

TOWN OF WILTON

ZONING BOARD OF ADJUSTMENT MINUTES

JUNE 12, 1991

VOTING BOARD: Chairman Neil Faiman; members Steve Blanchard, Herb Klein, Tom Mitchell and alternate Joanna Eckstrom substituting for Grayson Parker.

CLERK: Diane Nilsson

AGENDA: Wakako Shiu - application for Special Exception.  
Craig & Melanie Morse - application for Special Exception.

Chairman Neil Faiman called the meeting to order at 7:30 p.m.

Case # 6/12/91-1 SHIU

Wakako Shiu, Curtis Farm Road, Lot B-040 in the Residential/Agricultural District, requested a Special Exception under the terms of Section 5.3.1 of the Wilton Zoning Ordinance to operate a home occupation to permit the teaching of Japanese cooking, language, flower arrangement & calligraphy.

Ms. Shiu stated that the cooking and flower arrangement classes would meet once a week. The cooking class would have 6-8 students & the flower arrangement class 3 students. The calligraphy & language classes would be private lessons.

Mr. Mitchell stated that he and Mr. Faiman had visited the site and noted that there would be no changes to the house and that there was adequate parking.

Mr. Faiman cited the criteria for a Special Exception under the terms of Section 5.3.1, noting that Ms. Shiu had met the criteria.

The Board stated that if Ms. Shiu wishes to erect a sign she must get a permit from the Selectmen.

MOTION: Mr. Blanchard moved to approve the request as presented, seconded by Mr. Mitchell with all in favor.

Mr. Faiman stated that the selectmen, any party to the action or proceedings, or any person affected thereby may apply for a rehearing of this decision. A request for a rehearing must be filed in writing with the Zoning Board of Adjustment on or before July 2, 1991, and must fully specify all grounds on which the rehearing is requested.

Case # 6/12/91-2 MORSE

Craig & Melanie Morse, Pine Valley Street, Lot K-153 in the Residential District, requested a Special Exception under the terms of Section 5.3.1 of the Wilton Zoning Ordinance to permit the operation of a beauty salon as a home occupation and the construction of a 180 sq. ft. addition in which it will be conducted.

Mr. Morse stated that he and Melanie are proposing a 13' X 10'8" addition in which to conduct a home occupation beauty salon. The room would be easily converted into living quarters and the Morse's stated that they will build the room with or without the Special Exception. The beauty salon would operate by appointment only, probably 15-18 customers per week.

Mr. Faiman stated that seeking a Special Exception for construction of a residential addition is not the business of the Zoning Board. If the Morse's propose a non-residential addition, it also, would not fall into the category of a home occupation. So either way, there is a question as to whether the Zoning Board should hear this case.

The Board questioned and discussed the idea of seeking a special exception for a home occupation before the room even exists. Mr. Mitchell stated that it seems that the room is being constructed primarily for the use of an occupation, which goes against the intent of the zoning ordinance.

Building Inspector, Frank Millward stated that the Morse's applied for a building permit to construct a beauty salon, which is illegal without a Special Exception.

Mr. Klein stated that he feels that the Board does not have the legal right to grant a Special Exception before the structure exists which pertains to the Special Exception being considered. Mr. Mitchell agreed.

The Board discussed off-street parking at the site and it appeared that there was not enough room for the required 2 parking spaces.

Ms. Eckstrom stated that she feels that the Morse's have met the criteria for a home occupation and the Board needs to visualize the structure and grant the Special Exception.

Mr. Faiman stated that the Board has no problem visualizing the structure but that some members of the Board question whether it is appropriate to grant a Special Exception for a home occupation in a space that does not exist since a home occupation is intrinsically the use of existing residential space.

MOTION: Mr. Mitchell moved to continue the hearing for this Special Exception until such time as the structure in question exists. Mr. Klein seconded the motion.

VOTE: YES - Mr. Klein, Mr. Mitchell & Mr. Faiman  
NO - Mr. Blanchard  
Ms. Eckstrom abstained.

Mr. Faiman stated that the motion had passed and that the Board will continue the hearing until such time as the building exists.

The Board discussed the definition of "exists" in relation to the as-yet-unbuilt structure.

MOTION: Mr. Blanchard moved to state that the definition of "exists" for the purpose of this application, "is upon completion of the framing stage of construction." Ms. Eckstrom seconded the motion with all in favor.

Mr. Faiman stated that this case will be continued on the agenda for the July meeting (2nd Wednesday). If the framing has been completed, the Board will hear the case. If the framing has not been completed, the case will be continued to the August meeting.

Mr. Faiman also stated that the selectmen, any party to the action or proceedings, or any person affected thereby may apply for a rehearing of this decision. A request for a rehearing must be filed in writing with the Zoning Board of Adjustment on or before July 2, 1991, and must fully specify all grounds on which the rehearing is requested.

MINUTES - May 8, 1991

MOTION: Mr. Blanchard moved to approve the 5/8/91 minutes, seconded by  
Mr. Mitchell with all in favor.

A motion was duly made and seconded to adjourn the meeting with all in favor.  
The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

*Diane Nilsson*

Diane Nilsson, Clerk

Posted: 6/18/91