



Town of Westport
Zoning Board of Appeals
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ACTION MINUTES

The following meeting of the Zoning Board of Appeals was held remotely using Zoom Technology

ZONING BOARD OF APPEALS: Tuesday, November 29, 2022
Public Meeting Started: 6:00 P.M. **Ended:** 8:10 P.M.

Members Present:

James Ezzes – Chairman
Elizabeth Wong – Vice Chair
Amy Wistreich
Jacqueline Masumian for Josh Newman
Michelle Hopson

Staff: Michelle Perillie, AICP & CFM, Deputy Planning and Zoning Director

I. PUBLIC HEARING at 6:00pm

- 1. 215 Hillspoint Road: (Continued from 10/25/22 meeting and closed. No decision)** Application #ZBA-22-00420 by Enrico Costantini, Esq., for property owned by Carol Alexander, for variance of the Zoning Regulations: 6-2.1.6 (New Construction); §14-4 (Setbacks); §14-5 (Height); §14-6 (Building Coverage) and §31-3 (Fences, Walls and Obstructions at Corners) for construction of new 2½-story FEMA compliant single family residence over Building Coverage, within the front and side Setbacks and over allowable number of stories and to find consistency with Coastal Area Management regulations, located in a Residence B district, PID #E04053000
- 2. 7 Hawthorne Lane: (Continued from 10/25/22 meeting)** Application #ZBA-22-00565 by Tanner White for property owned by Ria and Josh Nova, for variance of the Zoning Regulations: §6-2.1.6 (Non-Conforming New Construction); §11-4 (Setbacks); and §32-8.3.2 (Manmade Steep Slopes) to construct a new 3-story single family residence with three car garage that will be partially located in the side Setback and for grading that does not conform to §32-8, located in Residence AAA district, PID # G12042000.

Action: A. Wistreich made a motion to GRANT WITH CONDITIONS; seconded by E. Wong (5-0). Conditions Include:

1. Drainage report to be submitted prior to Zoning Permit

Hardships:

A. Topography (Ledge and Steep Slopes)/Wetlands

- Approximately 0.14 acres, or 20,074 SF, of the lot contains Steep Slopes.

- Approximately 1.47 acres, or 69,901 SF, of the lot contains Inland Wetlands.
- The definitions in §5-2 of the Zoning Regulations for *Building Coverage and Total Coverage* as well as the *Lot Coverage Worksheets* contained in Appendix D of the Zoning Regulations measure building potential by excluding all but 20% of the land that has development constraints (steep slopes and/or wetlands), to determine the base Lot Area. Specifically, the Zoning Regulations identify:
 - *“No more than 20% of the land covered by water bodies, watercourses, wetlands, and land of severe topography having slopes of twenty five percent (25%) or greater shall be included in the lot area used for computing the maximum allowable building and total coverage.”*
[Emphasis Added]
- 7 Hawthorne Lane has a gross Lot Area of 3.13 Acres, or 136,395 SF, but after the mandatory deduction is taken for the on-site tidal wetlands and steep slopes, a base Lot Area of 1.48 Acres or 64,415 SF remains.
- The base Lot Area is used to determine Coverage potential.

3. **8 Scofield Place:** Application #ZBA-22-00566 by Cindy Tyminski, for property owned by Pamela Duckworth, for variance of the Zoning Regulation: §13-6 (Building and Total coverage), for construction of pool, and removal of an existing portion of the driveway, located in Residence A district, PID# B02079000.

Action: J. Ezzes made a motion to GRANT; seconded by E. Wong (5-0)

Hardships:

A. Reducing Non-Conformity Coverage

- The building and total coverages are being slightly reduced: building coverage is proposed to decrease from 25.66% to 24.42% and total coverage is being reduced from 38.60% to 34.99%.

B. Non-Conforming Undersized Lot

- 8 Scofield Place is in the Residence A district that has a 0.5-acre, or 21,780 SF minimum lot area requirement, and the property is approximately 30% of the minimum lot size at 0.15 acres or 6,564 SF.
- Development potential is based upon available Lot Area.
- The Residence A district allows 15% Building Coverage and 25% Total Coverage.

4. **11 Soundview Ave:** Application #ZBA-22-00683 by Jay Ptashek, for property owned by Karen Elizaga and Andree Tsai, Trustees, for variance of the Zoning Regulation: §6-2.1.7 (Enclosure of a balcony in the Setbacks), and §13-4 (Setbacks), to enclose the attic balcony in the Setbacks, located in Residence A district, PID# D03144000.

Action: A. Wisteich made a motion to GRANT; seconded by E. Wong (5-0).

Hardships:

A. Non-Conforming Undersized Lot

- 11 Soundview Drive is in the Residence A district that has a 0.5-acre, or 21,780 SF minimum lot area requirement, and the property is approximately 30% of the minimum lot size at 0.2 acres or 8,721 SF.
- Development potential is based upon available Lot Area.
- The Residence A district allows 15% Building Coverage and 25% Total Coverage

B. Pre-Dates Zoning

- The lot was created as part of a 164-lot subdivision in 1909 and reflected on WLR Map #99.
- The existing dwelling was constructed in 1918, which pre-dates Zoning Regulations which were adopted in 1930.
- The proposed renovation to the existing structure will not change the building's footprint.

C. Corner Lot

- The property is a corner lot with both frontages on Soundview Drive and Norwalk Avenue, there is no rear Setback, but two side Setbacks.

5. **22 Appletree Trail:** Application #ZBA-22-00684 by Goldan Home LLC, for property owned by Goldan Home LLC, for variance of the Zoning Regulation: §13-6 (Building Coverage) and §6-2.1.6 (New Construction), for proposed new FEMA compliant single-family residence and driveway, over Building Coverage in Res. A zone, located in Residence A district, PID# D04102000.

Action: E. Wong made a motion to GRANT; seconded by J. Ezzes (5-0).

Hardships:

A. Non-Conforming Undersized Lot

- 22 Appletree Trail is in the Residence A district that has a 0.5-acre, or 21,780 SF minimum lot area requirement, and the property is approximately 63% of the minimum lot size at 0.32 acres or 13,787SF.
- Development potential is based upon available Lot Area.
- The Residence A district allows 15% Building Coverage and 25% Total Coverage.

B. Reducing Setback Non-Conformity in Front and Side

- The Setback requirements found in §13-4 and §6-3.1 require 30' in the front, 10' on the sides and 25' in the rear.
- The existing house is located 19.1' in the front setback and 9.2' into the north side setback and 5' into the south side setback.
- The proposed house will be compliant to setback requirements.

C. Reducing Coverage Non-Conformity

- The Residence A district allows 15% Building Coverage and 25% Total Coverage.
- The proposed building and total coverages are being reduced from existing; building coverage is being reduced from 22.9% to 18.7% and the total coverage is being reduced from 28.1% to a compliant 24.9%.

D. Irregularly Shaped Lot

- Section 13-3 of the zoning regulations state, *"Each lot shall have a minimum area of one-half (1/2) acre (21,780 square feet) and shall be of such shape that a rectangle one hundred (100) feet by one hundred fifty (150) feet will fit on the lot."*
- The lot is approximately 75' by 166' and therefore does not comply with shape requirement in Section 13-3.

E. Public Safety Improvement by getting cars off street

- The existing one car garage will be replaced with a two car garage.

6. **45 Kings Highway North:** Application #ZBA-22-00703 by Mark Hanrahan and Mary Sachs-Hanrahan, for property owned by Mark Hanrahan and Mary Sachs-Hanrahan, for variance of the Zoning Regulation: §6-2.1.7 (Expansion of a non-conforming garage in the Setbacks), §6-3.1 (Setbacks for Non-Conforming lot) and §12-4 (Setbacks), to construct a second story addition over the existing garage and convert into an Accessory Dwelling Unit partially within the Setbacks, located in Residence AA district, PID# B09116000.

Action: J. Masumian made a motion to GRANT; seconded by E. Wong (5-0).

Hardships:

A. Non-Conforming Undersized Lot

- 45 Kings Highway North is in the Residence AA district that has a 1.0-acre, or 43,560 SF minimum lot area requirement, and the property is approximately 50% of the minimum lot size at 0.50 acres or 21,637 SF.
- Development potential is based upon available Lot Area.
- The Residence AA district allows 25% Total Coverage.

B. Corner Lot with two fronts and two sides

- The property is a corner lot with both frontages on Kings Highway North and Woodside Avenue, there is no rear Setback, but two side Setbacks.

C. Historic Building

- The National Register Nomination and previous surveys date the construction of the house to ca. 1750, but it is not visible on the 1867 map of Westport. Originally built as a two-family residence, it is depicted on the 1878 aerial of Westport almost identical to the current building. According to the Historic Resources Inventory Form, the building name is "Eugene White House". The building was converted into a single-family residence sometime in the twentieth century

D. Pre-Existing within Side Setback

- The dwelling is pre-existing non-conforming to Setbacks. The existing house, garage, and patio in the Setbacks can be seen on the Town GIS 2004 Statewide Aerials therefore legalized per CGS §8-13a.

II. Work Session

- **Old Business**
 - No Old Business
- **Other ZBA Business**
 - No Other Business

Respectively submitted by James Ezzes, Chairman, November 30, 2022