



WESTPORTSM

Zoning Board of Appeals

Town Hall, 110 Myrtle Avenue, Room 203
Westport, CT 06880
www.westportct.gov
ZBA@westportct.gov
Telephone (203) 341-1030

MEMORANDUM

TO: Zoning Board of Appeals
FROM: Michael Tartaglia, Zoning Official
DATE: 10/15/24

ADDRESS: 28 Charcoal Hill Road
ZBA #: ZBA-24-00537
ZONE: Residence AAA district
PID #: E15033000
OWNER: Vivian Hsu
APPLICANT: Cindy Timinski, Moon Gardens LLC



Proposal: To construct a 2 garage partially in the setback.

History

- ZBA #5185 - Granted on 10/10/95 to legalize pool mechanicals in the setbacks.
- Permit #15770 permit issued on 2-15-75 for a 1 story garage addition. ZCC issued with garage at 48.1' from property line on 10-14-77

Variiances Needed

- §11-4 (Setbacks in Residence AAA District)

Hardship Offered by Applicant

- Staff error in 1977
- Wetlands

Flood Zone Data

Is the property in a Flood Zone?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
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Additional Requirements

Excavation & Fill Application Required?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
P&Z Site Plan/Special Permit Required?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Is this Application eligible for a Site Plan Waiver per §43-5.2?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Is Substantial Improvement Review Required?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
CAM? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Is CAM Site Plan Required? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	List Section:

Additional Information

- 28 Charcoal Hill Rd is a conforming lot with 2.03 acres [88,332sf] in a required 2 acre [87,120sf district] Residence AAA
- The garage was constructed in 1977 with the house predating it
- The property is currently conforming to total coverage at 10.3%% [6,784sf]. The proposed total coverage of 7.49%%[4,933sf] represents a reduction of 1,851sf
 - Reduction is due to the removal of pool, spa, deck, and portion of driveway.
- There are 28,129sf of wetlands reducing the base lot area to 65,828sf.
- The garage was permitted without the need for a variance as it was proposed to be 50’ from the property line. According to the 1977 as-built the garage was constructed 48.1’ from the property line and was granted a Zoning Certificate of Compliance due to staff error.
- The attached garage is proposed to be torn down and rebuilt on its current foundation with the addition of a second floor.
- A variance is required for this proposal due to the proposed second garage addition being located within the setback.
 - Proposed setback is 47.5’ where 50’ is required
- This project also proposes a patio, patio expansion, firepit, bar area, BBQ, and several walkways.
 - Non of these additional items require variances
- Engineering confirmed that the drainage appears compliant, but will need a full review for permitting.
- Conservation Staff Report attached
 - Set to be heard by the Conservation Commission on 10-16-24

Setback	Required	Proposed
	50’	47.5’