

**Minutes of  
ZONING BOARD OF APPEALS  
February 4, 2019**

**MEMBERS PRESENT**

Mrs. Edmonds, Chairman  
Mr. Bilus  
Mr. Tashjian

**MEMBERS ABSENT**

Mr. Mahoney, Secretary  
Ms. Rozel

**ALTERNATES PRESENT**

Ms. Cardon  
Ms. Walsh

**ALTERNATES ABSENT**

Also in Attendance:

Lynn Brooks-Avni, Town Planner, AICP  
Kevin Moynihan, First Selectman

**MEETING OPENED**

At 7:00 p.m.

**REGULAR MEETING**

Organizational Meeting: 7:00 p.m. – First Selectman Kevin Moynihan

Mr. Moynihan, First Selectman opened the meeting and welcomed everyone and thanked the ZBA members for their service. The floor was open for nominations for Chairman. Ms. Walsh nominated Ms. Edmonds for Chairman; seconded by Mr. Bilus. The vote was unanimous. Mr. Bilus made a nomination to appoint Mr. Mahoney as Secretary; seconded by Mr. Tashjian. The vote was unanimous.

Chairman Edmonds explained to those members of the public present how the proceedings would be conducted, and that discussion and possible decision on each public hearing item would be held after the public hearing on each item. Ms. Walsh was seated for Mr. Mahoney and Ms. Cardon was seated for Ms. Rozel.

**PUBLIC HEARING**

The Chairman then called the Public Hearing to order and read the call, as follows:

**LEGAL ADVERTISEMENT**

NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, JANUARY 24, 2019

STATE OF CONNECTICUT
TOWN OF NEW CANAAN
ZONING BOARD
OF APPEALS
NOTICE IS HEREBY GIVEN that the ZONING BOARD OF APPEALS of the Town of New Canaan will hold a Public Hearing on Monday, February 4, 2019 in the Board Room at Town Hall, 77 Main Street at 7:00 p.m. to hear the following application(s): 1. 54 White Birch Road – Zoning Variance – Upon application of Ting Fung Li, owner, for a Variance of Section(s) 3.5 to allow for a variance of the requisite minimum yard setbacks for the principal building and permit the construction of a two (2) story addition and a deck in the two acre residence. Existing side yard setback is 32.7 ft.; required side yard setback is 35 ft.; and the proposed side yard setback is 32.7ft.; in the Two Acre Zone (Map 30, Block 53, Lot 29).
Laura Edmonds,
Temporary Chairman
1-24 1-31

1. **429 Ponus Ridge Road** – Zoning Variance – Upon application of Steven Keedle, Authorized Agent for Sean and Kelly McDevitt, owners, for a Variance of Section(s) 3.5.E.2 and 3 to allow minimum side yard setback for principal building 35’ minimum side yard for accessory building & structure 35’ and rear yard 35’ in the Two Acre Zone (Map 25, Block 11, Lot 3). (Applicant has withdrawn application).

This applicant has submitted a letter withdrawing the application

2. **54 White Birch Road** – Zoning Variance – Upon application of Ting Fung Li, owner, for a Variance of Section(s) 3.5 to allow for a variance of the requisite minimum yard setbacks for the principal building and permit the construction of a two (2) story addition and a deck in the two acre residence. Existing side yard setback is 32.7 ft.; required side yard setback is 35 ft.; and the proposed side yard setback is 32.7ft.; in the Two Acre Zone (Map 30, Block 53, Lot 29).

Ms. Walsh was seated for Mr. Mahoney and Ms. Cardon was seated for Ms. Rozel. Luke Garcia, Architect, presented on behalf of the Applicant. Mr. Garcia explained that the house was built in 1952 and was in the One Acre Zone at the time. Sometime after it was built the zoning was changed to a Two Acre Zone creating an unusual condition or hardship in meeting the minimum dimensional lot size requirements under the current Zoning Regulations. The property does not meet the current minimum requirements for a Two Acre Zone as the property is only 1.33 acres. The architect explained that the proposal, as submitted, plans to follow the existing line of the house and add a 10ft addition onto the rear of the existing house. The Architect noted that the Health Department has already approved the septic system.

The Public Hearing was closed on this item.

Mr. Tashjian made a motion to approve the variance on the condition that the proposed construction matches the submitted Improvement Location Map prepared for Wing Yiu Lee, Ting Fung Li and Hui Mei Hsu, signed and sealed by John O'Brien and dated December 23, 2018; the motion was seconded by Ms. Walsh and the vote was unanimous in favor of granting the variance.

## REGULAR MEETING

3. Approve Minutes of December 3, 2018 Meeting.

Mr. Tashjian made a motion to approve the minutes as written; seconded by Ms. Edmonds and unanimously approved.

4. Other matters as may properly come before the Board.

None.

5. Adjournment.

There being no further business to come before the meeting, the Board unanimously voted to adjourn at 7:50p.m.

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LAURA EDMONDS, CHAIRMAN

## LEGAL ADVERTISEMENT

Thursday, February 14, 2019 | **New Canaan Advertiser** | A5

TOWN OF NEW CANAAN
ZONING BOARD OF APPEALS
NOTICE IS HEREBY GIVEN that the ZONING BOARD OF APPEALS of the Town of New Canaan after a Public Hearing held on Monday, February 4, 2019 duly adopted the following resolution(s). Approved applications become effective upon the filing of a copy thereof in the office of the Town Clerk. 1. RESOLVED, 429 Ponus Ridge Road – Zoning Variance – that the application of Steven Keedle, Authorized Agent for Sean and Kelly McDevitt, owners, for a Variance of Section(s) 3.5.E.2 and 3 to allow minimum side yard setback for principal building 35' minimum side yard for accessory building & structure 35' and rear yard 35' in the Two Acre Zone (Map 25, Block 11, Lot 3). Applicant has withdrawn application. 2. 54 White Birch Road – Zoning Variance – that the application of Ting Fung Li, owner, for a Variance of Section(s) 3.5 to allow for a variance of the requisite minimum yard setbacks for the principal building and permit the construction of a two (2) story addition and a deck in the two acre residence. Existing side yard setback is 32.7 ft.; required side yard setback is 35 ft.; and the proposed side yard setback is 32.7ft.; in the Two Acre Zone (Map 30, Block 53, Lot 29) is approved.
Laura Edmonds, Chairman Dated February 4, 2019