

ZONING BOARD OF APPEALS
MEETING MINUTES OF MARCH 3, 2022

The Zoning Board of Appeals held a meeting at 3:00 p.m. on Thursday, March 3, 2022 via WEBEX. Audio of this meeting can be found here: <https://fairfieldct.org/meetingrecordings>

MEMBERS PRESENT: Kevin Coyne, Chair; Terry Keegan, Vice Chair; Jane Gitlin Nishball, Secretary, Katie O'Grady and Brian Avallone.

EXECUTIVE SESSION

1. Approval of Minutes of Thursday, February 3, 2022
2. Approval of Secretary's Fees

Executive Session started at approximately 2:45 p.m. and the Public Hearing followed at 3:00 p.m.

CONTINUED DOCKET:

7. 250 Pequot Avenue, Map 241, Parcel 175A. Petition of Pequot Realty, LLC for a variance of the Zoning Regulations; Section 10.12 to increase total lot coverage and total floor area from 20% and 50%, proposing 33.66% and 127.69%, and Section 10.6.7 to reduce the distance within 4 miles of another such district and Section 10.14 and 28.6.1 to reduce the minimum required off-street parking from 63, proposing 52 and Section 10.11 to increase the number of stories from 3, proposing 4. Permission to construct a proposed, (4) story, elderly multifamily (18) unit residential building. Premises: NDD Zone

The proposed application was Continued to April 7, 2022

2. 100 Castle Avenue, Map 79, Parcel 201. Petition of Yadda Development, LLC for a variance of the Zoning Regulations; Section 5.2.5 to increase total lot coverage and total floor area from 30% and 50%, proposing 31.9% and 57.4%. Permission to legitimize a construction error from 2005. Premises: C Zone

Charles Jones, Architect presented on the owners behalf. They wish to obtain a Certificate of Zoning Compliance on prior construction. The appeal for a variance of Section 5.2.5 arises from severe topography of the site and surrounding properties. The thickness of the garage walls was increased to accommodate a wall height greater than originally designed. The result is that the building footprint is 1.9% over the limit of 30%. Additionally, the 2nd floor deck increased the building floor area to 7.4% over the limit of 50%. This was done to make adequate access to the units. In both cases, the hardship arose from working with the severe topography of this peculiarly disadvantaged site.

GRANTED W/ CONDITIONS: Brian Avallone *moved* and Jane Gitlin Nishball *seconded* to approve, with conditions, the proposed application. *Motion passed unanimously.*

CONDITIONS:

- 1) Owner will work with their own engineers, as well as Town Engineering, to see if there is a need to address water runoff to the neighboring property at 84-86 Castle Avenue and will take whatever measures are necessary and reasonable to prevent or reduce that water runoff.
- 2) Owner will consult with Police and Fire to determine safety in regards to accessing the rear properties at both 100 and 114 Castle Avenue.

9. 1088 Harbor Road, Map 241, Parcel 149. Petition of 1100 Harbor Road, LLC to reverse and modify the decision of the Zoning Enforcement Officer regarding a zoning compliance stamp on an application to the Historic District Commission and issuance of a Zoning Compliance. Premises: R-3 Zone

The proposed application was Continued to April 7, 2022

GENERAL DOCKET:

1. 370 High Ridge Road, Map 74, Parcel 142. Petition of Joshua R. and Kaitlin M. Giordano for a variance of the Zoning Regulations; Section 5.2.4 to reduce the street line setbacks from 40 ft., proposing 38.5 ft. Permission to legitimize a construction error. Premises: R-3 Zone

Richard Kornatek, Builder, presented on behalf of the owners. I wish to correct a construction error on this newly constructed single family home. The plans were misread when laying out the walls for the foundation. When the foundation was poured, the offsets were incorrect with the main box of the house. It should be 40 ft., but there is a section that is 12 ft. wide which is the front stair tower to the building, and that encroaches on the front setback line about 1 ½ feet.

GRANTED: Brian Avallone *moved* and Jane G. Nishball *seconded* to approve the proposed application. *Motion passed unanimously*

2. 86 French Street, Map 238, Parcel 71. Petition of Andrew B. and Kathleen A. Wile for a variance of the Zoning Regulations; Section 11.15 to reduce the two street line setbacks on a corner lot from 15 ft., currently 2.7 ft. and 10.6 ft., proposing 5.6 ft. and 11.9 ft. and Section 11.10 to increase the lot coverage from 20%, currently 39.3%, proposing 43.6%. Permission to construct a FEMA compliant (2) two story single family dwelling with porch and balcony. Premises: BD Zone

The proposed application was Continued to April 7, 2022

3. 1386 Hillside Road, Map 173, Parcel 73. Petition of Erik and Heather Mahland for a variance of the Zoning Regulations; Section 5.2.4 to reduce the street line setback from 60 ft., currently 45.2 ft., proposing 35.7 ft. Permission to construct a (1) one-story detached pool house. Premises: AAA Zone

The proposed application was Continued to April 7, 2022

4. 32 Lookout Drive South, Map 31, Parcel 161. Petition of Christopher and Kara Fanelli for a variance of the Zoning Regulations; Section 5.2.4 to reduce the street line setback from 40 ft., currently 24 ft., proposing 24 ft. Permission to rebuild a screen porch, that had already been removed, on the existing footprint. Premises: R-3 Zone

Becker Constructions presented on the owners' behalf. They wish to reconstruct a screened porch on the same footprint as one removed in 2021. The hardship lies in that this is a non-conforming structure that sits on three (3) streets which presents complications with setbacks. There will be no increase from prior lot coverage.

GRANTED: Brian Avallone *moved* and Terry Keegan *seconded* to approve the proposed application.
Motion passed unanimously

5. 228 Rowland Road, Map 182, Parcel 90. Petition of Mark and Amy Carlson for a variance of Zoning Regulations; Section 5.2.5 to increase lot coverage from 20%, currently 18.4%, proposing 23.2%. Permission to construct a rear (2) story addition and a (1) story, (1) car detached garage. Premises: A Zone

The owners presented on their own behalf. They wish to construct a 14 ft. x 8 ft. two (2) story addition expanding existing rooms on the first and second floors. Remove existing shed and construct a 13 ft. x 24 ft. single story detached garage.

Their hardship lies in that the current lot size of 7,502 sq. ft. is lower than the A Zone minimum of 9,375 sq. ft. Application of the 20% lot coverage limitation to an undersized lot prevents construction of amenities customary in a modern home and typical in the neighborhood, such as a garage.

GRANTED: Brian Avallone *moved* and Jane G. Nishball *seconded* to approve the proposed application.
Motion passed unanimously

6. 34 Cambridge Street, Map 130, Parcel 139. Petition of Geoffery and Jennifer Klein for a variance of the Zoning Regulations; Section 5.2.4 to reduce the street line and sum of (2) two side line setbacks from 30 ft. and 25 ft., currently 30.9 ft. and 24.5 ft., proposing 25.9 ft. and 16.8 ft. Permission to construct a front and side (1) story addition. Premises: A Zone

Jennifer Klein, owner, presented. They seek to build two (2), first-floor additions to the home. The first being an 8 ft. x 23.2 ft. addition on the side of the house which will allow for an expanded kitchen, living and dining space. The second is a 9.4 ft. x 5 ft. addition to the front entrance of the house which will provide a mudroom/entrance area. In total, the plan is to add 232 sq. ft. to the existing 1,938 sq. ft. They do not seek to overbuild in regard to lot coverage or floor area, nor will the expanded home be out of line with other homes in the neighborhood.

The hardship faced is that this is a pre-existing, non-conforming lot in the residential A district. The property is non-conforming in lot size, lot frontage, and lot square. While the total lot size is 20,055 sq. ft., due to the marsh, 13,058 is netted out. Approximately 75% of our lot is netted out of usable area due to the marsh and the 1-year tidal line. The current lot frontage is 50 ft., net regulated 75 ft. The current lot square is 56.93 sq. ft., net regulated is 75 sq. ft. Due to the location of the marsh the house was

pushed closer to the street, as are the other homes on the upper circle of Cambridge St. With the support of their neighbors, they ask the Board to consider their hardship and grant approval.

GRANTED: Brian Avallone *moved* and Terry Keegan *seconded* to approve the proposed application.
Motion passed unanimously

7. 110 Millard Street, Map 182, Parcel 145. Petition of Christopher Slawsky for a variance of the Zoning Regulations; Section 5.2.4 to reduce the sum of (2) two-property sideline setbacks from 20 ft., currently 17.1 ft., proposing 19.7 ft. and Section 5.2.5 to increase the total floor area from 50%, currently 21.7%, proposing 56.1%. Permission to construct a new 2 ½ story FEMA compliant single-family dwelling. Premises: B Zone

Christopher Slawsky, owner, presented, as well as William Levy, Architect. He proposes to build on the existing foundation, raising the 1st floor to meet FEMA requirements, and adding a master bedroom, plus three (3) additional bedrooms to accommodate young children on the 2nd floor. Additionally, the plan includes a study on the 1st floor that will ultimately serve as a separate bedroom for an elderly parent.

We seek this variance to exceed the allowable floor area by 406 sq. ft. and a sum of the side yard setbacks at the 2nd floor. This would allow us to construct the 1st floor bedroom to an adequate size for an elderly full time resident of our home. This would potentially include adaptations in the bedroom to assist our resident with limited mobility and the potential need for nursing care inside the home in the future. Without the modest addition to the floor area of our house, we fear the room we have designed for this purpose may not be of the size adequate to meet the needs of an elderly resident.

William Leavy adds that the owners work from home and the 3rd floor will be used as a home office.

GRANTED: Brian Avallone *moved* and Katie O'Grady *seconded* to approve the proposed application.
Motion passed 4 to 1 (Jane G. Nishball opposed)

8. 95 Old Post Road, Map 241, Parcel 216. Petition of Baltimore Associates Limited Partnership for a variance of the Zoning Regulations; Section 12.7.6.1 to reduce the street line setback from 25 ft., currently 20.9 ft., proposing 21 ft., and Section 28.8 to reduce the required parking spaces from 24, proposing 21. Permission to construct a new (3) story mixed-use building. Premises: DI Zone

The proposed application was Continued to April 7, 2022

9. 221 Fairview Avenue, Map 143, Parcel 36. Petition of Denise Chambers for a variance of the Zoning Regulations; Section 5.2.4 to reduce the street line setback on a corner lot and the rear setback from 30 ft. and 30 ft., currently 20.1 ft. and 36.5 ft., proposing 23.9 ft. and 5.1 ft. and Section 5.2.5 to increase total lot coverage and total floor area from 20% and 40%, currently 25.8% and 37.4%, proposing 33.5% and 50%. Permission to remove the existing garage, build a new (2) car, (2) story garage with 2nd floor addition and covered front porch. Premises: A Zone

Andy Rogers, son-in-law of Denise Chambers, presented on her behalf; William Leavy, Architect also spoke. We are requesting permission to rebuild the existing garage to code, that will allow us to add a

bedroom and bathroom above the garage, in addition to another bedroom on the 2nd story that will connect the garage structure to the main house, the first floor of which will remain as an open patio for family dinners.

While we already face the hardship of our lot being 5,131 sq. ft. (50% of the average 9,375 sq. ft. lot size in Zone A), the required lot square is 75 and we have 50; it's also a corner lot. This property represents a home we want to raise our family in and make some changes to, upon approval of our variance request, for a variety of reasons:

The proposed layout will allow enough space for our large family, as opposed to the current layout and size that isn't quite large enough to accommodate our kids or our work- from-home needs.

- My wife and I are both 100% remote. Aside from us both needing a work-from-home solution, my wife Ashley also has an autoimmune disease, which is why she took a new job last month that is 100% remote at her doctors' recommendations to severely limit her potential exposure to COVID-19. This addition will provide us both with much needed, separate home offices.
- Structurally sound garage and 2nd floor addition. The current garage does not have equal-length sides nor does it have a foundation. Building a new structure to code will provide us with a safer environment for our children, allow us to comply with the side property setback (moving from 3.9' to 5.1') and also allow our neighbor, Kirstin Barnard, to have a functional driveway, as our property line actually sits nearly (1) foot into her driveway.
- Remove the front entry portico and replace it with a porch. This will better align the home with the current setback minimums, while also enhancing the character of the home with the addition of a porch.

Designed by William Leavy of William Leavy Architecture, the new addition is attractive in design and will harmonize with the character and size of our existing Colonial-style home and the entirety of the neighborhood. The design was created purposely to keep the original charm of a corner lot house with minimal impact on any neighbors while enhancing the livability for our family and the aesthetic of the neighborhood.

Our request for Total Lot Coverage and Total Floor Area is also consistent with 10 of the 81 approved Zone A variances over the last two years, with two (2) of those being 159 Fairview Avenue and 332 Fairview Avenue, approved in June 2021 and June 2020, respectively.

Similarly approved variances include:

- 53 Baldwin Terrace (12/3/20): 74% Floor Area
- 452 Fairfield Beach Road (1/2/20): 52% Floor Area
- 203 South Benson Road (8/12/21): 51% Floor Area
- 46 Baldwin Terrace (8/12/21): 49% Floor Area
- 59 Craig Court 12/3/20): 29% Floor Area
- 28 Robson Place (1/2/21): 50% Floor Area and 33% Lot Coverage
- 34 Harbor Road (12/9/21): 31% Lot Coverage
- 399 Riverside Drive (1/2/20): 31% Lot Coverage
- 738 Rowland Road (12/3/20): 35% Lot Coverage

We also wanted to inform the committee that we have spoken with and received support for our proposal from thirteen (13) of our immediate neighbors, which you can see in the submitted Signature Variance Form.

One (1) neighbor, Kristen Barnard @ 237 Fairview Ave, spoke in opposition.

DENIED: Brian Avallone *moved* and Terry Keegan *seconded* to approve the proposed application.
Motion Denied 3 -2 (Brian Avallone and Jane G. Nishball opposed)

10. 925 Post Road, Map 141, Parcel 51. Petition of Leeds West Investment Connecticut Property Group for a variance of the Zoning Regulations; Section 29.12 to increase the overall size of an existing sign from 50 sq. ft., currently 139.64 sq. ft., proposing 152.49 sq. ft. Permission to expand an existing pole sign. Premises: DCD Zone

Eugene Luini, leasee and owner of Al Floors Direct, presented on his own behalf. I have a five (5) year lease, with an option to sign for another five (5). The building owner operates the Midas franchise at this location, and has an existing, non-conforming pole sign for which it received a variance in 1963. My portion of the building is setback from a curved roadway and I am worried that my customers will not be able to find me on this busy four lane roadway. I am asking for this variance to allow me to place a modest sign of 10.7 square feet on the existing non-conforming pole sign, so that customers can find me. I am moving into this new location, from another town, trying to re-establish my business. It is imperative that people know I am there if I wish to be successful. I appreciate your consideration of this request.

GRANTED: Brian Avallone *moved* and Terry Keegan *seconded* to approve the proposed application.
Motion passed unanimously

11. 215 Hanford Drive, Map 147, Parcel 11. Petition of Seth and Dana Zuskin for a variance of the Zoning Regulations; Section 5.2.5 to increase lot coverage from 20%, proposing 25.79%. Permission to legitimize a construction error. Premises: A Zone

Jason Raymond, Builder, presented on behalf of the owners. We seek to amend the variance that was filed on 3/16/21. Lot coverage was 27.29%, approved for 25.36%; actual was 25.79% due to an error in the architectural drawings stating the back wall was 39' ½"; actual should have been 39' 10 ½".

GRANTED: Brian Avallone *moved* and Terry Keegan *seconded* to approve the proposed application.
Motion passed unanimously

There being no further business to come before the Commission, at 4:22 p.m., Chairman Coyne adjourned the meeting.

Jane G. Nishball, Secretary

Jodi Karagianes, Clerk