



Zoning Board of Appeals
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
Tel: 203-341-1030 Fax: 203-454-6145
www.westportct.gov

July 1, 2024

ACTION MINUTES

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

ZONING BOARD OF APPEALS: Tuesday, June 18, 2024

Public Meeting Started: 6:00 PM. **Adjourned:** 9:10 PM

Members Present:

James Ezzes – Chairman

Elizabeth Wong – Vice Chair

Joseph Scordato - Secretary

Josh Newman

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

Zoning Board of Appeals: Tuesday, June 18, 2024

I. Public Hearing

1. 24 Canal Road: (Opened without testimony on 6/4/24 and continued to 6/18/24)

Application #ZBA-24-00143 by Heidi and Phil White, for property owned by Heidi Schoeneck, for variance of the Zoning Regulations: §6-2.1.7 (Expansion of Non-Conforming Building), §13-4 (Setbacks), §13-6 (Building and Total Coverage), and §13-7 (Setbacks from Wetlands), to construct a covered stairway and multi-story deck within the Setback and over allowable Building and Total Coverage, located in Residence A District, PID# B02056000. *(Must close by 7/9/24)*

Testimony was taken. J. Ezzes made a motion to close the hearing. (2nd E. Wong). (5-0-0)

Action: Denied

Motion to Deny the Application: J. Newman (2nd E. Wong)

Vote: In favor (5-0-0): Jim Ezzes, Elizabeth Wong, Josh Newman, Joe Scordato, Michele Hopson

See attached resolution. No hardship proven.

- 2. 1365 Post Road East (aka 1391 Post Road East):** Application #ZBA-24-00200 by Baker Graphics, for property owned by AP 1365 Post Rd E Westport LP, for variance of the Zoning Regulations: §33-8.4.1 (One Free-Standing Sign per Lot), §33-8.4.5 (Free-Standing Sign greater than 32 SF), to permit the installation of a second free-standing sign on the multi-building lot, over the number of free-standing signs and total square footage permitted, located in General Business District, PID# G09104000.

Application opened, testimony taken and continued to 7/9/24 for information on sign orientation, street number redesign and color.

3. **7 Main Street:** Application #ZBA-24-00225 by Anton Vataj, for property owned by Wonkai Associates, LLC, for variance of the Zoning Regulations: §33-8.2.4 (One window sign no larger than 6 SF), to install a new sign above rear entrance for second floor tenant where only one window sign is allowed, located in Business Center District-Village Overlay District, PID# C09134000.

Application opened, testimony taken and continued to 7/9/24 for redesign of the sign.

4. **10 Hilltop Trail:** Application #ZBA-24-00226 by Cindy Tyminski, Moon Gardens LLC, for property owned by Amy Peterson, for variance of the Zoning Regulations: §12-6 (Total Coverage), to construct an outdoor fireplace over allowable Total Coverage, located in Residence AA District, PID# G08027000.

Testimony was taken. J. Ezzes made a motion to close the hearing. (2nd E. Wong). (5-0-0)

Action: Granted

Motion to Grant the Application: J. Ezzes (2nd M. Hopson)

Vote: In favor (5-0-0): Jim Ezzes, Elizabeth Wong, Josh Newman, Joe Scordato, Michele Hopson

See attached resolution.

5. **156 Cross Highway: (To be opened without testimony and continued to 7/9/24)** Application #ZBA-24-00240 by Tomasz Geremek, for property owned by Tomasz Geremek, for variance of the Zoning Regulations: §6-2.1.6 (New Construction) and §11-4 (Setbacks), to construct a new single-family dwelling, patio and a/c units partially within the side Setback, located in Residence AAA District, PID# F14091000.

Application opened without testimony taken and continued to 7/9/24.

6. **35 Wright Street:** Application #ZBA-24-00245 by Gloria Gouveia, Land Use Consultants, for property owned by Cynthia M. Muller Revocable Trust/Peter Rosenberg Trustee, for variance of the Zoning Regulations: §12-4 (Setbacks), to install a generator partially within the side Setback, located in Residence AA District, PID# C09042000.

Testimony was taken. J. Ezzes made a motion to close the hearing. (2nd E. Wong). (5-0-0)

Action: Granted

Motion to Grant the Application: J. Scordato (2nd M. Wong)

Vote: In favor (5-0-0): Jim Ezzes, Elizabeth Wong, Josh Newman, Joe Scordato, Michele Hopson

See attached resolution.

7. **12 Rivard Crescent:** Application #ZBA-24-00253 by Mark Strazza, for property owned by Zachary and Victoria Shaub, for variance of the Zoning Regulations: §13-4 (Setbacks), to construct a portico addition in the front Setback, located in Residence A District, PID# B07010000.

Testimony was taken. J. Ezzes made a motion to close the hearing. (2nd E. Wong). (5-0-0)

Action: Granted

Motion to Grant the Application: J. Ezzes (2nd M. Scordato)

Vote: In favor (5-0-0): Jim Ezzes, Elizabeth Wong, Josh Newman, Joe Scordato, Michele Hopson

See attached resolution.

8. **39 Sherwood Drive:** Application #ZBA-24-00287 by Justin Giorlando, for property owned by Janusz Chomick, for variance of the Zoning Regulations: §6-2.1.6 (Non-Conforming New Construction), §6-3.1 (Non-Conforming Setbacks), §14-4 (Setbacks), and §14-6 (Building and Total Coverage), to construct a new 2-story single-family dwelling over allowable Building and Total Coverage with a rear patio, multi-level balcony, and mechanicals in the Setbacks and to find consistency with Coastal Area Management Regulation, located in Residence B District, PID# E04031000.

Testimony was taken. J. Ezzes made a motion to close the hearing. (2nd E. Wong). (5-0-0)

Action: No action taken.

Motion to Grant/Deny the Application:

Vote:

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 21st of May 2024, James Ezzes, Chairman, Zoning Board of Appeals.



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June 25, 2024

Heid Shoeneck
 24 Canal Road
 Westport, CT 056880

RE: CASE # ZBA-24-00143
ADDRESS: 24 Canal Road
OWNER OF PROPERTY: Heidi Schoeneck

Dear Ms. Shoeneck,

This is to certify that at the work session of the Zoning Board of Appeals held on June 18, 2024, it was moved by Mr. Newman and seconded by Ms. Wong to adopt the following resolution:

RESOLVED: 24 Canal Road: Application #ZBA-24-00143 by Heidi and Phil White, for property owned by Heidi Schoeneck, for variance of the Zoning Regulations: §6-2.1.7 (Expansion of Non-Conforming Building), §13-4 (Setbacks), §13-6 (Building and Total Coverage), and §13-7 (Setbacks from Wetlands), to construct a covered stairway and multi-story deck within the Setback and over allowable Building and Total Coverage, located in Residence A District, PID# B02056000.

VOTE:

AYES	-5-	Ezzes, Wong, Newman, Scordato, Hopson
NAYS	-0-	
ABSTENTIONS	-0-	

The variance was denied since no demonstration of hardship was found.

Yours Truly,

James Ezzes, Chairman
 Westport Zoning Board of Appeals



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June 25, 2024

Cindy Tyminski
Moon Garden LLC
PO Box 66
Greens Farms, CT 06880

RE: CASE # ZBA-24-00226
ADDRESS: 10 Hilltop Trail
OWNER OF PROPERTY: Amy Peterson

Dear Ms. Tyminski,

This is to certify that at the work session of the Zoning Board of Appeals held on June 18, 2024, it was moved by Mr. Ezzes and seconded by Ms. Hopson to adopt the following resolution:

GRANTED: 10 Hilltop Trail: Application #ZBA-24-00226 by Cindy Tyminski, Moon Gardens LLC, for property owned by Amy Peterson, for variance of the Zoning Regulations: §12-6 (Total Coverage), to construct an outdoor fireplace over allowable Total Coverage, located in Residence AA District, PID# G08027000.

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

1. Small Non-Conforming Lot

The lot is in a Residence AA district that has a 1 acre, or 43,560 SF, minimum lot area requirement, and the property is approximately 25% of the minimum lot size at 0.2517 acres, or 10,956 SF.

2. Corner Lot/Two Fronts

The lot has frontage on two streets so two 30' front setbacks.

VOTE:

AYES	-5-	Ezzes, Wong, Newman, Scordato, Hopson
NAYS	-0-	
ABSTENTIONS	-0-	

The above has been **GRANTED** in accordance with the plans submitted with the application: Existing Conditions Survey, prepared by Walter H. Skidd dated 1/5/24; Proposed Survey, prepared by prepared Walter H. Skidd, dated 1/5/24, revised 4/22/24; and Proposed Fireplace Plan, dated 4/2/24. Said plans are stamped "APPROVED" by the Zoning Board of Appeals on June 18, 2024.

Effective Date: Contingent upon applicant filing this resolution with the Town Clerk.

Prior to the issuance of a zoning permit this variance must be filed with the Town Clerk. Subsequent to recording the variance with the Town Clerk you will need to obtain a Zoning Permit. You may also require a Building Permit, and you should contact the Building Department at 203-341-5025 for further information.

Yours Truly,



James Ezzes, Chairman
Westport Zoning Board of Appeals



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June 25, 2024

Mark Strazza
24 Highview Avenue
Old Greenwich, CT 06870

RE: CASE # ZBA-24-00253
ADDRESS: 12 Rivard Crescent
OWNER OF PROPERTY: Zachary and Victoria Shaub

Dear Mr. Strazza,

This is to certify that at the work session of the Zoning Board of Appeals held on June 18, 2024, it was moved by Mr. Ezzes and seconded by Ms. Scordato to adopt the following resolution:

GRANTED: 12 Rivard Crescent: Application #ZBA-24-00253 by Mark Strazza, for property owned by Zachary and Victoria Shaub, for variance of the Zoning Regulations: §13-4 (Setbacks), to construct a portico addition in the front Setback, located in Residence A District, PID# B07010000.

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

1. Pre-Existing Location of the House

The pre-existing location of the house which is close to the front and side setbacks makes it difficult to expand the house without encroaching into the setback.

2. Lot Shape

The lot is irregularly shaped making it challenging construct a compliant portico.

3. Safety

The portico will provide cover from the elements which increases safety.

VOTE:

AYES	-5-	Ezzes, Wong, Newman, Scordato, Hopson
NAYS	-0-	
ABSTENTIONS	-0-	

The above has been **GRANTED** in accordance with the plans submitted with the application: Existing Conditions Survey, prepared by LANDTECH, dated 10/5/23; Proposed Site Plan, prepared by LANDTECH, dated 10/5/23, revised 4/8/24 and Proposed Portico Plan, prepared by Mark Strazza Arcadia Consulting, dated 3/22/24, revised 4/2/24. Said plans are stamped "APPROVED" by the Zoning Board of Appeals on June 18, 2024.

Effective Date: Contingent upon applicant filing this resolution with the Town Clerk.

Prior to the issuance of a zoning permit this variance must be filed with the Town Clerk.

Subsequent to recording the variance with the Town Clerk you will need to obtain a Zoning Permit. You may also require a Building Permit, and you should contact the Building Department at 203-341-5025 for further information.

Yours Truly,

James Ezzes, Chairman

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June 25, 2024

Gloria Gouveia
Land Use Consultants
131 Kings Highway North
Westport, CT 06880

RE: CASE # ZBA-24-00245
ADDRESS: 35 Wright Street
OWNER OF PROPERTY: Cynthia M. Muller, Revocable Trust

Dear Ms. Gouveia,

This is to certify that at the work session of the Zoning Board of Appeals held on June 18, 2024, it was moved by Mr. Scordato and seconded by Ms. Wong to adopt the following resolution:

GRANTED: 35 Wright Street: Application #ZBA-24-00245 by Gloria Gouveia, Land Use Consultants, for property owned by Cynthia M. Muller Revocable Trust/Peter Rosenberg Trustee, for variance of the Zoning Regulations: §12-4 (Setbacks), to install a generator partially within the side Setback, located in Residence AA District, PID# C09042000.

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

1. Pre-Existing Location of Historic House

The pre-existing location of the house which is within the front and side setbacks makes it difficult to make improvements to the house without encroaching into the setback.

2. Historic House

The Principal Building A.K.A the Zalmon Sanford House No. 1 was constructed in constructed ca. 1845 according to Historic Resource Inventory.

3. Lot Shape

The lot is long and narrow leaving little room on the sides of house.

VOTE:

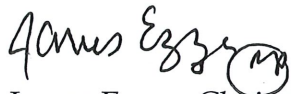
AYES	-5-	Ezzes, Wong, Newman, Scordato, Hopson
NAYS	-0-	
ABSTENTIONS	-0-	

The above has been **GRANTED** in accordance with the plans submitted with the application: Existing Conditions Survey, prepared by Leonard Surveyors dated 1/5/24; Proposed Site Plan, prepared by J.P. Franzen Associates Architects, P.C., dated 2/21/24, revised 3/14/24. Said plans are stamped "APPROVED" by the Zoning Board of Appeals on June 18, 2024.

Effective Date: Contingent upon applicant filing this resolution with the Town Clerk.

Prior to the issuance of a zoning permit this variance must be filed with the Town Clerk. Subsequent to recording the variance with the Town Clerk you will need to obtain a Zoning Permit. You may also require a Building Permit, and you should contact the Building Department at 203-341-5025 for further information.

Yours Truly,



James Ezzes, Chairman

Westport Zoning Board of Appeals