



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

July 29, 2024

### **ACTION MINUTES**

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

**ZONING BOARD OF APPEALS: Tuesday, July 23, 2024**

**Public Meeting Started: 6:00 PM. Adjourned: 7:45 PM**

**Members Present:**

James Ezzes – Chairman

Michele Hopson

Elizabeth Wong – Vice Chair

Joseph Scordato – Secretary

RB Benson – in attendance for 63 Old Hill Road

Josh Newman

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

Laurie Montagna, Zoning Official

**I. Public Hearing**

- 1. 63 Old Hill Road:** Appeal #ZBA-24-00269 by Eric Bernheim, Esq. on behalf of property owners James and Diana Coyne, for appeal of decision of the Zoning Enforcement Officer Laurie Montagna’s decision to deny issuance of a zoning permit dated May 6, 2024 for a pickleball court, located in Residence AA district, PID# B11017000.

Application opened, testimony taken, and application continued to 9/10/24.

- 2. 7 Hyatt Lane:** Application #ZBA-24-00318 by Trillium Architects, for property owned by Paul J. and Amiee B. Kenline, for variance of the Zoning Regulations: §6-2.1.6 (New Construction), §6.3.1 (Non-Conforming Lot Setbacks), §12-4 (Setbacks), and §12-6 (Total Coverage), for construction of a new single-family residence with addition more than 35% of existing footprint, with new front porch partially in front setback and over total coverage, located in the Residence AA district, PID# B09105000.

Application opened, testimony taken, and application closed.

**Action:** Granted

**Motion to Grant the Application:** J. Scordato (2<sup>nd</sup> J. Newman)

**Vote:** In favor (5-0-0): J. Ezzes, E. Wong, J. Scordato, J. Newman, M. Hopson

**See attached resolution**

3. **26 Woods Grove Road:** Application #ZBA-24-00328 by Cindy Tyminski, for property owned by Frank William and Olivia Marie Eucalitto, for variance of the Zoning Regulations: §11-2.4.8(a) (Accessory building exceeding 300 SF of Gross Floor Area), to convert an existing garage into a shed, and to find consistency with Coastal Area Management Regulations for constructing a new single-family residence, located in a Residence A district, PID #C11085000.

Application opened, testimony taken, and application closed.

**Action:** Granted variance and approved Coastal Site Plan with conditions

**Motion to Grant the Variance Application:** J. Ezzes (2<sup>nd</sup> J. Scordato)

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

**Motion to Approve with Conditions the Coastal Site Plan:** J. Ezzes (2<sup>nd</sup> J. Scordato)

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

**See attached resolution**

## II. Work Session

- **New Business - None**
- **Old Business**
- **Other ZBA Business – None**

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](http://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](mailto: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 29<sup>th</sup> July 2024, James Ezzes, Chairman, Zoning Board of Appeals.



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July 24, 2024

David Moore  
Trillium Architects  
16 Bailey Avenue  
Ridgefield, CT 06877

**RE: CASE # ZBA-24-00318**  
**ADDRESS: 7 Hyatt Lane**  
**OWNER OF PROPERTY: Paul and Aimee Kenline**

Dear Mr. Moore,

This is to certify that at the work session of the Zoning Board of Appeals held on July 23, 2024, it was moved by Mr. Ezzes and seconded by Ms. Wong to adopt the following resolution:

**RESOLVED: 7 Hyatt Lane:** Application #ZBA-24-00318 by Trillium Architects, for property owned by Paul J. and Amiee B. Kenline, for variance of the Zoning Regulations: §6-2.1.6 (New Construction), §6.3.1 (Non-Conforming Lot Setbacks), §12-4 (Setbacks), and §12-6 (Total Coverage), for construction of a new single-family residence with addition more than 35% of existing footprint, with new front porch partially in front setback and over total coverage, located in the Residence AA district, PID# B09105000 is GRANTED.

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 39% of the minimum lot size at 0.39 acres, or 17,361 SF.

**2. Pre-Existing Location of the House**

The existing house location of the house precludes the addition of a front porch without encroaching in the front Setback.

**3. Safety**

The covered front porch enhances safety in the event of bad weather.

**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, Land Surveyor LLC, dated 5/6/24; Proposed Plot Plan, prepared by Walter H. Skidd, Land Surveyor LLC, dated 5/6/24, revised 5/22/24 and Building Plans, prepared by Trillium Architects, dated 5/29/24. Said plans are stamped "APPROVED" by the Zoning Board of Appeals on July 23, 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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July 24, 2024

Cindy Tyminski  
Moon Gardens LLC  
PO Box 66  
Greens Farms, CT 06838

**RE: CASE # ZBA-24-00328**  
**ADDRESS: 26 Woods Grove Road**  
**OWNER OF PROPERTY: Frank William and Olivia Marie Eucalitto**

Dear Mr. Moore,

This is to certify that at the work session of the Zoning Board of Appeals held on July 23, 2024, it was moved by Mr. Ezzes and seconded by Mr. Scordato to adopt the following resolution:

**RESOLVED: 26 Woods Grove Road:** Application #ZBA-24-00328 by Cindy Tyminski, for property owned by Frank William and Olivia Marie Eucalitto, for variance of the Zoning Regulations: §11-2.4.8(a) (Accessory building exceeding 300 SF of Gross Floor Area), to convert an existing garage into a shed, and to find consistency with Coastal Area Management Regulations for constructing a new single-family residence, located in a Residence A district, PID #C11085000 is GRANTED.

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 A district that has a 1/2 acre, or 21,780 SF, minimum lot area requirement, and the property is approximately 69% of the minimum lot size at 0.34 acres, or 15,109 SF.

**2. Reduction in Nonconformity**

The exiting Total Coverage is 26.1% and will be reduced to 24.21%.

**3. Sanitary Sewer and Electrical Easement**

The sanitary sewer and electrical easements encumber the property.

**4. Lot Shape**

The lot is long and narrow which does not permit the 100' x 150' rectangle required in the Residence A district.

**5. Steep Slopes/Wetlands**

Approximately 1,424 SF, approximately 9%, of the lot contains Steep Slopes and Wetlands.

26 Woods Grove Road has a gross Lot Area of approx. 0.36 acres, or 15,109 SF, but after the mandatory deduction is taken for the Steep Slopes, a base Lot Area of 0.32 acres, or 13,968 SF, remains.

**VOTE:**

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

This is to certify that at the work session of the Zoning Board of Appeals held on July 23, 2024, it was moved by Mr. Ezzes and seconded by Mr. Scordato to **APPROVE WITH CONDITIONS** the following Coastal Site Plan for the following reasons:

The Westport Zoning Board of Appeals finds that this project is consistent with the policies identified in Section(s) 22a-92(b) (1) and 22-a-92 (b) (2) of the Coastal Area Management Act; that it will not adversely affect adjacent Coastal Resources identified in Sections 22-93 (a) (7) of said Act with the following conditions:

1. The proposed anti-tracking construction entrance and silt fencing should be installed prior to commencement of construction and remain in place until the lot is stabilized which will help to limit possible sediment movement into the coastal resources.
2. The retention and maintenance of the 35' to 40' wide wooded area abutting Lees Canal.

**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 All Seasons Land Surveying, dated 11/13/23, revised 7/22/24; Site Plan, prepared by Chappa Site Consulting, LLC, dated 6/3/24, revised 7/15/24 and Building Plans, prepared by Robert Dean Architects, dated 4/20/24, revised 7/16/24. Said plans are stamped "APPROVED" by the Zoning Board of Appeals on July 23, 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