



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, December 12, 2023

Public Meeting Started: 6:00 P.M. **Ended:** 7:17 P.M.

Members Present:

James Ezzes – Chairman
Elizabeth Wong – Vice Chair
Josh Newman
Joseph Scordato
Michelle Hopson

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

I. PUBLIC HEARING at 6:00pm

- 1. 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 and for new A/C unit within the Setback, located in Residence A District, PID# C07180000.

Action: E. Wong made a motion to GRANT; second by J. Newman 5 (Ezzes, Wong, Newman, Hopson, 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. Pre-Existing Structure in Setback

- The house is pre-existing in the front setback and the work is required to improve the structural integrity of the building.

B. Two Fronts

- 1 Ivanhoe Road is a corner lot with frontage on Ivanhoe Lane and Compo Road South which requires two 30 foot front setbacks.

C. Public Safety

- Safety due to lack of structural integrity in the pre-existing house.

D. Steep Slopes

- 1 Ivanhoe Lane has 2,688 SF of steep slopes which reduces area where a/c unit can be located.
- 2. **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: J. Newman made a motion to GRANT WITH CONDITIONS; seconded by J. Scordato 5 (Ezzes, Wong, Newman, Hopson, Scordato) – 0. Conditions include:

1. A map showing the parcels merged should be recorded on the land records prior to issuance of the ZCC.

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 a Residence A district that has a 0.5 acre, or 21,780 SF, minimum lot area requirement, and the property is approximately 34% of the minimum lot size at 0.1716 acres, or 7,478 SF.
- 3. **36 Riverside Avenue:** Application #ZBA-23-00481 by Cindy Tyminski, Moon Gardens LLC, for property owned by Pietro and Janine Scotti TR, for variance of the Zoning Regulations: §11-2.4.12A (d) (Accessory Apartment), §11-2.4.12A (g) (Accessory Apartment Parking), §24-4 (Setbacks), §24-6 (Building Coverage), §24-11 (Parking), §34-5 (Parking Requirements) and §34-6.2 (Parking Required on Same Lot), for a Change of Use from mixed use to single family dwelling with Accessory Apartment over allowable size, to rebuild exterior stairs in the Setbacks, and to install new mechanical pad on a lot with no on-site parking and over allowable Building Coverage, located in General Business District, PID# C09103000.

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

1. The property owner investigate the feasibility of parking in the rear of the building with access from the adjacent lot.

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 a General Business District which has a minimum 50' frontage requirement and the frontage is 27'.
- The lot area is also significantly small with 1,963 SF.

B. Pre-Existing Building

- The building was constructed in 1900, prior to the enactment of the zoning regulations in 1930.

C. Safety

- The exterior stairs will be covered, allowing for a safe entry into the house during harsh weather conditions.

4. **125 (and 139) Kings Highway North:** Application #ZBA-23-00575 by Cindy Tyminski, Moon Gardens LLC, for property owned by 728 willows LLC, WG Ocala FL LLC and Braidmax LLC, for variance of the Zoning Regulations: §35-2.2.1 (Parking in Landscape Buffer), §34-11.5 (Grading), §12-6 (Coverage), to reorganize the existing parking lot to construct eight (8) additional parking spaces at 125 Kings Highway N located in the landscape buffer and two (2) spaces of which will not meet the required grade located in Residence AA District, PID# C10039000 and C11049000.

Action: J. Ezzes made a motion to GRANT; seconded by J. Scordato 5 (Ezzes, Wong, Newman, Hopson, 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. Steep Slopes/Wetlands

- 125 Kings Highway North has a gross Lot Area of approximately 3.89 acres, or 169,265 SF, but after the mandatory deduction is taken for the Steep Slopes and Wetlands, a base Lot Area of 2.41 acres, or 104,883 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. Two Fronts

- 125 Kings Highway North is a corner lot with frontage on Wilton Road and Kings Highway North.

C. Public Safety

- The parking is closer to the building and the circulation is significantly better which improves public safety.

5. **1076 Post Road East:** Application #ZBA-23-00580 by Frederick W. Hoag, Architect, for property owned by Post Plaza LLC, for variance of the Zoning Regulations: §6-2.1.2 (Relocation of Non-Conforming Coverage), §6-2.1.6 (Non-Conforming New Construction), §25-4 (Setbacks), and §35-2.2.1 (Landscape Buffer), to construct a new 2-story restaurant with outdoor dining and drive-in without the required landscape buffer and with relocated non-conforming Coverage, located in Highway Service District, PID# F09050000.

Action: Opened without testimony taken on 12/12/23 and continued to 01/09/24.

II. Work Session

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

Respectively submitted by James Ezzes, Chairman, December 26, 2023