

ZONING BOARD  
OF  
APPEALS  
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TOWN HALL ANNEX  
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Wilton, Connecticut 06897

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

**PRESENT:** Joshua Cole, Chairman; Tom Gunther, Secretary; Gary Battaglia; Libby Bufano; Tracy Serpa, Alternate

**ABSENT:** Jaclyn Coleman

**A. CALL TO ORDER**

Mr. Cole 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. #18-04-04 AHMED/KELIB 320 WESTPORT ROAD**

Mr. Cole called the Hearing to order at approximately 7:16 P.M., seated members Battaglia, Bufano, Cole, Gunther, and Serpa, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Mr. Gunther read the legal notice dated April 2, 2018 and details of the application and the hardship as described on the application.

Present were Neam Ahmed and Anisa Kelib, applicants; and Ross Clark, Clark Construction of Ridgefield, Inc.

Mr. Ahmed briefly reviewed details of the application to install a deck with a 36-foot rear yard setback in lieu of the required 50 feet. He cited a severe gradient extending from the front of the property to the back, noting that there is no flat area anywhere on the property, with the back area (where the deck is proposed) being the only location where the slope is more gradual. As a result, he explained that the only feasible option for a deck, given the layout/topography of the property, is the proposed location.

Mr. Cole cited the steep topography of the site, which causes the location of the house to be the only feasible option. He also noted that the intrusion of the proposed deck into the

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## **ZBA Minutes – April 16, 2018 - Page 2**

rear yard setback gradually decreases as it moves from north to south; with the side slope of the property being very severe.

Outcroppings and septic constraints on the property were also noted.

In response to a Board question, Mr. Ahmed stated that the one potentially affected neighbor is very supportive of the application and regretted he was unable to appear this evening in support.

Mr. Clark briefly reviewed deck specs/elevations with the Board, noting in particular that the deck would consist of two elevations, i.e. an upper deck and a lower deck, as indicated on the submitted Zoning Location Map.

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

There being no further comments, at approximately 7:28 P.M. the public hearing was closed.

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

Mr. Cole called the Regular Meeting to order at approximately 7:28 P.M., seated members Battaglia, Bufano, Cole, Gunther, and Serpa, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest.

#### **1. #18-04-04 AHMED/KELIB 320 WESTPORT ROAD**

The Board briefly discussed the application. It was the consensus of the Board that adequate evidence of hardship was demonstrated given the severe topography of the site; the siting of the house up against the rear yard setback line, it being the only feasible location to site the house; and the deck location as proposed being reasonable and the only feasible possibility.

In support of the four findings necessary to grant a variance, as per Section 29-13.B.6 of zoning regulations, Board members noted that denial would deprive the applicant reasonable use of the property; the proposed variance is the minimum necessary to accomplish the stated purpose; granting the variance would not be injurious to the neighborhood or otherwise be detrimental to public health, safety and welfare; nor is it based on a financial or economic hardship; and, as heretofore noted, there are unique site/property conditions that are peculiar to the site in question and do not apply to other lots or structures in the neighborhood.

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## **ZBA Minutes – April 16, 2018 - Page 3**

**MOTION** was made by Ms. Serpa, amended by Messrs. Cole and Gunther, seconded by Mr. Gunther, and carried unanimously (5-0) to **grant** the variance of Section 29-5.D to allow an outdoor deck with a 36-foot rear yard setback in lieu of the required 50 feet; as per submitted “Zoning Location Map” prepared by Stalker Land Surveying, Inc. dated December 27, 2017, and Framing Plan F1 and Decking Plan D1 prepared by Clark Construction of Ridgefield, Inc.; on grounds that sufficient hardship was demonstrated in the record, including topography/slope issues; and location of the house within 1 foot of the building setback line making any other deck alternatives impractical; with the further understanding that the four findings required by Section 29-13. B.6 of zoning regulations were satisfied, as heretofore noted.

### **D. OTHER BUSINESS**

#### **1. Minutes – Approval of Minutes – March 19, 2018**

**MOTION** was made by Mr. Gunther, seconded by Mr. Battaglia, and carried (4-0-1) to approve the minutes of March 19, 2018. Ms. Bufano abstained.

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Mr. Cole reminded Board members of the Workshop Session with Town Counsel Ira Bloom, scheduled prior to the regular ZBA meeting on May 21, 2018 beginning at 6 P.M.

### **E. ADJOURNMENT**

**MOTION** was made by Mr. Cole, seconded by Ms. Bufano, and carried unanimously (5-0) to adjourn at approximately 7:40 P.M.

Respectfully submitted,

Lorraine Russo  
Recording Secretary

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