



**Town of Westport**  
**Zoning Board of Appeals**  
Town Hall, 110 Myrtle Avenue  
Westport, CT 06880  
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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 28, 2023

**Public Meeting Started:** 6:00 P.M. **Ended:** 7:33 P.M.

**Members Present:**

James Ezzes – Chairman  
Elizabeth Wong – Vice Chair  
Amy Wistreich  
Joseph Scordato  
Michelle Hopson

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

**I. PUBLIC HEARING at 6:00pm**

- 1. 125 Harbor Road:** Application #ZBA-23-00568 by Eric D. Bernheim, Esq., for property owned by Angela Yeung and Dylan Tyson, for variance of the Zoning Regulations: §6-2.1.2 (Transfer of Non-Conforming Building Coverage); §13-4 (Setbacks) and §13-6 (Building and Total Coverage), to authorize existing deck and driveway constructed over allowable Building and Total Coverage, located in Residence A District, PID# B02146000.

**Action:** Opened without testimony taken and continued to 12/12/23 for information on the height of the existing house to be received to confirm compliance with the height regulations.

- 2. 17 Hiawatha Lane:** Application #ZBA-23-00592 by Renzo Ciccia, for property owned by Renzo G and Diana Ciccia, for variance of the Zoning Regulation: §14-4 (Setbacks), to authorize existing pool equipment and shed located in the rear setback, located in Residence B District, PID# B05072000.

**Action:** J. Ezzes made a motion to GRANT; seconded by A. Wistreich 4 (Ezzes, Wistreich, Hopson, Scordato) – 1 (Wong).

**Hardships:**

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

**A. Contractor Error**

- The pool contractor mis-calculated the 15ft setback and placed the pool equipment and shed 10.4ft from the property line.
- 3. 53 West Parish Road:** Application #ZBA-23-00626 by Jake Nolan, for property owned by Christina Hart, to remove conditions placed on variance #5597 that

prohibits the existing garage from being used as living space, prohibits running water and requires the existing 2nd floor area to be reduced to an Attic, located in Residence AA District, PID#F08049000.

**Action:** A. Wistreich made a motion to GRANT; second by M. Hopson 5 (Ezzes, Wong, Wistreich, Hopson, Scordato) - 0. Recommendations include:

1. The proposal must be reviewed by the Engineering Department for address since there is no driveway to the main house.

**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**

- The lot is located in the Residence AA district that has a 1 acre, or 43,560 SF, minimum lot area requirement and the property is approximately 23% of the minimum lot size at 0.23 acres, or 10,125 SF.

**A. Two Fronts**

- The property is considered a through lot and has frontage on both Rumpenmile Avenue and West Parish Road. The lot has two 30' front setbacks and two 7.5' side setbacks.

4. **205 Wilton Road:** Application #ZBA-23-00643 by Franco Iannone, R.I. Pools, Inc., for property owned by Frank and Kelly Lynn Rossetti, for variance of the Zoning Regulation: §32-8.2.3 (Fill Height Ratio), to construct a retaining wall where the fill height ratio exceeds 0.20 relative to the distance from the property line, located in Residence AA District, PID# C11029000.

**Action:** A. Wistreich made a motion to GRANT; seconded by J. Scordato 5 (Ezzes, Wong, Wistreich, Hopson, Scordato) - 0. Conditions include the following, which have been fulfilled with the plans provided:

1. A note is to be added to the Site Plan showing the wall 5.1' from the property line.

**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**

- The lot is located in the Residence AA district that has a 1 acre, or 43,560 SF, minimum lot area requirement, and the property is approximately 55% of the minimum lot size at 0.5505 acres, or 23,980 SF.

**B. 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.”*

**C. Three Fronts**

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

**D. Lot Shape**

- The lot is long and narrow which does not permit the required 100' x 150' rectangle, per §13-3.

5. **1 Ivanhoe Lane:** Application #ZBA-23-00648 by Eymard Chitty, CLH Compo LLC, for property owned by C L H Compo LLC, for variance of the Zoning Regulations: §13-4 (Setbacks), and §6-2.1.7 (Expansion of Non-Conforming Structure), to authorize existing vertical expansion of a structure located in the front Setback, located in Residence A District, PID# C07180000.

**Action:** Opened with testimony taken and continued to 12/12/23. To be re-legal noticed to include the AC unit.

**II. Work Session**

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

Respectively submitted by James Ezzes, Chairman, December 7, 2023