



Town of Westport
Zoning Board of Appeals
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
Tel: 203-341-1030 Fax: 203-454-6145
www.westportct.gov

ACTION MINUTES

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

ZONING BOARD OF APPEALS: Tuesday, March 7, 2023
Public Meeting Started: 4:30 P.M. **Ended:** 5:00 P.M.

Members Present:

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

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

I. WORK SESSION at 4:30pm

1. **14 Cockenoe Drive:** 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.

Action: J. Ezzes made a motion to GRANT; second by E. Wong 5 (Ezzes, Wong, Newman, Wistreich, Hopson) - 0. Conditions include:

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 Area

1. The lot is non-conforming with 0.198 acres in a Residential A zoning district, requiring 0.5 acres. This represents 40% of the required lot area.

B. Loss of Land/Erosion

1. Erosion of the property as a result of the movement of the Mean High Water Line (MHWL) landward has diminished the lot size over time.

2. Existing conditions surveys from 1998 through 2022 show the lot size during this time period decreased from 0.245 acres (10,664 SF) to 0.198 acres (8,615 SF). This represents a 19.2% decrease in lot size over that time period.

C. Deed restriction

1. The 27.5 foot easement on the east side of the property restricts the location of the house.

D. VE flood zone

1. The lot is wholly located within the VE (14) flood zone and is required to be compliant with the more restrictive regulations.

E. Reduction of Non-Conformity

1. Building coverage is reduced from the variance approval in 2015 (per #7314) by 1.1% (13 SF) from 21.7% (1,794 SF approved in 2015) to 20.67% (1,781 SF) which is now proposed. The total coverage is proposed to be 23.33% which conforms to the 25% permitted.

F. Public Safety

1. The applicant redesigned the driveway to address neighbors' concerns regarding the safety of neighborhood children by creating a hammerhead driveway which will avoid vehicles backing out.

The Westport Zoning Board of Appeals finds that this project is consistent with the policies identified in Section(s) 22a-92(b) (1) and 22-a-92 (b) (2) of the Coastal Area Management Act; that it will not adversely affect adjacent Coastal Resources identified in Sections 22-93 (a) (7) of said Act with the following recommendation:

1. The proposed silt fencing should be installed prior to the start of construction and remain in place until the lot is stabilized, which will help to limit possible sediment movement into the coastal resources.

II. Work Session

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