



## Town of Wilton Zoning Board of Adjustment

**To:** Town of Wilton Planning Board

**From:** Town of Wilton Zoning Board of Adjustment

**Date:** July 13, 1995

**Subject:** Grayson Parker, J-116, Site Plan Review — Preliminary

**cc:** Grayson Parker  
Silas Little, Town Counsel

Dear Sirs:

We have observed in the minutes of the June 21 Planning Board meeting that "Mr. Whitehill advised that the way the plan was, he [Grayson Parker] should have requested a variance from (c) and without a variance from that, he still had to comply with it."

Under state law, the ZBA has exclusive authority to determine whether a proposed use satisfies the requirements for a special exception as set forth in the Zoning Ordinance. The ZBA having granted a special exception, no other body (except the superior court, on appeal) has the authority to make an independent judgment that the proposed use does not satisfy the requirements set forth in the Zoning Ordinance.

In Case # 5/10/95-1, the ZBA granted a special exception to Mr. Parker under the terms of section 5.3.7 of the Wilton Zoning Ordinance, for the use indicated on the plans submitted by Mr. Parker with his application, which included the location of the proposed parking spaces and the proposed turn-around. Therefore, the special exception granted to Mr. Parker includes permission to use the parking spaces and turn-around as indicated on the submitted plans.

Since the ZBA, in granting the special exception, has found that Mr. Parker's plan, with the variances granted, satisfies the requirements of section 5.3.7, the Planning Board should find that his application satisfies the zoning conformance requirements of the site plan review standards.

Sincerely,

Neil Faiman  
Chairperson, Wilton ZBA