



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

September 30, 2024

ACTION MINUTES

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

ZONING BOARD OF APPEALS: Tuesday, September 24, 2024

Public Meeting Started: 6:00 PM. Adjourned: 7:30 PM

Members Present:

James Ezzes - Chairman

Elizabeth Wong - Vice Chair

Joe Scordato - Secretary

Josh Newman

Sheri Rabiner-Gordon

RB Benson

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

I. Work Session

- 1. 15 Gorham Avenue: #ZBA-23-00158,** Discussion and resolution regarding taking no further legal action on this court case.

Action: Voted to Adopt Resolution

Motion to Adopt the Resolution: Jim Ezzes (2nd Liz Wong)

Vote: In favor (5-0-0): Ezzes, Wong, Newman, Scordato, Benson

See attached resolution

II. Public Hearing

- 1. 233 Hillspoint Road:** Review and potential approval of extension of time to complete the new front entry, foundation stone and addition on right side as required in Resolution dated 4/22/24, updated 7/16/24 approving the *Agreement for Modification of Stipulation and Judgement*.

Action: Voted to Extend Deadline to 11/1/24

Motion to Extend the Deadline: Jim Ezzes (2nd Joe Scordator)

Vote: In favor (5-0-0): Ezzes, Wong, Newman, Scordato, Benson

See attached resolution

2. **222 Hillspoint Road:** #ZBA-24-00496 by Joel Z. Green, Esq. on behalf of property owners 227 Hills LLC of 227 Hillspoint Road, Hillspoint Cove LLC of 223 Hillspoint Road and Ellen van Dorsten of 216 Hillspoint Road, appealing the decision of Mary Young, Planning and Zoning Director, to sign the "Liquor Permit Application: Local Official Approval Addendum" submitted by Romanacci Compo LLC providing Zoning Authority Approval for a "Café (LCA)" Liquor Permit for the business located upon the subject property, located in Residence B district, PID# E04050000.

Action: Application opened with no testimony and continued to 10/8/24

3. **1 Morningside Drive North:** #ZBA-24-00303 by NO Real Estate LLC, property owner, for variance of Zoning Regulations: §34-5 (Parking Requirements), §28-11 (Parking), to permit relief of two additional parking spaces to accommodate a change from Office use to Medical use, located in Business Preservation District, PID# F09124000.

Application opened, testimony taken and application closed. Jim Ezzes made a motion to close the application and Rb Benson seconded. Closed (5-0)

Action: Granted

Motion to Grant the Application: Joe Scordato (2nd Josh Newman)

Vote: In favor (5-0-0): Ezzes, Newman, Scordato, Gordon, Benson

See attached resolution

4. **66 Kings Highway North:** #ZBA-24-00421 by Scott and Margaret Buddenhagen, property owners, for variance of the Zoning Regulations: §12-6 (Total Coverage), to permit expansion of driveway over allowable Total Coverage, located in Residence AA district, PID #C09054000.

Application opened, testimony taken and application closed. Jim Ezzes made a motion to close the application and Sheri Rabiner-Gordon seconded. Closed (5-0)

Action: Granted

Motion to Grant the Application: Sheri Rabiner-Gordon (2nd Joe Scordato)

Vote: In favor (5-0-0): Ezzes, Newman, Scordato, Gordon, Benson

See attached resolution

5. **78 Hillandale Road:** #ZBA-24-00430 by Kurt Niquette on behalf of property owners Michael Fromm and David Gonzales, for variance of the Zoning Regulations: §12-6 (Total Coverage), to permit construction of new entryway over allowable Total Coverage, located in Residence AA district, PID #F08099000.

Application opened, testimony taken and application closed. Jim Ezzes made a motion to close the application and Sheri Rabiner-Gordon seconded. Closed (5-0)

Action: Granted

Motion to Grant the Application: Sheri Rabiner-Gordon (2nd Joe Scordato)

Vote: In favor (5-0-0): Ezzes, Newman, Scordato, Gordon, Benson

See attached resolution

6. **25 Hickory Drive:** #ZBA-24-00453 by Louis E. Donofrio, Jr. on behalf of property owner Tammy Lo, Trustee, for variance of the Zoning Regulations: §13-4 (Setbacks) and §13-6 (Building and Total Coverage), to authorize the existing Total Coverage and the existing bay window in the Setback and to construct an addition with driveway expansion over the allowable Building and Total Coverage, located in Residence A district, PID #F09143000.

Application opened, testimony taken and application closed. Jim Ezzes made a motion to close the application and Josh Newman seconded. Closed (5-0)

Action: Granted

Motion to Grant the Application: Joe Scordato (2nd RB Benson)

Vote: In favor (5-0-0): Ezzes, Newman, Scordato, Gordon, Benson

See attached resolution

III. 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, 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 1st October 2024, James Ezzes, Chairman, Zoning Board of Appeals.



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

September 26, 2024

15 Gorham Avenue: Application #ZBA-23-00158 by Mark Bartolone, AIA, for property owned by Joyce E. Stites, for variance of the Zoning Regulations: §6-2.1 (Expansion of a Non-Conforming Building), §6-2.1.3 (Expansion of Non-Conforming Building and Total Coverage), §6-2.1.6 (Non-Conforming New Construction), §6-3 (Building and Total Coverage on a Non-Conforming Lot), §6-3.1 (Setbacks on a Non-Conforming Lot), §13-4 (Setbacks), §13-6 (Building and Total Coverage), and §34-11.5 (Driveway Slopes), to construct a second-floor addition with a covered front porch, a new walkway with steps, driveway expansion with associated retaining wall, and to retain existing stairs in rear setback over Building and Total Coverage, located in Residence A district, PID# D11027000.

RESOLUTION

WHEREAS, the Zoning Board of Appeals (“ZBA”) granted Application #ZBA-23-00158 for a variance of the zoning regulations to permit the defendant-applicant, Joyce E. Stites, to undertake certain improvements to residential real property located at 15 Gorham Avenue.

WHEREAS, Jason P. Wulf, an abutting property owner, timely appealed the ZBA’s decision to the Superior Court for the Judicial District of Bridgeport at Bridgeport (FBT-CV23-6125620-S) (the “Appeal”).

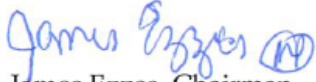
NOW THEREFORE, BE RESOLVED, the ZBA makes the following findings:

1. The defendant-applicant, Joyce E. Stites, filed a Statement In Lieu of Brief with the court on August 16, 2024. Stites confirmed that she will no longer defend the Appeal.
2. In accordance with ZBA policy (if the property owner/applicant who receives a variance subsequently elects not to defend the ZBA decision in Superior Court, the ZBA will not offer a defense either), and on advice of legal counsel, the ZBA has elected to forego any further defense of the Appeal on behalf of the defendant-applicant. The ZBA waives its right to file a brief in opposition to the Appeal and to oral argument.
3. In the event the court sustains the Appeal and reverses the decision of the ZBA, the ZBA will not petition for certification to appeal, file a motion to open or reconsider or otherwise object to the trial court’s decision.

VOTE:

The Zoning Board of Appeals voted on September 24, 2024 as follows:		
AYES	-5-	Ezzes, Wong, Newman, Scordato, Benson
NAYS	-0-	
ABSTENTIONS	-0-	

Yours Truly,



James Ezzes, Chairman
Westport Zoning Board of Appeals



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

April 22, 2024, Updated July 16, 2024 and **September 26, 2024**

Summit Westport LLC
 c/o James Pendry
 233 Hillspoint Road
 Westport, CT 06880

ADDRESS: 233 Hillspoint Road
OWNER OF PROPERTY: Summit Westport LLC

Dear Mr. Pendry,

This is to certify that at the Zoning Board of Appeals hearing held on April 9, 2024, the Board voted 5-0 (Ezzes, Wong, Scordato, Gordan, Benson) and the following resolution was adopted:

RESOLVED: The AGREEMENT FOR MODIFICATION OF STIPULATION AND JUDGEMENT dated March 17, 2024 adopted by the Zoning Board of Appeals on April 9, 2024 in the case of 233 LLC v. Zoning Board of Appeals for the Town of Westport (Docket No. FBT-20-6101305-S) is approved with the following conditions:

1. **The spiral staircase and rear deck shown on the architectural plans by Venturini Design, revised 3/2/24 be denied;**
2. **The proposed vegetated buffer/landscape plan by Michael D'Angelo dated 3/12/24 be denied; and**
3. **~~The siding and roof will be completed by July 2, 2024. The trim, siding, and roof must be completed by August 6, 2024 and the new front entry, foundation stone, and addition on the right side shall be completed by September 3, 2024. (extended on July 9, 2024, by the ZBA).~~**

The new front entry, foundation stone, roof and roof deck and addition shall be completed by November 1, 2024 (extended on September 24, 2024 by the ZBA).

The above has been APPROVED in accordance with the Building Plans entitled, "Proposed Renovations to 233 Hillspoint Road, Westport, Connecticut prepared for Vita Design Group dated 12/15/21, revised 9/1/22, received 9/2/22" and Site Plan entitled, "Site Development Plan of 23 Hillspoint Road Westport Connecticut prepared for 233 LLC c/o Gilbert Cohen prepared by Bryan P. Nesteriak, CT P.E., L.S. 23556 dated 3/2/18, revised to 6/15/22" to be revised to remove spiral staircase and rear deck and modified to reflect the vegetated buffer as shown on Site Plan dated 3/23/18 and stamped "APPROVED" by the Zoning Board of Appeals on 4/9/24.

Yours Truly,



James Ezzes, Chairman

Westport Zoning Board of Appeals

cc: Ira Bloom, Town Attorney
Nicholas Bamonte, Town Attorney's Office
Eileen Flug, Assistant Town Attorney
Peter Howard, Building Official
Steve Smith, Assistant Building Official



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

September 26, 2024

Chris Russo, Esq.
 NO Real Estate, LLC
 1 Morningside Drive N
 Westport, CT 06880

RE: CASE # ZBA-24-00421
ADDRESS: 1 Morningside Drive North
OWNER OF PROPERTY: NO Real Estate, LLC

Dear Attorney Russo,

This is to certify that at the work session of the Zoning Board of Appeals held on September 24, 2024, it was moved by Mr. Scordato and seconded by Mr. Newman to adopt the following resolution:

1 Morningside Drive North: #ZBA-24-00303 by NO Real Estate LLC, property owner, for variance of Zoning Regulations: §34-5 (Parking Requirements), §28-11 (Parking), to permit relief of one (1) additional parking spaces to accommodate a change from Office use to Medical use, located in Business Preservation District, PID# F09124000 was **GRANTED**.

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

1. Parking Surplus

Adequate parking exists on the site and the construction of additional parking would require removal of landscaping.

VOTE:

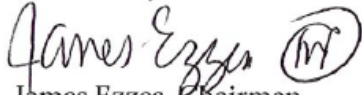
AYES	-5-	Ezzes, Newman, Scordato, Gordon, Benson
NAYS	-0-	
ABSTENTIONS	-0-	

The above has been **GRANTED** in accordance with the plans submitted with the application: EXISTING CONDITIONS SURVEY, prepared by Meehan & Goodin, dated 6/15/15, revised 9/8/17; and ARCHITECTURAL PLANS, Ex Floor Plan – Level 1, prepared by Studio Troika, dated 7/23/24. Said plans are stamped “APPROVED” by the Zoning Board of Appeals on September 24, 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



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

September 26, 2024

Scott and Margaret Buddinghagen
 66 Kings Highway North
 Westport, CT 06880

RE: CASE # ZBA-24-00421
ADDRESS: 66 Kings Highway North
OWNER OF PROPERTY: Scott and Margaret Buddinghagen

Dear Mr. and Mrs. Buddinghagen,

This is to certify that at the work session of the Zoning Board of Appeals held on September 24, 2024, it was moved by Ms. Gordon and seconded by Mr. Scordato to adopt the following resolution:

66 Kings Highway North: #ZBA-24-00421 by Scott and Margaret Buddinghagen, property owners, for variance of the Zoning Regulations: §12-6 (Total Coverage), to permit expansion of driveway over allowable Total Coverage, located in Residence AA district, PID #C09054000 was **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 acre, or 43,560 SF, minimum lot area requirement, and the property is approximately 39% of the minimum lot size at 0.391 acres, or 17,036 SF.

2. **Public Safety**

The modifications to the driveway enhance public safety by providing a turnaround area.

VOTE:

AYES	-5-	Ezzes, Newman, Scordato, Gordon, Benson
NAYS	-0-	
ABSTENTIONS	-0-	

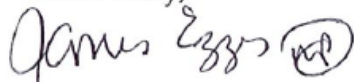
Page 2

The above has been **GRANTED** in accordance with the plans submitted with the application: **SITE PLAN**, prepared by Mark A. Ochman, PE LS, dated 11/23 revised 7/17/24. Said plans are stamped "APPROVED" by the Zoning Board of Appeals on September 24, 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,

A handwritten signature in black ink that reads "James Ezzes" followed by a circled "WPA" monogram.

James Ezzes, Chairman

Westport Zoning Board of Appeals



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

September 26, 2024

Kurt Niquette
154 New Haven Avenue
Milford, CT 06460

RE: CASE # ZBA-24-00430
ADDRESS: 78 Hillandale Road
OWNER OF PROPERTY: Michael Fromm and David Gonzales

Dear Mr. Niquette,

This is to certify that at the work session of the Zoning Board of Appeals held on September 24, 2024, it was moved by Ms. Gordon and seconded by Mr. Scordato to adopt the following resolution:

78 Hillandale Road: #ZBA-24-00430 by Kurt Niquette on behalf of property owners Michael Fromm and David Gonzales, for variance of the Zoning Regulations: §12-6 (Total Coverage), to permit construction of new entryway over allowable Total Coverage, located in Residence AA district, PID #F08099000 was **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 acre, or 43,560 SF, minimum lot area requirement, and the property is approximately 85% of the minimum lot size at 0.84 acres, or 37,021 SF.

2. Steep Slopes/Wetlands

Approximately 19,388 SF of the lot contains Steep Slopes. 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."*

78 Hillendale Road has a gross Lot Area of approx. 0.84 Acres or 37,021 SF but after the mandatory deduction is taken for the steep slopes, a base Lot Area of 0.48 Acres or 21,510 SF remains.

The base Lot Area is used to determine Coverage potential.

3. Public safety

The entryway will provide shelter from the elements which will increase public safety.

VOTE:

AYES	-5-	Ezzes, Newman, Scordato, Gordon, Benson
NAYS	-0-	
ABSTENTIONS	-0-	

The above has been **GRANTED** in accordance with the plans submitted with the application: EXISTING CONDITIONS SURVEY, prepared by Charles L. Leonard IV, L.S., dated 5/2/24; PROPOSED SURVEY prepared by Charles L. Leonard IV, L.S., dated 5/2/24; and ARCHITECTURAL PLANS prepared by MAF Architects, dated 1/29/24, revised 4/15/24. Said plans are stamped "APPROVED" by the Zoning Board of Appeals on September 24, 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



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

September 26, 2024

Louis E. Donofrio, Jr.
25 Hickory Drive
Westport, CT 06880

RE: CASE # ZBA-24-00453
ADDRESS: 25 Hickory Drive
OWNER OF PROPERTY: Tammy Lo, Trustee

Dear Mr. Onofrio,

This is to certify that at the work session of the Zoning Board of Appeals held on September 24, 2024, it was moved by Mr. Scordato and seconded by Mr. Benson to adopt the following resolution:

25 Hickory Drive: #ZBA-24-00453 by Louis E. Donofrio, Jr. on behalf of property owner Tammy Lo, Trustee, for variance of the Zoning Regulations: §13-4 (Setbacks) and §13-6 (Building and Total Coverage), to authorize the existing Total Coverage and the existing bay window in the Setback and to construct an addition with driveway expansion over the allowable Building and Total Coverage, located in Residence A district, PID #F09143000 was GRANTED WITH CONDITIONS.

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 acre, or 43,560 SF, minimum lot area requirement, and the property is approximately 85% of the minimum lot size at 0.84 acres, or 37,021 SF.

2. Public safety

The garage addition will increase public safety by providing a secure place for cars.

VOTE:

Table with 3 columns: Category (AYES, NAYS, ABSTENTIONS), Count (-5-, -0-, -0-), and Names (Ezzes, Newman, Scordato, Gordon, Benson)

The above has been **GRANTED** in accordance with the plans submitted with the application: **EXISTING CONDITIONS SURVEY**, prepared by Charles L. Leonard IV, L.S., dated 5/2/24; **PROPOSED SURVEY**, prepared by Charles L. Leonard IV, L.S., dated 5/2/24; and **ARCHITECTURAL PLANS** prepared by MAF Architects, dated 1/29/24, revised 4/15/24. Said plans are stamped "APPROVED" by the Zoning Board of Appeals on September 24, 2024 with the following **CONDITION**:

- 1. The relocated patio should be shown on the Proposed Survey by Charles L. Leonard IV, L.S. prior to issuance of Zoning Permit to ensure there will be no encroachment into the setback.**

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