



**Town of Westport**  
**Zoning Board of Appeals**  
Town Hall, 110 Myrtle Avenue  
Westport, CT 06880  
Tel: 203-341-1030 Fax: 203-454-6145  
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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, October 24, 2023  
**Public Meeting Started:** 6:00 P.M. **Ended:** 7:57 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. PUBLIC HEARING at 6:00pm**

- 1. 23 Soundview Ave:** Application #ZBA-23-00347 by Peter Romano, LANDTECH, for property owned by LOLAs Beach Shack Westport LLC, for variance of the Zoning Regulations: §6-2.1.6 (Non-Conforming New Construction), §6-3.1 (Non-Conforming Lot Setbacks), §13-4 (Setbacks), and §13-6 (Building Coverage), to construct a new FEMA compliant single-family dwelling in the Setbacks and over Building Coverage and to find consistency with Coastal Area Management Regulations, located in Residence A District, PID# D03120000.

**Action:** J. Newman made a motion to DENY; seconded by A. Wistreich 5 (Ezzes, Wong, Newman, Wistreich, Hopson) - 0. The variance was denied because no hardship was found.

- 2. 7 Hawthorne Lane:** Application #ZBA-23-00424 by Mark Maidique, Bridger AAD, for property owned by Ria and Josh Nova, for variance of the Zoning Regulations: §6-2.1.7 (Expansion of Non-Conforming Building), and §11-4 (Setbacks), to construct additions to existing residence and retain existing fire pit and patio in the Setbacks, located in Residence AAA District, PID# G12042000.

**Action:** J. Ezzes made a motion to GRANT; second by J. Newman 5 (Ezzes, Wong, Newman, Wistreich, 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. Wetlands/Steep Slopes**

- Approximately 72,650 SF of the lot contains Wetlands and 20,074 SF of the lot contains Steep Slopes.

- 7 Hawthorne Lane had a gross Lot Area of approximately 3.131 acres, or 136,395 SF, but after the mandatory deduction is taken for the Steep Slopes and Wetlands, a base Lot Area of 1.428 acres, or 62,215 SF, remains. The extensive Wetlands and Steep Slopes on the property leaves little remaining property for additions.

**B. Building Pre-dates Zoning Regulations**

- The house, constructed in 1957, is located partially within the Front Setback making it difficult to construct an addition that complies with Setbacks.

3. **670 Post Road East:** Application #ZBA-23-00513 by Seven MW Realty LLC, for property owned by Seven MW Realty LLC, for variance of the Zoning Regulation: §35-2.2.1 (Landscape Area), to permit a reduction in the required 30' front landscape buffer due to the taking of land by the State of Connecticut/Department of Transportation, located in Residence A/General Business District, PID# E09045000.

**Action:** A. Wistreich made a motion to GRANT; second by E. Wong 5 (Ezzes, Wong, Newman, Wistreich, 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. Taking of Land**

- The State of Connecticut Department of Transportation has taken 5,068 SF of land reducing the front landscape buffer area.
4. **4A Cherry Lane:** Application #ZBA-23-00545 by Cindy Tyminski, Moon Gardens LLC, for property owned by Jacob and Ilyssa Axel, for variance of the Zoning Regulation: §13-6 (Total Coverage), to construct a pool with water feature and spa over Total Coverage, and remove 500 SF of driveway, located in Residence A District, PID# B07078000.

**Action:** J. Ezzes made a motion to GRANT; second by J. Newman 5 (Ezzes, Wong, Newman, Wistreich, 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. Reduction of Total Coverage**

- There will be a reduction in Total Coverage from 28.56% to 28.33%.
5. **205 Wilton Road:** Application #ZBA-23-00553 by Franco Iannone, R.I. Pools, Inc., for property owned by Frank and Kelly Lynn Rossetti, for variance of the Zoning Regulations: §6-3.1 (Non-Conforming Setbacks), §12-4 (Setbacks), §12-6 (Total

Coverage), to construct a pool and patio partially in the Setbacks and for a hot tub over Total Coverage, located in Residence AA District, PID# C11029000.

**Action:** A. Wistreich made a motion to GRANT; second by E. Wong 5 (Ezzes, Wong, Newman, Wistreich, 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. Steep Slopes**

- 205 Wilton Road has a gross Lot Area of approximately 0.5505 acres, or 23,980 SF, but after the mandatory deduction is taken for the Steep Slopes, a base Lot Area of 0.5 acres, or 21,841 SF, remains.
- The definition 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.”*

**B. Three Fronts**

- 205 Wilton Road is a corner lot with frontage on Wilton Road, and two fronts on Weather Vane Hill.

**C. Lot Shape**

- 205 Wilton Road is a long narrow lot.

**II. Work Session**

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

Respectively submitted by James Ezzes, Chairman, November 1, 2023