



Town of Westport
Zoning Board of Appeals
Town Hall, 110 Myrtle Avenue
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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, February 14, 2023
Public Meeting Started: 6:00 P.M. **Ended:** 7:30 P.M.

Members Present:

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

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

I. PUBLIC HEARING at 6:00pm

- 1. 37 Spicer Road: (Opened with no testimony taken on 2/14/23 and continued to 2/28/23)** Application #ZBA-22-00804 by Cindy Tyminski, for property owned by Spicer37Westport, LLC, c/o Nate Gibbons, for variance of the Zoning Regulations: §6-2.1.7 (Expansion of a Non-Conforming Building in the Setbacks), and §13-4 (Setbacks), to modify variance #ZBA-20-00381 to construct a second-floor addition in the setbacks, located in Residence A district, PID# E09029000. (Must close by 3/21/23)
- 2. 4 Charcoal Lane: (Opened with no testimony taken on 1/24/23 and continued to 2/14/23 with no testimony taken and further continued to the 2/28/23 hearing)** Application #ZBA-22-00630 by Phil Cerrone, Architect, for property owned by Carolyn and Robert Jumper, for variance of the Zoning Regulation: §6-2.1.78 (Non-Conforming Setbacks), §11-4 (Setbacks), §32-8.2.3 (Maximum Fill or Excavation Quantity) and §32.8.3.2 (Grading within 5ft of a property line and creation of Steep Slopes), to authorize grading within 5 feet of a property line, creation of steep slopes, reconfiguration of a patio, construction of a spa and a new fire pit, all within the Setbacks, and constructing a driveway expansion, located in Residence AAA district, PID# E15037000. (Must close by 3/21/23)
- 3. 330 Compo Road South:** Application #ZBA-22-00795 by Able Construction, for property owned by John L. Stock, Trustee, for variance of the Zoning Regulation: §6-2.1.6 (Non-Conforming New Construction), §6-3 (Building and Total Coverage on Non-Conforming Lot), and §13-6 (Building and Total Coverage), to construct a

new FEMA compliant single family residence and permeable driveway over Building and Total Coverage, located in Residence A district, PID# D03080000.

Action: E. Wong made a motion to GRANT WITH CONDITIONS; second by M. Hopson (5 Ezzes, Wong, Newman, Masumian, Hopson – 0). Conditions include:

1. Filing a Non-Conversion Agreement on the Land Records so that lower level is not considered a Story.
2. The proposed elevator has to meet the standards in FEMA's Technical Bulletin #4.

Hardships:

The Zoning Board of Appeals found the following unique and specific hardship from the application of the regulations to the subject property:

A. Non-Conforming Lot

1. 330 Compo Road S is in the Residence A district that has a 0.5-acre or 21,480 SF minimum lot area requirement, and the property is approximately 32.3% of the minimum lot size at 0.159 acres.
2. The lot was created in 1920 as part of a 164 lot subdivision and that the proposed house is essentially in the same footprint as the existing house constructed in 1944.

B. Flood Zone

1. The property is wholly located in the 100-year floodplain requiring habitable space to be at El. 11'.
2. §31-11.3.2 requires adding 1-foot to the BFE. In this case habitable space must be at or above El. 12'.

C. Reduction of Non-Conformity

1. The Total Coverage is being reduced from 40.4% to 35.9, or 307 SF.
2. The non-conforming and side setback will become conforming.

4. 14 Cockenoe Drive: (Opened with testimony taken on 12/13/22, continued to 1/10/23 and 1/24/23 with no testimony taken, and further continued to 2/14/23)

Application #ZBA-22-00655 by Cindy Tyminski, for property owned by Bluewater Cockenoe, LLC, for variance of the Zoning Regulation: §6-2.1.6 (Non-Conforming New Construction), §6-3.1 (Setbacks for Non-Conforming lot), §13-4 (Setbacks) and §13-6 (Building Coverage), for construction of a new FEMA compliant single-family residence, over Building Coverage and located in the front Setback and to find consistency with Coastal Area Management regulations, located in Residence A district, PID# B01003000. (Must close by 2/16/23 with 30-day extension)

Action: Closed with no decision rendered. J. Ezzes made a motion to close and seconded by E. Wong (5 Ezzes, Wong, Newman, Masumian, Hopson – 0)

II. Work Session

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

Respectively submitted by James Ezzes, Chairman, February 15, 2023