



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, February 13, 2024
Public Meeting Started: 6:00 P.M. **Ended:** 7:50 P.M.

Members Present:

James Ezzes – Chairman
Elizabeth Wong – Vice Chair
Joseph Scordato - Secretary
Josh Newman
Jacqueline Masumian for Michelle Hopson

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

I. PUBLIC HEARING

- 1. 20 Fairfield Avenue:** Application #ZBA-23-00465 by Jason Raymond, Raymond Design Builders, for property owned by Christian R and Jacqueline Schiavone, for variance of the Zoning Regulations: §13-5 (Height), and §13-6 (Building and Total Coverage), to construct a FEMA compliant three story addition in the rear of the house over Building and Total Coverage and height in stories and feet and to find consistency with Coastal Area Management Regulations, located in Residence A District, PID# D03086000. (Must close by 2/13/24)

Action: Testimony taken and withdrawn by applicant.

- 2. 2 Clinton Avenue:** Application #ZBA-23-00566 by Valerie White, White Architects, for property owned by Susan M Holzner, for variance of the Zoning Regulations: §6-2.1.6 (Non-Conforming New Construction), §6-2.1.7 (Expansion of Non-Conforming Structure), §6-3.1 (Setbacks), §13-4 (Setbacks), and §13-6 (Building and Total Coverage), to construct a 2nd story addition, garage addition, deck and a generator in the Setback and over Total and Building Coverage, located in Residence A District, PID# D12051000. (Must open by 3/23/24 with extension)

Action: Testimony taken and continued to 3/12/24 for driveway modification.

- 3. 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. (Must close by 3/21/24 with 65 day extension)

Action: Opened without testimony taken on 12/12/23, continued to 01/09/24, and further continued to 1/23/24, 2/13/24 and 3/12/24.

4. **8 Cunningham Place:** Application #ZBA-23-00508 by Renata and Chandar Natarajan, for property owned by Renata and Chandar Natarajan, for variance of the Zoning Regulations: §6-2.1.7 (Expansion of Non-Conforming Building), and §6-3.1 (Non-Conforming Lot Setbacks), §13-4 (Setbacks), §13-6 (Building and Total Coverage), to construct a one story addition, and two story addition and a second floor addition to the primary residence, in the Setbacks and over Building and Total Coverage, located in Residence A District, PID# C11154000. *(Must open by 04/24/24 with 65 day extension)*

ACTION: Testimony received. Hearing closed.

Motion to Grant: Newman. Second: Wong. Vote: (5-0)

In favor: Ezzes, Wong, Newman, Scordato, Masumian

Hardships:

A. Irregularly Shaped Lot

The lot is "T" shaped which does not permit the required 100' x 150' rectangle, per §13-3.

B. 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 66% of the minimum lot size at 0.3306 acres, or 14,403 SF.

C. Pre-Existing Location of the House

The house was constructed in 1924 prior to the adoption of the zoning regulations in 1930.

D. Steep Slopes

8 Cunningham Place has a gross Lot Area of approximately 0.3306 acres, or 14,403 SF, but after the mandatory deduction is taken for the Steep Slopes and Wetlands, a base Lot Area of 0.31 acres, or 13,336 SF, remains.

The definitions 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."

See Resolution Attached.

5. **17 Evergreen Avenue:** Application #ZBA-23-00694 by Cindy Tyminski, Moon Gardens LLC, for property owned by Mark A and Joelle Malec, for variance of the Zoning Regulation: §13-4 (Setbacks), to authorize existing pool coping and water feature constructed in the rear Setback, located in Residence A District, PID# D10015000. *(Must open by 02/15/24)*

ACTION: Testimony received. Hearing closed.

Motion to Grant: Wong. Second: Masumian. Vote: (5-0)

In favor: Ezzes, Wong, Newman, Scordato, Masumian

Hardships:

A. Small Non-Conforming Lot

17 Evergreen Avenue 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 77% of the minimum lot size at 0.3829 acres, or 16,678 SF.

See Resolution Attached.

6. **33 Hickory Drive:** Application #ZBA-23-00709 by The 33 Hickory Land Trust, for property owned by The 33 Hickory Land Trust, for variance of the Zoning Regulations: §6-2.1.6 (New Non-Conforming Structure), §6-3.1 (Setbacks), §13-4 (Setbacks), and §13-6 (Building and Total Coverage), to modify variance #ZBA-23-00017 to construct a new 2-story single family residence located in the Setbacks and over Building and Total Coverage, located in Residence A District, PID# F09147000. *(Must open by 02/15/24)*

ACTION: Testimony received. Hearing closed.

Motion to Grant: Scordato. Second: Ezzes. Vote: (5-0)

In favor: Ezzes, Wong, Newman, Scordato, Masumian

Hardships:

A. Steep Slopes/Wetlands

Approximately 6,020 SF, approximately 44%, of the lot contains Wetlands. 33 Hickory Lane has a gross Lot Area of approx. 0.456 acres, or 13,642 SF, but after the mandatory deduction is taken for the wetlands, a base Lot Area of 0.202 acres, or 8,826 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. 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 63% of the minimum lot size at 0.3132 acres, or 13,642 SF.

C. Pre-Existing Building in Setbacks

The existing house was constructed in 1955, according to the Tax card, and is located within the side Setback.

See Resolution Attached.

7. **125 (and 139) Kings Highway North:** Application #ZBA-24-00008 by Cindy Tyminski, Moon Gardens LLC, for property owned by 728 Willows LLC, WG Ocala FL LLC, and Braidmaxx LLC, for variance of the Zoning Regulations: §34-11.5 (Grading greater than 6%), §35-2.2.1 (Parking in Landscape Buffer), and §12-6 (Coverage), to modify variance #ZBA-23-00575 to restripe parking which will result in a loss of 3 parking spaces for a total of 101 parking spaces where 87 parking spaces are required, located in Residence AA District, PID# C10039000 and C11049000. (*Must open by 02/15/24*)

ACTION: Testimony received. Hearing closed.

Motion to Grant: Ezzes. Second: Scordato. Vote: (5-0)

In favor: Ezzes, Wong, Newman, Scordato, Masumian

Hardships:

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 spaces are more conforming to size which improves public safety.

See Resolution Attached.

II. Work Session

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

Respectively submitted by James Ezzes, Chairman, February 14, 2024