



Town of Westport
Zoning Board of Appeals
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 www.westportct.gov

MEMORANDUM

To: Members of the Zoning Board of Appeals
 From: Laurie Montagna, CAZEO, Zoning Official
 Date: October 24, 2024



ADDRESS: 4 Primrose Lane (formerly 189 Cross Highway)
ZONE: Residential AAA zone
ZBA #: ZBA-24-00601
PID #: G15012000
OWNER: Siho Ham and Melody Jones
APPLICANT: R.I Pools Inc./Franco Iannone

Proposal: To permit construction of swimming pool, patio and pool equipment all partially in the setbacks and for existing patio partially in the setbacks, in Res. AAA zone.

Variance History: No prior variances.

Variances requested: Sec. 11-4 setbacks (front and side) for Res. AAA zone

Hardship Offered by Applicant: "Narrow lot width, non-conforming lot, steep slopes and 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 ARB 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: 4 Primrose Lane (formerly 189 Cross Highway) is a non-conforming lot of 65,826 sf in a Res. AAA zone, requiring 2 acres (87,120 sf). The lot is developed with a single-family residence constructed in 2021. There are 1398 sf of wetlands and 762 sf of steep slopes, bringing the net lot area to 64,098 sf after wetlands are deducted. The lot is served by a private septic system.

This variance application proposes to construct a 20' x 40' swimming pool, patio and pool mechanicals all partially in the setbacks. The proposed pool and patio extend into the east side setback (side) about 35' and the pool equipment is proposed to encroach into the front setback off Primrose Lane, about 45'. The lot has frontage on Cross Highway and Primrose Rose Lane, but as the lot is in Res. AAA zone, all setbacks are 50'.

A new residence was constructed in 2020 per zoning permit ZN-20-00751 when the address of the lot was 189 Cross Highway. The ZCC for this zoning permit was issued in 2021. The patio off the house on the east lot line appears to have been built around 2022, after the ZCC for the new house was issued. The patio was constructed without permits and in the setbacks. It first shows up on Near Map in August of 2022, so legalization per C.G.S 8-13a is not possible. A variance is requested for the construction of the pool, new patio and pool equipment, and the existing patio, all partially in the setbacks.

Department Comments:

- **Engineering:** If the variance is granted, review by the Engineering Department will be needed prior to zoning permit issuance.
- **Conservation:** Conservation Department issued permit AA-125015-24 on 10-11-24 for this work.
- **Health:** Aspetuck Health District issued approvals for the pool and patio on 9-30-24.
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Zoning Data: Zoning Data taken from proposed Conditions Survey Walter Skidd, LS, amended 9/18/24

	Required/Allowed	Existing	Proposed
Lot Area (Gross):	87,120 SF 2 acres	65,826 SF 1.5 acres	No change
Wetlands	0	1398 SF	No change
Steep Slopes	0	762 SF	
Lot Area (Net):	N/A	64,098 SF 1.4 acres	No change
Total Coverage	25%	8.92% (5,719 sf)	10.17% (6,519 sf)
Setbacks:			
2 Front	50'	50'/50'	50' / 5' *
2 Side	50'	50' / 36.3'	50'/15.3'*

***Variance requested for front and side setbacks.**