



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, August 8, 2023
Public Meeting Started: 6:00 P.M. **Ended:** 7:50 P.M.

Members Present:

James Ezzes – Chairman
Elizabeth Wong – Vice Chair
Amy Wistreich
Josh Newman
Jacqueline Masumian for Michelle Hopson
Joseph Scordato for 191 Post Road West

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

I. PUBLIC HEARING at 6:00pm

- 1. 20 Fairfield Avenue:** Application #ZBA-23-00115 by Jason Raymond, for property owned by Christian and Jacqueline Schiavone, for variance of the Zoning Regulation: §13-6 (Total and Building Coverage), to construct a new 2 ½ story addition over allowable Building and Total Coverage, located in Residence A District, PID# D0306000.

Action: Opened with no testimony taken on 7/11/23, continued to 7/25/23 and further continued to 8/8/23. Withdrawn as of 07/26/2023.

- 2. 191 Post Road West:** Application #ZBA-23-00331 by ARTeffects Inc., dba ARTfx, for property owned by 191 Post Property Owner LLC, for variance of the Zoning Regulations: §33-8.4.1 (Free-Standing Sign less than 100' of frontage), §33-8.4.5 (Free-Standing Sign larger than 32sf), §33-8.7.7 (Free-Standing less than 15' from property line), to install a free-standing sign within 15' of the property line and greater than the 32 SF with less than 100' of street frontage, located in General Business District, PID# C08041000.

Action: J. Ezzes made a motion to GRANT option 2; second by A. Wistreich 5 (Ezzes, Wong, Wistreich, Newman, Scordato) - 0.

Hardships:

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

A. Irregular Lot Shape

- The property has 50' of street frontage where 100' is required.
 - 191 Post Road West is a flag lot located directly behind 199 Post Road West, with its only frontage being utilized for driveway access.
3. **620 Post Road East:** Application #ZBA-23-00194 by Lanier Thomas, for property owned by Equity One Westport Village Center LLC, for variance of the Zoning Regulations: §33-8.1 (Sign Area), §33-8.1.2 (Number of Wall Signs), and §33-8.3.2 (Projecting Sign Area), to install one 29.5 sf illuminated double sided projecting sign and one 60 sf wall sign over allowed sign area and number of signs, located in Residence A and General Business District, PID# E09046000.

Action: J. Ezzes made a motion to DENY; second by A. Wistreich 5 (Ezzes, Wong, Wistreich, Newman, Masumian) - 0. No hardship found.

4. **24 Canal Road:** Application #ZBA-23-00327 by Cindy Tyminski, Moon Gardens LLC, for property owned by Heidi Schoeneck, for variance of the Zoning Regulations: §6-2.1.6 (Non-Conforming New Construction), §6-2.1.7 (Expansion of a Non-Conforming Building in the Setback), §13-4 (Setbacks), §13-6 (Building and Total Coverage), to raise the existing single-family residence to be FEMA complaint and to construct a 2-story FEMA complaint addition with an open car port below and roof deck above with a new permeable driveway in the setbacks and over in building and total coverage, and to find consistency with Coastal Area Management Regulations, located in Residence A District, PID# B02056000.

Action: Opened with testimony taken on 7/25/23, continued to 8/8/23 for review of submitted materials and further continued to 9/12/23 for review of submitted materials and re-legal noticing.

5. **17 Woodway Lane:** Application #ZBA-23-00149 by Nick Vitiello, for property owned by Scott and Deborah Mogelof, for variance of the Zoning Regulation: §12-4 (Setbacks), to authorized an existing pool constructed partially within the Setbacks, located in Residence AA, PID# A16021000.

Action: J. Masumian made a motion to GRANT; second by J. Newman 4 (Ezzes, Wong, Newman, Masumian) – 1 (Wistreich).

Hardships:

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

A. Surveyor/Contractor Error

- The pool was approved by permit number ZN-22-00322 with an encroachment of 1.14' into the side setback due to a surveyor error.
6. **9 Willowbrook Drive:** Application #ZBA-23-00364 by Elenee Argentinis, for property owned by Elenee Argentinis and Timothy Schmutte, for variance of the Zoning Regulations: §6-2.1.6 (Non-Conforming New Construction), §6-2.1.7 (Expansion of Non-Conforming Building), §6-3.1 (Setbacks for Non-Conforming

Lot), §13-4 (Setbacks), and §13-6 (Building and Total Coverage), to reconstruct detached garage with second story addition above garage and house over allowable Building and Total Coverage and in the Setbacks, and to reconfigure driveway over allowable Total Coverage, located in Residence A District, PID# C12121000.

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

Hardships:

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

A. Small Non-Conforming Lot

- 9 Willowbrook Drive is located in a Residence A district that has a 0.5 acre, or 21,780 sf, minimum lot area requirement, and the property is approximately 37% of the minimum lot size at 0.19 acres, or 8,100 sf.
 - The location of the existing home, constructed in 1960, prevents conforming additions to the property.
7. **45 Kings Highway North:** Application #ZBA-23-00367 by Mark Hanrahan and Mary Sachs-Hanrahan, for property owned by Mark Hanrahan and Mary Sachs-Hanrahan, for variance of the Zoning Regulations: §6-3.1 (Setbacks for Non-Conforming Lot) and §12-4 (Setbacks), to modify variance ZBA-22-00703 to include A/C unit in the side Setback, located in Residence AA District, PID# B09116000.

Action: Opened with testimony taken on 8/8/23 and continued to 9/12/23 for information from HDC on the location they prefer since it is located in the Historic District.

II. Work Session

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

Respectively submitted by James Ezzes, Chairman, August 21, 2023