

TOWN OF FAIRFIELD
ZONING BOARD OF APPEALS
MEETING MINUTES OF JULY 7, 2022

The Zoning Board of Appeals held a meeting at 2:00 p.m. on Thursday, July 7, 2022. This meeting was held in a hybrid manner.

Audio Recording of this meeting can be found here: <https://fairfieldct.org/meetingrecordings>

MEMBERS PRESENT: Kevin Coyne, Chair; Jane G. Nishball, Secretary; Brian Avallone

MEMBERS ABSENT: Terry Keegan, Vice Chair; Katie O'Grady

ALTERNATE MEMBERS PRESENT: Harold Zawadski, Alternate, sat in place of Katie O'Grady; Elise McKay, Alternate, sat in place of Terry Keegan

EXECUTIVE SESSION

Approval of Minutes of Thursday, May 26, 2022 (Special Meeting): Brian Avallone *moved* and Harold Zawadski *seconded* to approve the minutes as presented. *Motion passed unanimously.*

Approval of Minutes of Thursday, June 2, 2022: Brian Avallone *moved* and Jane G. Nishball *seconded* to approve the minutes as presented. *Motion passed unanimously.*

Approval of Secretary's Fees: Brian Avallone *moved* and Elise McKay *seconded* to approve the minutes as presented. *Motion passed unanimously.*

Executive Session started at approximately 1:55 p.m.

CONTINUED DOCKET:

12. 888 Oldfield Road, Map 232, Parcel 162. Petition of 888 Oldfield Road for a variance of the Zoning Regulations section 5.1.1 to increase the number of dwelling units from two (2), proposing six (6). Permission to construct three (3) two-family dwellings with a C.A.M. application. Premises: B Zone

Attorney John Fallon presented on behalf of the petitioner. Chris Coco, managing member of the LLC; Jeff Gordon, Site Engineer spoke.

On September 28, 2021 the Town Plan and Zoning Commission approved an application made by 888 Oldfield Road, LLC for a ten unit residential development at 888 & 898 Oldfield Road made pursuant to Connecticut General Statutes 8-30g. Subsequently, pursuant to the provisions of Connecticut General Statutes 8-8 an appeal was taken from this decision to the Superior Court (Bochanis vs. Town Plan and Zoning Commission of the Town of Fairfield, et al; Docket # CV21 -611556S). In an effort to resolve the appeal the Applicant entered into discussions with the Plaintiff regarding the pending appeal and also with the

888 Oldfield Road (continued)

surrounding neighbors who have been represented throughout the proceedings by Attorney Joel Green. As a result of these discussions and as a means of resolving all outstanding issues the Applicant, the Plaintiff and the surrounding neighbors have agreed to support the revised proposal before this Board whereby the development will be reduced to a total of six units to be located at 888 Oldfield Road. The parcel, based upon its uniquely large lot area has sufficient acreage to accommodate three two-family dwellings.

The applicant hereby requests a variance of Section 5.1.1 in order to increase the allowable number of dwelling units on this parcel to six in order to accommodate the settlement and agreement that has been reached with the Plaintiff and the surrounding neighbors

Tom Feldman, resident on Old Field Rd., spoke in support of the application.

Granted w/ Conditions: Brian Avallone moved and Elise McKay seconded to approve the proposed application. Motion passed unanimously with conditions.

Conditions

The applicant has agreed, as a condition of the Board's decision, to develop a landscaping plan that is consistent with the original plan submitted to the Planning and Zoning Commission on the southerly side of the property line, and implement it on the westerly property line as well.

9. 250 Pequot Avenue, Map 241, Parcel 175 A. Petition of Pequot Realty, LLC for a variance of the Zoning Regulations section 12.5.5 to allow residential use on the first floor and section 12.7.4 to increase the number of stories and height from three (3) stories and 30 ft., proposing four (4) stories and 40 ft. and section 12.7.5.2 to increase the total floor area from 100%, proposing 126%, and to permit a single building greater than 14,000 sq. ft. Permission to construct a four (4) story multi-family, eighteen (18) unit residential building. Premises NDD

The proposed application was continued to August 11, 2022

13. 319 Harbor Road, Map 241, Parcel 1. Petition of 319 Harbor Road, LLC for a variance of the Zoning Regulations section 5.1 to legitimize the number of dwelling units on one (1) lot from one (1), currently three (3), proposing three (3). Permission to legalize three (3) dwellings on one (1) lot, and remove and rebuild the principal dwelling. Premises: R-3 Zone

The proposed application was withdrawn

GENERAL DOCKET:

1. 50 Bay Edge Court, Map 130, Parcel 13A. Petition of Andrew Yue for a variance of the Zoning Regulations; Section 5.2.4.3 to reduce the rear setback for an accessory structure from 4 feet, proposing 0 feet, and Section 5.2.5 to increase lot coverage from 20%, currently, 22.8%, proposing 23.4%. Permission to construct a dock and walkway. Premises: A Zone

I have received permission from the DEEP and authorization from the US Army Corp of Engineers under the CT General Permits to construct a 23 ft. x 4 ft. wide fixed pier. As a land owner with access to water, there is

50 Bay Edge Court (continued)

right of access that a property owner may establish reasonable access to the water from his/her property. It is the same right of access that a driveway provides.

As part of the planning process for the dock, I had a land survey completed on 1/29/21 which showed a building lot coverage of less than 20%. I had the survey updated on 2/28/22 to reflect the position of the dock and to obtain a building permit. At this time, I was subsequently informed that due to changes in zoning, the lot area had been reduced by 635 sq. ft. due to land below 4.8 ft. no longer being counted in the lot size. This increased the building lot coverage as a percentage of lot area to 22.8%.

This reduction in lot size has created a hardship resulting in the property being out of compliance through no fault of mine. To access the fixed pier it requires the building of steps from the edge of the property. This structure requires a building lot coverage of 53 sq. ft. (0.6%) The variance requested is the minimum amount that will make it possible for reasonable use of the land, building, and structure.

There were several neighbors who filed letters in support; no abutting property owners near the site have any objections to the proposed location.

GRANTED: Brian Avallone moved and Elise McKay seconded to approve the proposed application. Motion passed unanimously.

2. 91 Quincy Street, Map 138, Parcel 196A. Petition of Nicholas and Jessica Mainiero for a variance of the Zoning Regulations Section 5.2.5 to increase lot coverage from 20%, currently 25.5%, proposing 25.4%. Permission to construct a rear deck with stairs. Premises: A Zone

Owner John Provenzano III presented on his own behalf.

I would like to construct a 11' x 14' pressure-treated deck with stairs to the backyard. The existing home has been lifted to comply with FEMA requirements, therefore the rear doors from the home require egress to the ground level. An 11' x 14' deck with 1 set of stairs to ground level will intersect with both doors.

Neighbor support was submitted.

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

3. 288 Rowland Road, Map 182, Parcel 96. Petition of Andrew Leo Schulz and Tajar Risa for a variance of the Zoning Regulations Section 5.2.4.3 to reduce the setback for an accessory structure greater than 15 feet in height and Section 5.2.5 to increase lot coverage and total floor area from 20% and 40%, currently 18.83% and 28.65%, proposing 24.98% and 46.37%. Permission to construct a FEMA compliant detached, two (2) story garage with a home office above. Premises: A Zone.

The proposed application was continued to August 11, 2022

4. 281 Penfield Road, Map 139, Parcel 184. Petition of Kim Whalen for a variance of the Zoning Regulations Section 5.2.5 to increase lot coverage from 20%, currently 25.7%, proposing 26%. Permission to construct an elevated platform for a generator. Premises: A Zone.

Pete Mazucco presented on the petitioner's behalf.

The homeowner wishes to install an automatic standby generator. This will ensure that if power is lost, the sump pump will continue to run.

GRANTED: Brian Avallone moved and Harold Zawadski seconded to approve the proposed application. Motion passed unanimously

5. 157 Old Stratfield Road, Map 42, Parcel 135. Petition of Zdenek Turczyn for a variance of the Zoning Regulations Section 5.2.5 to increase the total floor area from 50%, currently 35.7%, proposing 53.9%. Permission to construct a new two (2) story, single-family dwelling. Premises: B Zone

Owner, Zdenek Turczyn presented on his own behalf. They wish to construct a 29' x 52.5 two-story, single family dwelling, with a 1st floor open concept kitchen, dining room, and living room. The 2nd floor will include 3 bedrooms and a large master suite.

My lot like so many other in our neighborhood is non-conforming in lot size, lot square and lot frontage. We are compliant with all zoning regulations except floor area.

GRANTED: Brian Avallone moved and Elise McKay seconded to approve the proposed application. Motion Passed 4-1 (Jane G. Nishball opposed)

6. 1080 South Pine Creek Road, Map 232, Parcel 172. Petition of Michael and Julianne Siladi for a variance of the Zoning Regulations Section 5.2.4 to reduce the second street line setback on a corner lot from 30 feet, currently 7 feet, proposing 7 feet. Permission to construct a 2nd floor addition over an existing garage. Premises: R-3 Zone.

Brian McCan, attorney, presented on behalf of the petitioner. Also present was Michael Siladi.

The homeowners wish to construct a 24' x 24' two story addition consisting of a first floor family room, 2nd floor bedrooms and bath. Additional renovations to the home will make the building flood compliant and the mechanicals will be moved to above ground.

The prior owner received a variance in 1978 to add a dormered second level above the garage for an apartment. This variance reduced the side street setback from 30 feet to 11 feet. Another variance was granted in 1984 to increase the number of dwelling units on the lot from one to two. The garage was built seven (7) feet from the side street setback. This does not appear to be a subsequent addition, rather, it appears that the garage was built four (4) feet closer to the side street setback than was granted under the 1978 variance. This structure which at some point encroached upon the varied (11 foot) setback is not legally nonconforming pursuant to Connecticut General Statute 8-13a.

1080 South Pine Creek Road (continued)

Mr. Siladi wishes to renovate the dwelling on the existing footprint, including eliminating a very unusual pitch to an almost entirely dormered second story of the garage. In doing so, he is peculiarly disadvantaged by the application of the setback regulation as it applies to his lot. Mr. Siladi will also be removing the second dwelling unit above the garage which will bring the property closer to conformity to the zoning regulation and the neighborhood.

Several neighbors signed in support of the project.

GRANTED: Brian Avallone moved and Elise McKay seconded to approve the proposed application. Motion passed unanimously

7. 275 Paulding Street, Map 182, Parcel 66. Petition of Moira J. Curran for a variance of the Zoning Regulations Section 5.2.5 to increase the lot coverage from 30%, currently 31.1%, proposing 34.6%. Permission to construct a one (1) story addition in place of an existing deck. Premises: B Zone

Michael Becker, contractor, presented on behalf of the petitioner. The homeowners would like to remove the existing non-permitted deck/stairs and replace it with an enclosed mudroom and landing with an overhang, add a portico over the existing front door entry area, and add a deck off of the dining room adjacent to the proposed mudroom.

This is a non-conforming corner lot. We are requesting a small increase in the total lot area coverage percentage. Several neighbors signed in support.

GRANTED: Brian Avallone moved and Harold Zawadski seconded to approve the proposed application. Motion passed unanimously

8. 92 Phyfe Road, Map 177, Parcel 8E. Petition of Glenn M. and Carol L. Mackno for a variance of the Zoning Regulations Section 5.2.5 to increase lot coverage from 20%, currently 26.6%, proposing 27%. Permission to legitimize a set of stairs. Premises: A Zone

Glenn Mackno, owner, presented on his own behalf. We applied for a variance to build a 18' x 26' sunroom in April of 2021; the variance was approved. Architectural drawings showed one (1) step from the doorway to the yard, the contractor had to install three (3) steps due to elevation; none of the setbacks from the additional stairs were compromised.

GRANTED: Brian Avallone moved and Elise McKay seconded to approve the proposed application. Motion passed unanimously

9. 65 Elderberry Lane, Map 77, Parcel 648H. Petition of Ryan and Katherine Giasullo for a variance of the Zoning Regulations Section 5.2.4 to reduce the rear setback from 30 feet, currently 24.5 feet, proposing 12.9 feet and Section 5.2.5 to increase lot coverage from 20%, currently 17.4%, proposing 21%. Permission to construct a rear deck. Premises: A Zone

65 Elderberry Lane (continued)

Ryan Giasullo, owner, presented on his own behalf. We wish to construct a 16'x26' deck off of our kitchen, the existing patio would be removed. Of the two open land spaces of our house, one has a chimney, making the back the only viable option.

GRANTED: Brian Avallone moved and Elise McKay seconded to approve the proposed application. Motion passed unanimously

10. 939 Redding Road, Map 223, Parcel 45. Petition of Amy Nistico for a variance of the Zoning Regulations Section 5.2.4 to reduce the side setback for an accessory structure greater than 100 square feet from 30 feet, proposing 10 feet. Permission to construct a detached, two (2) story, two (2) car garage. Premises: AAA Zone

The proposed application was continued to August 11, 2022

11. 209 Alma Drive, Map 147, Parcel 334. Petition of Amy Kim for a variance of the Zoning Regulations Section 5.2.4.3 to reduce the side setback for an accessory structure from 4 feet, proposing 2 feet; and Section 5.2.5 to increase lot coverage from 20%, currently 20%, proposing 21%. Permission to construct an elevated FEMA compliant platform for a generator. Premise: A Zone

Alex Kim presented on his own behalf. We propose to build a 30.1' generator deck. We are located in a flood zone, hence by code, the generator must be elevated to be FEMA compliant.

GRANTED: Brian Avallone moved and Elise McKay seconded to approve the proposed application. Motion passed unanimously

12. 193 South Benson Road, Map 139, Parcel 332. Petition of Eric West and Diana Epstein for a variance of the Zoning Regulations Section 5.2.4.3 to reduce the rear setback for an accessory structure from 4 feet, currently 2 feet, proposing 1.75 feet; and Section 5.2.5 to increase lot coverage from 20%, currently 22.44%, proposing 23.79%. Permission to expand the existing detached garage. Premises: A Zone

Eric West, owner, presented on his own behalf. We wish to expand the current footprint of our detached one (1) car garage by four (4) feet into the yard.

Like so many houses in this area, the garage was never designed to accommodate larger vehicles like those made today. The current and outdated width of the structure inhibits us from transforming it into usable space as our family and its growing needs force us to be more creative than ever in making best use of our limited, undersized, property to our pre-existing, non-conforming structure.

GRANTED: Brian Avallone moved and Elise McKay seconded to approve the proposed application. Motion passed unanimously

13. 56 Rugby Road, Map 231, Parcel 98. Petition of 56 Rugby Road, LLC. for a variance of the Zoning Regulations Section 5.2.5 to increase the lot coverage from 30%, currently 32.5%, proposing 36%. Permission to construct a rear deck. Premises: B Zone

Jad Harb of JTX Builders presented on the petitioner's behalf. They are requesting this variance to allow for the building of a 10' x 10' elevated deck with no stairs.

Janet Taranski, a neighbor who resides at 40 Rugby spoke in opposition. During discussion, it was determined that the applicant and Mrs. Taranski will have a meeting to discuss a solution that will satisfy both parties. Mr. Harb requested a continuance to the next meeting.

The proposed application was continued to August 11, 2022

14. 807 Riverside Drive, Map 139, Parcel 267. Petition of Paul Sirbono, Jr. and Christine Sirbono for a variance of the Zoning Regulations Section 5.2.4 to reduce the street line setback from 30 feet, currently 28.2 feet, proposing 23.1 feet. Permission to enclose a portion of the front porch. Premises: A Zone

Christine Sirbono presented on her own behalf. We wish to enclose our current front porch to increase our current living room size. The lot is a pre-existing, non-conforming lot with a non-conforming front square. We are staying within the lot coverage and floor area. We would like to increase our living room.

GRANTED: Brian Avallone moved and Harold Zawadski seconded to approve the proposed application. Motion passed unanimously

15. 240 Henry Street, Map 177, Parcel 163. Petition of Taylor and Elissa Ranney for a variance of the Zoning Regulations Section 5.2.4 to reduce the street line setback from 30 feet, currently 24.6 feet, proposing 24.6 feet. Permission to construct a 2nd floor addition with an attic above. Premises: A Zone

Eric Michaels, Architect and Contractor presented on the petitioner's behalf.

The homeowner would like to construct a new 2nd floor with attic above, over the existing 1st floor footprint. This is a pre-existing, non-conforming structure based on street line setbacks. The house and the front setback are eight (8) inches too close on the left, front corner of the house. When the 2nd story is built, the front left corner would be in the non-conforming area.

GRANTED: Brian Avallone moved and Elise McKay seconded to approve the proposed application. Motion passed unanimously

16. 1903 Post Road, Map 180, Parcel 199. Petition of 1903 Post Road, LLC for a variance of the Zoning Regulations Section 30.2 to reduce the distance between two cafés from 1,500 feet, proposing 252 feet. Permission to establish a café. Premises: DCD Zone

1903 Post Road (continued)

Robert Saulsberry, owner, presented on his own behalf. We would like to legitimize an indoor patron area for a café license.

Due to the pandemic, we had to reduce hours and our business model. We wish to expand our business with more hours and service to make up for the last 2+ years so our customer base can continue to grow. With our patron area we do not seek or require any additional off-street parking.

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

There being no further business to come before the Commission, at 3:45 p.m. Chairman Coyne adjourned the meeting.


Jane Gitlin Nishball, Secretary


Jodi Karagianes, Clerk

KEVIN COYNE, CHAIRMAN

JANE GITLIN NISHBALL, SECRETARY

JODI KARAGIANES, CLERK