

Town of Trumbull
CONNECTICUT

Planning and Zoning
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**ZONING BOARD OF APPEALS
WEDNESDAY, JANUARY 4, 2023 MINUTES**

A regularly scheduled meeting of the Zoning Board of Appeals of the Town of Trumbull was held in Trumbull Town Hall Council Chambers on Wednesday, January 4, 2023.

MEMBERS PRESENT: Steve Elbaum – Chairman
Rob Saunders – Vice Chairman
Richard Mayo – Secretary
Catherine Creager
Matthew Reale
Brian Reilly, Alternate
Joseph Rescsanski, Alternate

MEMBERS ABSENT: None.

ALSO PRESENT: Rob Librandi – Town Planner
Attorney James Cordone – Town Attorney
Gia Mentillo – ZBA Clerk
Trumbull Community Television

A quorum being present, Chairman Elbaum called the meeting to order at 7:02 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

MOTION MADE (Reale), seconded (Rescsanski) to approve as amended the December 7, 2022 minutes. *Commissioners Mayo and Reilly abstained as they were absent from said meeting.*

Vote: 5-0 Motion Carried

MOTION MADE (Creager), seconded (Saunders) to amend the December 7, 2022 minutes. *Commissioners Mayo and Reilly abstained as they were absent from said meeting.*

Vote: 5-0 Motion Carried

Commissioner Creager asked that the December 7, 2022 minutes be amended to not include the extraneous documents from applicants.

PUBLIC HEARING and WORK SESSION:

Chairman Elbaum stated the basic rules and procedures of the meeting, noting that the two alternate members of the Board would listen to but not participate in the work session portions of the meeting.

Application # 23-01 – 42 Louis Street
Jason Raymond for Rodolfo Fontilla

Applicant is requesting a rear yard setback variance of 3.4' where 46.6' is proposed, 46.6' exists and 50' is required and a side yard setback variance of 1.7' where 18.3' is proposed, 18.3' exists, and 20' is required to construct an addition to the home; a front yard setback variance of 35.4' where 14.6' is proposed, 14.4' exists and 50' is required and a side yard setback variance of 2.6' where 17.4' is proposed, 15' exists, and 20' is required to add a covered roof over an existing front patio in the A Residential Zone under Article II section 1.3 and Article III of the Trumbull Zoning Regulations.

Rodolfo Fontilla introduced himself as the resident of 42 Louis Street seeking a variance to allow home expansion and the addition of a portico over an existing concrete patio. The dwelling was built in the early 1930s and is a pre-existing non-conformity. The proposed renovations would square off the footprint of the existing structure, with no additional encroachments to property lines in any direction.

Public Comment: None.

Work Session: Chairman Elbaum stated that the proposed variance seems minor as there are no additional encroachments to the setback requirements than that which exists.

Engineering comments: None.

Motion Made (Saunders), Seconded (Creager), to approve **Application # 23-01 – 42 Louis Street, Jason Raymond for Rodolfo Fontilla.**
Vote: 5-0 Motion Carried

Application #23-02 – 207 Pinewood Trail
Thai Nguyen

Applicant is requesting a front yard setback variance of 13.6' where 36.4' is proposed, 36.6' exists, and 50' is required to construct a garage; a front yard setback variance of 4.2' where 45.8' is proposed, 49.7' exists, and 50' is required and a rear yard setback variance of 31.1' where 18.9' is proposed, 16.2' exists, and 50' is required to construct an addition to the home in the AA Residential Zone under Article II section 1.2 and Article III of the Trumbull Zoning Regulations.

Thai Nguyen introduced himself as the applicant and owner of 207 Pinewood Trail. He thanked Planning and Zoning staff for their guidance through the application process. Mr. Nguyen stated the requested rear and front yard variances to expand his home would place the boundaries of the structure 45.8' from the front (south) lot line, 36.4' from the front (northeast) lot line, and 18.9' from the rear (northwest) lot line.

Chairman Elbaum stated that the proposed addition appears fairly consistent with the existing boundaries of the home. He asked whether Mr. Nguyen spoke with any of the abutting property owners regarding his proposed plans, and Mr. Nguyen confirmed he spoke with the two neighbors to the east and north of his property who did not appear to have any concerns.

Public Comment: Brian Donovan, 8 Hemlock Trail, introduced himself as the owner of the property abutting the rear of 207 Pinewood Trail and stated his opposition to the proposed rear yard setback variance. Mr. Donovan voiced concerns regarding the closeness of the proposed master bedroom to his rear deck, the bedroom window that would face / overlook his property, and the lack of screening, and subsequent lack of privacy, between the two properties. Mr. Donovan provided a photo to the Board which exemplified the lack of plantings.

The Chairman stated that part of the existing structure sits 16.2' from the south lot line and questioned how a lesser encroachment of 18.9' would alter existing circumstances. Mr. Librandi asked whether requiring the removal of the window from the proposed master bedroom would be adequate to remedy Mr. Donovan's privacy concerns. Mr. Donovan clarified that the proposed would directly abut his deck whereas the existing abuts empty yard space and did not feel the removal of the proposed window would ensure adequate privacy. Vice Chairman Saunders pointed out that, though landscaping may help with privacy, it would be difficult to successfully plant anything in that area due to the ledge.

Sue Remington, 16 Hemlock Trail, stated concern regarding the increasing number of variances being granted in the Pinewood Lake area. Understanding the hardship created by limited lot sizes in the area, Ms. Remington asked that the Board keep in mind that the attraction to the area is due to the natural landscape which is permanently impacted every time a variance is passed.

Mr. Nguyen informed that the existing home has a window facing Mr. Donovan's property similar to that which is proposed in the architectural plans shared with the Board, adding that, if needed, he would consider design changes to the window to remedy Mr. Donovan's concerns. Furthermore, the bedrock in the area and street line visibility issues prevent building the proposed addition anywhere else on the property.

Work Session: Vice Chairman Saunders stated his understanding for Mr. Donovan's concerns, adding that bedrock and the topography of the area, which he has personal experience with, creates a difficult situation for all involved as it significantly impacts buildable areas. He voiced support for approving the application as the proposed is aligned with the intent of the regulations that were in place when the structure was originally built.

Commissioner Reale agreed with Commissioner Saunders and voiced support for approved the proposed variance based on the following: the proposed does not expand the existing non-conformity of rear yard setback requirements (meaning the existing structure sits 16.2' from the rear lot line and the proposed would sit farther from said lot line at 18.9'), the lot is on a corner, topography of the lot, soil composition restriction to buildable area.

Commissioner Creager voiced support for allowing the variance, noting that the unusual size and shape of the lot coupled with the topography of the area create a hardship for the property.

Engineering comments: Prior to engineering approval, applicant must show compliance with the Administrative Policy for Stormwater Management and Drainage Design Standards.

Motion Made (Mayo), Seconded (Reale), to approve with conditions **Application #23-02 – 207 Pinewood Trail, Thai Nguyen.**

Vote: 5-0 **Motion Carried**

Chairman Elbaum asked for a motion to adjourn, motion made (Creager) and seconded (Mayo). The January 4, 2023 meeting of the Zoning Board of Appeals adjourned at 7:27 p.m. with unanimous consent.

Dated at Trumbull, CT this 11th day of January, 2023.

By: Gia Mentillo, ZBA Clerk