



Zoning Board of Appeals
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
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www.westportct.gov

April 10, 2024

ACTION MINUTES

The following meeting of the Zoning Board of Appeals was held remotely using Zoom Technology

ZONING BOARD OF APPEALS: Tuesday, April 09, 2024

Public Meeting Started: 6:00 P.M. **Adjourned at 8:40pm.**

Members Present:

James Ezzes – Chairman
Elizabeth Wong – Vice Chair
Joseph Scordato - Secretary
Josh Newman
Jacqueline Masumian
Richard Benson II
Sheri Rabiner-Gordon

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

Zoning Board of Appeals: Tuesday, April 9, 2024

I. Public Hearing

1. **APPROVED MODIFICATION:** Review and potential approval of minor architectural/cosmetic changes to previously approved plans for 233 Hillspoint Road.

Sitting: Ezzes, Wong, Scordato, Benson, Gordan

APPROVED: Mr. Ezzes made a motion to approve the modification of the stipulated settlement with the following conditions:

- i. Removal of the spiral staircase and rear entry;
- ii. The vegetated buffer will not be reduced; and
- iii. The siding and roof will be completed by July 2, 2024.

Mrs. Wong seconded the motion. Vote: 5-0

2. **GRANTED: 15 Sunrise Road:** (*Opened on 3/12/24 with testimony taken and continued to 4/9/24*) Application #ZBA-24-00007 by Patrick Frank, for property owned by 15 Sunrise Hill LLC, for variance of the Zoning Regulation: §6-2.1.6 (Non-conforming new construction), §6-

3.1 (Setbacks for non-conforming lot), §13-4 (Setbacks), §13-6 (Building and Total Coverage) to construct a new 2.5-story house and pool over Building and Total Coverage, and in front and side Setbacks, located in Residence A District, PID# B06132000. *(Must close by 4/16/24)*

Sitting: Ezzes, Wong, Scordato, Masumian, Benson

Mr. Ezzes made a motion to close the hearing and Mrs. Wong seconded. 5-0

Mr. Ezzes made a motion to go into a work session and Mrs. Wong seconded. 5-0

Mrs. Wong made a motion to grant the variance and Mr. Scordato seconded. 5-0

Hardships:

1. Small Non-Conforming Lot

The lot is in a Residence A district that has a 1/2 acre, or 21,780 SF, minimum lot area requirement, and the property is approximately 57% of the minimum lot size at 0.284 acres, or 12,392 SF.

2. Corner Lot/Two Front

15 Sunrise Lane is considered a corner lot, with frontage on both Sunrise Lane and Bradley Lane, and no side or rear Setback.

- 3. GRANTED IN PART WITH CONDITIONS/DENIED IN PART: 28 Fairfield Avenue:** *(Opened on 3/12/24 without testimony taken and continued to 4/9/24)* Application #ZBA-23-00637 by Richard and Sandra Yu, property owners, for variance of the Zoning Regulations: §12-6 (Total Coverage), §34-5 (Two parking spaces required for single family residence), and §34-6.1 (Two parking spaces required on site for single family residence) to modify ZBA Case #5691 for driveway shape and coverage, to permit one parking space where two are required over allowable Total Coverage and to authorize existing shed over allowable Building and Total Coverage, located in Residence A district, PID #D03082000. *(Must close by 4/16/24 with max ext)*

Sitting: Ezzes, Wong, Scordato, Newman, Benson

Mr. Ezzes made a motion to close the hearing and Mr. Benson seconded. 5-0

Mr. Newman made a motion to grant the variance with the condition that the stone driveway to be removed remains and to deny the variance for one parkign space. Mr. Benson seconded. 5-0

Hardships:

1. 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 30% of the minimum lot size at 0.1492 acres, or 6,500 SF.

2. Public Safety

Providing two parking spaces on the lot is safer than on street parking.

- 4. GRANTED: 346 Compo Road South:** *(Opened on 2/27/24 with testimony taken and continued to 3/26/24-meeting cancelled)* Application #ZBA-23-00704 by Eric D. Bernheim, Esq., FLB Law, PLLC, for property owned by Susan P. Cooper, for variance of the Zoning

Regulation: §13-6 (Building and Total Coverage), to lift an existing house to be FEMA compliant, demolish and rebuild existing garage, replace existing front porch, add a balcony over rear patio, and legalize driveway expansion over Total coverage, located in Residence A District, PID# D03073000. *(Must close by 4/09/24 with 7 -day ext)*

Sitting: Ezzes, Wong, Scordato, Newman, Benson

Mr. Ezzes made a motion to close the hearing and Mr. Newman seconded. 5-0

Mr. Ezzes made a motion to grant the variance and Mrs. Wong seconded. 5-0

Hardships:

1. 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 76% of the minimum lot size at 0.3813 acres, or 16,609 SF.

2. Public Safety

The enlarged driveway provides the ability to safely exit the property without backing into traffic.

- 5. GRANTED: 43 Bermuda Road: *(Opened on 2/27/24 without testimony taken and continued to 3/26/24 – meeting cancelled)*** Application #ZBA-23-00697 by Philip Cerrone III, for property owned by Brian and Renata Senatore, for variance of the Zoning Regulations: § 6-2.1.6 (New Construction), §6-3.1 (Setbacks for Non-Conforming Lot), §13-4 (Setbacks), §13-6 (Building and Total Coverage), for construction of new FEMA compliant single-family residence, over Building and Total Coverage with front entry partially in the front Setback and to find consistency with Coastal Area Management Regulations, located in Residence A district, PID B02047000. *(Must close by 5/2/24 with max ext)*

Sitting: Ezzes, Wong, Scordato, Newman, Benson

Mr. Ezzes made a motion to close the hearing and Mr. Newman seconded. 5-0

Mr. Benson made a motion to grant the variance and Mrs. Newman seconded. 5-0

Mr. Ezzes made a motion to approve the CAM application with the recommendation that the patio and driveway be permeable. Mrs. Wong seconded. 5-0

Hardships:

1. 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 15% of the minimum lot size at 0.073 acres, or 3,172 SF.

2. House Predates Current Zoning Regulations

The house was constructed in 1963 when Residence A district had a 25% Building Coverage restriction which the house complied with. It appears the Residence A district implemented the 15% Building Coverage and the 25% Total Coverage restrictions in 1981 which then made the property non-conforming to Building and Total Coverage.

3. Same Footprint as Existing House

The proposed house will have the same footprint as the existing house.

4. Reduction in Coverage

The Building Coverage will be reduced from 15.41% to 15.38%. The Total Coverage will be reduced from 27.45% to 27.42%.

5. Public Safety

The proposed house will be floodplain compliant which improves safety.

6. **GRANTED WITH CONDITIONS: 246 Hillspoint Road:** Application #ZBA-24-00042 by Tanner White Architects, for property owned by Mary-Lisa Bergonzi, for variance of the Zoning Regulations: §14-6 (Building and Total Coverage), §14-4 (Setbacks) and §6-2.1.6 (Nonconforming New Construction) to construct a new 2-story single-family dwelling in the Setbacks and over allowable Building and Total Coverage and to find consistency with Coastal Area Management Regulations, located in Residence B district, PID#E04019000. *(Must open by 6/1/24 with max ext)*

Sitting: Ezzes, Wong, Scordato, Newman, Benson

Mr. Ezzes made a motion to close the hearing and Mrs. Wong seconded. 5-0

Mr. Ezzes made a motion to grant the variance and Mrs. Wong seconded. 5-0

Mr. Ezzes made a motion to approve the CAM application with the conditions that the applicant submit a revised Site Development Plan depicting correct Excavation & Fill Calculations and additional silt fencing shown around the stockpile area; and the exterior stairs are removed. Mr. Benson seconded. 5-0

Hardships:

1. 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 15% of the minimum lot size at 0.073 acres, or 3,172 SF

2. Steep Slopes

Approximately 384 SF, approximately 12%, of the lot contains Steep Slopes.

246 Hillspoint Road has a gross Lot Area of approx. 0.073 acres, or 3,172 SF, but after the mandatory deduction is taken for the Steep Slopes, a base Lot Area of 0.066 acres, or 2,865 SF, remains.

The Steep Slopes on the property leaves little remaining property for additions.

7. **GRANTED: 170 Riverside Avenue:** Application #ZBA-24-00124 by Peter Romano of LANDTECH, for property owned by the Town of Westport, for variance of the Zoning Regulation: §11-2.4.8a (Accessory Building over 300 sf) and §11-2.4.8b (Accessory Building Height), §13-5 (Accessory Building Height), §13-6 (Total Coverage), to reconstruct clubhouse over Total Coverage, over allowable Building Height and Floor Area, located in Residence A District, PID# C08032000. *(Must open by 5/9/24)*

Sitting: Ezzes, Wong, Scordato, Newman, Benson

Mr. Ezzes made a motion to close the hearing and Mrs. Wong seconded. 5-0

Mr. Ezzes made a motion to grant the variance with the recommendation that the applicant consider an elevator for 1st and 2nd floor access. Mr. Scordato seconded. 5-0

Hardships:

1. The public multi-use site with two schools and playing fields requires additional coverage.

II. Work Session

- **New Business**
- **Old Business**
- **Other ZBA Business**

A copy of the Agenda for the Zoning Board of Appeals Public Hearing on April 11, 2024, is available on-line at www.westportct.gov, on the Planning and Zoning Department web page under "Planning & Zoning Department".

It is the policy of the Town of Westport that all Town-sponsored public meetings and events are accessible to people with disabilities. If you need assistance in participating in a meeting or event due to a disability as defined under the Americans with Disabilities Act, please contact Westport's ADA Coordinator at 203-341-1043 or eflug@westportct.gov at least three (3) business days prior to the scheduled meeting or event to request an accommodation.

Dated at Westport, Connecticut on this 10th day of April 2024, James Ezzes, Chairman, Zoning Board of Appeals.