

ZONING BOARD
OF
APPEALS
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**WILTON ZONING BOARD OF APPEALS MINUTES *
MARCH 19, 2018 – REGULAR MEETING**

PRESENT: Joshua Cole, Chairman; Kenny Rhodes, Vice-Chairman; Tom Gunther, Secretary;
Gary Battaglia; Jaclyn Coleman, Alternate; Tracy Serpa, Alternate

ABSENT: Libby Bufano

A. CALL TO ORDER

Mr. Cole 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. #18-03-03 SPOSATO/CUGNO 4 IVY LANE

Mr. Cole called the Hearing to order at approximately 7:16 P.M., seated members Battaglia, Cole, Gunther, Rhodes, and Serpa, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Mr. Gunther read the legal notice dated February 27, 2018.

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

Mr. Cugno referenced posted plans, noting that the cape-style home was built in the 1950s and has a pre-existing encroachment into the front setback based on today's setback requirements, ranging from approximately 5 inches to approximately 16 inches in two respective areas. He explained that the owners would like to increase the size of their existing dormers since the windows do not meet today's building code for egress purposes and thus represent a safety issue. He noted further that a simple, small front portico is also proposed to provide a small roof for cover/safety.

In response to questions from the Board, Mr. Cugno confirmed that the proposed incursion into the front setback is the smallest possible to acquire the necessary

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ZBA Minutes – March 20, 2018 - Page 2

compliance to the building code, and he noted that the proposed portico would not extend beyond the existing landing. He emphasized the pre-existing nonconforming nature of the structure, in addition to the site's wetland constraints and setback encroachments. He noted that building and site coverages would remain compliant, increasing from 5.2% and 8.2% to 6% and 9%, respectively.

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.

C. APPLICATIONS READY FOR REVIEW AND ACTION

Mr. Cole called the Regular Meeting to order at approximately 7:25 P.M., seated members Battaglia, Cole, Gunther, Rhodes, and Serpa, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest.

1. #18-03-03 SPOSATO/CUGNO 4 IVY LANE

The Board briefly discussed the application. It was the consensus of the Board that all four findings necessary to grant a variance, per Section 29-13.B of zoning regulations, were satisfied, including special circumstances or conditions unique to the property given the pre-existing nonconforming nature of the structure; the fact that not granting the variance would deny the applicant reasonable use of his property, and the variance proposed is the minimum adjustment necessary to accomplish the purpose of bringing non-compliant windows up to code for safety purposes; granting of the variance would be in harmony with the general purposes/intent of the regulations and not be injurious to the neighborhood, with the proposed work being done, in fact, to support public health, safety and welfare; and the granting of the variance is not based upon the nonconformity of neighboring properties or upon a financial or economic hardship.

MOTION was made by Mr. Rhodes, seconded by Mr. Gunther, and carried unanimously (5-0) to **grant** the variance of Section 29-5.D to permit the construction of a portico roof with a front yard setback of 33.7 feet in lieu of the required 40 feet and roof dormers with a front yard setback of 38.4 and 39.5 feet in lieu of the required 40 feet; as per submitted survey prepared by Land Surveying Services, LLC, dated March 19, 2010, revised October 18, 2017, January 16, 2018 and February 8, 2018, as well as architectural plans A1 thru A5, and EX1 thru EX5, all dated December 22, 2017, revised January 17, 2018; on grounds that sufficient hardship was demonstrated in that all four findings per Section 29-13.B of zoning regulations were satisfied as heretofore discussed.

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D. OTHER BUSINESS

1. Minutes – February 20, 2018

MOTION was made by Mr. Cole, seconded by Mr. Battaglia, and carried (5-0-1), with Board Member Serpa abstaining, to approve the minutes of February 20, 2018, amended as follows, reflected in *bold/italics*:

On pages 1-2:

Regular members of the Board voted (2-2-1) in favor of electing Josh Cole to the position of Chairman, with Board Members Battaglia and Bufano voting in favor, ***Rhodes and Gunther opposing***, and Cole abstaining.

Regular members of the Board voted (2-3) in favor of electing Kenny Rhodes to the position of Chairman, with Board Members Gunther and Rhodes voting in favor, and ***Battaglia, Bufano and Cole voting against***.

In light of the votes, ***with neither candidate receiving a majority***, the votes were retaken.

Regular members of the Board voted (3-2) in favor of electing Josh Cole to the position of Chairman, with Board Members Battaglia, Cole, and Bufano, all voting in favor, and ***Rhodes and Gunther voting against***.

Regular members of the Board voted (2-3) in favor of electing Kenny Rhodes to the position of Chairman, with Board Members Gunther and Rhodes voting in favor, and ***Battaglia, Bufano, and Cole voting against***.

Josh Cole was re-elected to the position of Chairman.

On page 6, under application #18-01-02:

Mr. Rhodes returned ***and was seated, replacing Ms. Coleman who was seated on the prior application***.

E. ADJOURNMENT

MOTION was made by Mr. Cole, seconded by Mr. Battaglia, and carried unanimously (6-0) to adjourn at approximately 7:40 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary

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