted as per submitted Zoning Location Survey prepared by Ryan and Faulds, dated January 12, 2015; and he noted a further constraint in the pre-existing nonconforming nature of the property.

Motion was further amended by Mr. Lawrence to note that the variance is granted with the understanding that the existing chicken coup (located on the neighbor's property) shall be relocated in conformance with zoning regulations onto the subject property.

Motion was seconded by Ms. Bufano and carried unanimously (5-0).

**D. OTHER BUSINESS**

**1. Minutes – January 20, 2015**

MOTION was made by Mr. Lawrence, seconded by Mr. Lilly, and carried (6-0) to approve the minutes of January 20, 2015. Ms. Preston abstained.

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Mr. Lawrence reminded Board members of a zoning training session/seminar that will be conducted by Town Counsel for the benefit of Board members, probably in April, time to be determined.

**E. ADJOURNMENT**

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

Respectfully submitted,

Lorraine Russo  
Recording Secretary