

ZONING BOARD OF APPEALS
MEETING MINUTES OF SEPTEMBER 1, 2022

The Zoning Board of Appeals held a meeting at 3:00 p.m. on Thursday, September 1, 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, Chairman, Terry Keegan, Vice Chair, Jane G. Nishball, Secretary, Brian Avallone

MEMBERS ABSENT: Katie O'Grady

ALTERNATE MEMBERS PRESENT: Faith Dillon, Alternate, sat in place of Katie O'Grady

EXECUTIVE SESSION

Approval of Minutes of Thursday, August 11, 2022: Brian Avallone *moved* and Terry Keegan *seconded* to approve the minutes as presented. *Motion passed unanimously.*

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

Executive Session started at approximately 2:52 p.m.

CONTINUED DOCKET:

14. 277 Tahmore Drive, Map 73, Parcel 145. Petition of Basil Zaharis for a variance of the Zoning Regulations Section 5.2.4 to reduce the sideline setback from 15 feet, currently 24.5 feet, proposing 9.8 feet. Permission to construct a one (1) story, one (1) car garage addition. Premises: R-3 Zone

Attorney Ray Rizzio presented on behalf of the petitioner.

The Applicant proposes a single-story attached one-car garage on the southern side of the principal dwelling. The garage will contain Three hundred and sixty-eight square feet (368 SF) and be located at the existing driveway. At Fifteen feet (15') in width and Twenty- four feet (24') in depth, the proposed garage will be able to contain just a single-car. The height of the addition will be Thirteen feet six inches (13'6") in compliance with the Regulations. With the proposed construction, The Site will still only contain 11.81% building lot coverage as a percentage of lot area where 15% is permitted, and 12.16% building floor area as a percentage of lot area where 30% is permitted. Therefore, the proposed conditions will still be significantly below the standards of the R-3 Zone.

Granting the Applicant said variance will not substantially affect the comprehensive zoning plan of the Town of Fairfield and adherence to the strict letter of the Fairfield Zoning Regulations will cause an unusual hardship to the Applicant as the physical characteristics of the Site and its surrounding neighborhood skew the existing dwellings, many of which were constructed in the 1950s, towards one side

277 Tahmore Drive (continued)

of their properties. Many dwellings in the neighborhood are nonconforming as to the side property line setback. The irregular shape of the Samp Mortar Reservoir to the rear of the Tahmore Drive properties as well as the curved-shape of Tahmore Drive itself create unique and angled side property lines. The proposed garage would be permitted if it was detached. Whether a garage is attached or unattached would most likely be completely indiscernible from the angle of the closest neighboring property. The Application will have no impact on the abutting properties or surrounding neighborhood and it meets the intent of the Regulations by providing a buffer to the side property line that the Regulations deem sufficient for almost the exact same structure.

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

GENERAL DOCKET:

1. 165 Lounsbury Road, Map 49, Parcel 112. Petition of John Olsen for a variance of the Zoning Regulations Section 5.2.4.3 to reduce the street line setback for an accessory structure from 40 feet, proposing 3.2 feet. Permission to construct a 12'x18' one-story shed. Premises: R-3 Zone

Owner, John Olsen presented on his own behalf.

He wishes to construct a 12' x 18' prebuilt shed which will be used to store home maintenance equipment. The shed would not be near any other driveways or be in view from anyone's front window. The siding will match the current vinyl siding on the home for aesthetics. Most of the yard is sloping, this is the only flat area in the side/back yard that abuts the driveway making it an ideal location for the structure.

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

2. 43 Warwick Avenue, Map 30, Parcel 39. Petition of Michael and Anne Malvicini for a variance of the Zoning Regulations Section 5.2.4 to reduce the side setback from 7 feet, currently 4.8 feet, proposing 4.8 feet. Permission to construct a 2nd floor addition. Premises: A Zone.

Owner Mike Malvicini presented on his own behalf.

They would like to go straight up with their 2nd-floor addition consisting of 1 (one) bedroom and 1 (one) bathroom above an existing family room. This is a pre-existing, non-conforming lot.

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

3. 60 Puritan Road, Map 139, Parcel 142. Petition of Keri A. O'Connor Revocable Trust for a variance of the Zoning Regulations Section 5.2.5 to increase the total lot coverage from 20%, currently 23.4%, proposing 26.5%. Permission to construct a covered open patio. Premises: A Zone.

Attorney John Fallon presented on behalf of the petitioner.

60 Puritan Road (continued)

Keri A. O'Connor is the owner of the property located at 60 Puritan Road. She makes this application for this variance to accommodate the construction of a covered open patio area adjacent to a proposed in ground swimming pool on her property.

The A-2 survey submitted with this application indicates existing coverage at 23.4%. This minor increase in coverage results from the fact that subsequent to the approval of a variance in 2012 the prior owners added a small shed as shown on the survey submitted herewith adjacent to the northerly property line as well as a small utility pad. Inclusion of these items in the coverage calculation results in the increase of coverage to the present 23.4%. Pursuant to Section 31.2.22 of the Regulations the patio proposed would not be included in the coverage calculation if uncovered as it will be located solely at grade level. The variance requested is technical in nature and arises from the fact that the O'Connors wish to place a roof over the patio to provide sun protection.

Keri's parents who are at her home regularly and hope to enjoy the new pool have had significant issues with skin cancer. Keri's mother has suffered from both melanoma and lymphoma and has been medically advised to avoid direct sunlight as much as possible. Similarly, her father has had numerous pre-cancerous lesions removed from his face and has also been advised to avoid direct sunlight as much as possible. Umbrellas are not a workable option due to the angle of the sun during most times of the day in the backyard where the pool is to be located. The covered area over the patio as proposed and shown on the plans submitted will have no walls and will be open on all sides. It will, however, provide direct protection from the sun and help shield the patio area thus ensuring Keri's parents and her children will not be subject to potential long-term harm and exposure from the sun.

Keri has reviewed this proposal with all of her proximate neighbors and they have voiced no concerns and support her request.

GRANTED W/ CONDITIONS: Brian Avallone moved and Faith Dillon seconded to approve the proposed application. Motion passed 4 to 1 (Jane G. Nishball opposed).

CONDITION: There will be no walls on the structure.

4. 70 Sanford Street, Map 180, Parcel 239. Petition of Town of Fairfield for a variance of the Zoning Regulations Section 28.6.4 to reduce the required parking spaces to 0. Permission to allow seasonal, outdoor, on-site musical events. Premises: CDD Zone.

Attorney Bill Fitzpatrick presented on behalf of the petitioner. John Reid, Producing Artistic Director also spoke.

FTC is requesting a variance to permit the continued seasonal outdoor use of its parking area on site for outdoor concert events. There has been a request by a musical group to hold its performance outside in the parking lot rather than in the Warehouse due to safety concerns. As a result of the conducting of a performance for which admission will be charged in the parking area, the Zoning Department has requested that FTC obtain a variance of the required parking. Therefore, the applicant is requesting a variance of Section 28.6.4 of the Zoning Regulations to reduce the required parking, reduced by previous variance to 21

70 Sanford Street (continued)

spaces, to zero spaces in conjunction with seasonal outdoor musical events in the on-site parking area. The FTC wishes to erect a small stage in the corner of the existing parking lot. The construction of the stage will not result in any change in the parking on site.

The most important factor to consider in evaluating this variance request is the readily available off-site parking. The FTC is located immediately south of the Fairfield Railroad Station. The Town of Fairfield Parking Authority provides commuter parking for the Fairfield Train Station. The Parking Authority provides 123 parking spaces south of the railroad tracks and 894 parking spaces north of the railroad tracks. The Parking Authority opens these parking spaces to the general public, at no charge, at 5:00 p.m. In addition, the Town of Fairfield maintains the Sherman Street parking lot within ready walking distance, as well as several employee parking lots. There is ample off-site parking within walking distance of FTC readily available for FTC patrons. Approval of this application permits the continued use of the parking lot on site for seasonal outdoor concert events. There have been no complaints to the Town pertaining to the outdoor events.

GRANTED W/ CONDITION: Brian Avallone moved and Faith Dillon seconded to approve the proposed application. Motion passed unanimously.

CONDITION: All outdoor events will take place after 5 p.m.

5. 1143 Sasco Hill Road, Lot 3, Map 239, Parcel 7. Petition of 1143 Sasco Hill Rd, LLC for a variance of the Zoning Regulations Section 5.1.1 and Section 2.7 to reduce the lot frontage from 200 feet, proposing 82.21 feet. Permission to reduce the lot frontage. Premises: AAA Zone.

Attorney Ray Rizzio presented on behalf of the petitioner.

The Applicant requests variance to adjust the lot line between Lots 2 & 3 of an approved 7-lot subdivision for the property formerly known as 1143 Sasco Hill Road in the Residence AAA ("AAA") Zone. The Site is currently 139,045 SF and it can be accessed from Sasco Hill Road and by the private road located within the subdivision. The Site currently has a lot frontage that encircles most of the cul-de-sac at the end of the private road. Lot 2 is the only lot remaining with an existing primary dwelling. It also contains an existing garage. The existing property line between Lots 2 & 3 lies entirely north of the cul-de-sac. The application proposes to adjust the southern property line, which creates a greater buffer for the existing dwelling on Lot 2 and does little to impact the Site as a building lot.

Upon approval of the subdivision, the Applicant completed the purchase of 1143 Sasco Hill Road and was able to fully inspect the existing dwelling on Lot 2. The existing dwelling was constructed in the context of an extremely large single lot estate. It was not constructed within the context of a 7-lot subdivision. The side of the existing dwelling on Lot faces the private road. It is oriented towards the water, which provides the expansive view of the dwelling from Long Island Sound. The Applicant has done a tremendous amount of work opening the viewscape of the Site from Sasco Hill Road and Long Island Sound. Prior to the subdivision, the dwelling was difficult to fully discern, but the Applicant has since removed overgrown. The proposed lot line revision and variance will buffer this defining landmark in Fairfield to maintain and enhance the viewscape from Sasco Hill Road and the Fairfield shoreline. Due to the location

1143 Sasco Hill Road, Lot 3 (continued)

of the property line between the Site and Lot 2, little area exists east of the cul-de-sac where a building or structure would be located due to setbacks. The cul-de-sac "pinches" this area of the subdivision. However, by shifting the property line between Lot 2 and the Site and reducing the lot frontage of the Site, the Application creates a better buffer to the rear of the existing dwelling on Lot 2 and maintaining the viewscape of that dwelling.

Granting the Applicant said variance will not substantially affect the comprehensive zoning plan of the Town of Fairfield and adherence to the strict letter of the Fairfield Zoning Regulations will cause an unusual hardship to the Applicant. The Applicant merely requests to buffer and provide a viewscape for one of the most definitive architectural landmarks in the Town of Fairfield to maintain and enhance the character of the neighborhood and Town. From the Fairfield shoreline and Long Island Sound, the existing dwelling on Lot 2 is one of the most identifiable and longstanding features of the entire coastline. Due to the fact that the dwelling was constructed when the property at 1143 Sasco Hill Road was a single property, the dwelling was not oriented in the context of a 7-lot subdivision. It is actually the side of the dwelling that faces the interior private road. In addition, the existing property line between Lot 2 and the site of the subdivision is located in an area with little potential for either lot. Because of the design of the subdivision, the cul-de-sac pinches the area where the properties are divided with little potential for development. Even with the lot line revision, the Site will still maintain plenty of space for a driveway into the Site and still be significantly oversized for the zone at 132,268 SF. The effect of shifting the property line will have little impact on the practical building setbacks of the Site. The proposed variance will only have a positive impact on the surrounding neighborhood as the dwelling on Lot 2 will remain a defining feature of the neighborhood.

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

6. 1143 Sasco Hill Road, Lot 1, Map 239, Parcel 7. Petition of 1143 Sasco Hill Rd, LLC for a variance of the Zoning Regulations Section 5.1.1 to reduce the lot size from 87,120 sq. ft., proposing 81,764 sq. ft. Permission to reduce the lot area. Premises: AAA Zone.

Attorney Ray Rizzio presented on behalf of the petitioner.

The Applicant requests a variance to adjust the lot line between Lots 1 & 2 of an approved 7-lot subdivision for the property formerly known as 1143 Sasco Hill Road in the Residence AAA ("AAA") Zone. The Site is currently 88,164 SF and it can be accessed from Sasco Hill Road and by the private road located within the subdivision. The Site currently has an uneven southern property line as it "protrudes" into Lot 2 of the approved subdivision. Lot 2 is the only lot remaining with an existing primary dwelling. It also contains an existing garage. The existing property line between Lots 1 & 2 "protrudes" into Lot 2 where it almost crosses in front of the existing garage and to the edge of an existing cobblestone courtyard. The application proposes to straighten the southern property line, which eliminates the protrusion to create a greater buffer between the garage and cobblestone courtyard.

Upon approval of the subdivision, the Applicant completed the purchase of 1143 Sasco Hill Road and was able to fully inspect the existing dwelling on Lot 2. The existing dwelling at Lot 2 is an architectural

1143 Sasco Hill Road, Lot 1 (continued)

masterpiece. It is one of the defining features of the Fairfield coastline being highly visible from its high elevation above the shoreline. However, the existing dwelling was constructed in the context of an extremely large single lot estate. It was not constructed within the context of a 7-lot subdivision. The side of the existing dwelling on Lot faces the private road. It is oriented towards the water, which provides the expansive view of the dwelling from Long Island Sound. It also orients the front entrance and its cobblestone courtyard to the new side property line with Lot 1. The Applicant has done a tremendous amount of work opening the viewscape of the Site from Sasco Hill Road. Prior to the subdivision, the dwelling was difficult to fully discern, but the Applicant has since removed overgrown. The proposed lot line revision and variance will buffer this defining landmark in Fairfield to maintain and enhance the viewscape from Sasco Hill Road and the Fairfield shoreline.

Granting the Applicant said variance will not substantially affect the comprehensive zoning plan of the Town of Fairfield and adherence to the strict letter of the Fairfield Zoning Regulations will cause an unusual hardship to the Applicant as the Applicant merely requests to buffer and provide a viewscape for one of the most definitive architectural landmarks in the Town of Fairfield to maintain and enhance the character of the neighborhood and Town. From the Fairfield shoreline and Long Island Sound, the existing dwelling on Lot 2 is one of the most identifiable and longstanding features of the entire coastline. Due to the fact that the dwelling was constructed when the property at 1143 Sasco Hill Road was a single property, the dwelling was not oriented in the context of a 7-lot subdivision. It is actually the side of the dwelling that faces the interior private road. In addition, the existing property line between Lots 1 & 2 of the subdivision "protrudes" into Lot 2 in front of an existing garage, which impedes maneuverability to the garage. Even with the variance, the Site will still be of significant size. The effect of straightening the property line will have little impact on the building setbacks of the Site. The proposed variance will only have a positive impact on the surrounding neighborhood as the dwelling on Lot 2 will remain a defining feature of the neighborhood.

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

7. 1125 Pequot Avenue, Map 281, Parcel 15. Petition of Spread Eagle Trading, LLC to reverse a decision of the Zoning Administrator. Premises: R-3 Zone.

Attorney John Fallon presented on behalf of the petitioner.

The applicant purchased the subject property in October of 2011. Shortly thereafter the presently existing home and swimming pool were built. At that time there were also plans to construct a boat house and cabana at the pool, as well as expand an existing pool patio. Prior to these accessory items being constructed the FEMA Flood Zone mapping was revised and the property was mapped for the first time in the High Velocity Flood Zone (VE-14 Flood Zone).

Commencing in 2020, representatives of the owner had numerous meetings with regard to contemplated construction with Mr. Wendt and Ms. Harrigan of the Zoning Department. Indeed, in addition to other numerous conversations, a meeting was held on October 21, 2020. At the October 21

1125 Pequot Avenue (continued)

meeting, the owner's representatives were advised that the contemplated construction of the expanded pool patio would have to be consistent with the guidelines imposed by the FEMA Technical Bulletin #5 involving the free-of obstruction requirements and that the cabana could not contain a kitchen area as then proposed. At that meeting, no concerns were raised with regard to the patio/terrace extension as long as FEMA guidelines for VE Zone as set forth in Bulletin #5 were complied with. Nonetheless, after a subsequent meeting on June 23, 2022 the applicant was advised that its proposal was not in compliance with Section 32.5.c of the Zoning Regulations. In an email from Mr. Wendt to the undersigned dated June 24, 2022, Mr. Wendt indicated "...the proposal that was discussed yesterday for essentially a concrete deck supported by piles and a wall runs afoul of Section 32.5.c which prohibits a horizontal structural member from being less than 1.1 feet above the base flood elevation. The reinforced raised concrete patio would constitute a prohibited obstruction...". Pursuant to the provisions of Connecticut General Statutes 8-6 the applicant hereby appeals this decision as made by Mr. Wendt as the official charged with the enforcement of the Zoning Regulations.

The specific proposal of the applicant at the meeting on June 23, as rejected by Mr. Wendt in his email of June 24, involves the installation of a horizontal reinforced concrete slab the top of which will align with an existing slab. The slab will be supported by three separate columns supported by pile foundations. It is respectfully submitted that as will be discussed hereinafter neither the Fairfield Zoning Regulations nor the FEMA guidelines prohibit the construction of the patio/terrace expansion as proposed.

Section 32.5.c as referenced by Mr. Wendt does not apply to this patio/terrace expansion since the provisions of this section are applicable only to habitable structures and not to such construction as is proposed amounting to nothing more than an expansion of an existing patio area. In that regard, the Board's attention is directed to the provisions of Section 32.3a which references "all new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the base flood level". Similarly, Section 32.3.b provides "all new construction and substantial improvements of non-residential structures, shall have the lowest floor, including basement, elevated to above the base flood level, or together with attendant utility and sanitary facilities, be designed so that below one foot above the base flood level the structure is watertight..." The reference in Section 32.5.c to "all new construction, substantial improvements and repair to structures that have sustained substantial damage" clearly is intended to apply to habitable structures and not a surface patio area expansion.

The interpretation of the provisions of Section 32.5.c as referenced in Mr. Wendt's email of June 24 is also inconsistent with the provisions of FEMA Technical Bulletin #5 dated March 2020 which provides in Section R322.3.4 with regard to concrete slabs as follows:

Requires that slabs used for parking, floors of enclosures, landings, decks, walkways, patios, and similar uses that are beneath buildings or located such that they could be undermined or displaced and could cause damage be either (1) structurally independent of foundations and no more than 4 inches thick, have no turn-downed edges, have no reinforcing, and have isolation joints at pilings and columns and control or construction joints in both directions no more than 4 feet apart or (2) self-supporting and will remain intact under base flood

1125 Pequot Avenue (continued)

conditions, taking into account scour and erosion, and have building foundations capable of resisting any added loads due to the presence of the slabs.

There is no provision of either the Fairfield Zoning Regulations, the FEMA guidelines or the ASCE standards as referenced above that in any way prohibits the placing of such a concrete patio adjacent to a pool in the VE Zone. To interpret the provisions of Section 32.5.c to impose such a prohibition is inconsistent with the language of the Regulations read as a whole, the provisions of the FEMA guidelines and the purpose and intent of the Fairfield Zoning Regulations and FEMA guidelines.

The patio/terrace expansion as proposed has been designed to meet all applicable VE construction standards as set forth specifically in Section 32.5.c. In addition, it is compliant with the provisions of Section 32.3.f and 32.4 in that it will not increase coastal flood levels. The plans submitted meet all of the requirements as set forth in Section 32.1.c.

Chairman Coyne entertained a motion to approve the request to reverse the decision of the zoning enforcement administrator.

DENIED: Brian Avallone moved and Terry Keegan seconded to approve the proposed application. The vote was 4 to 1 (Terry Keegan voted in favor)

8. 1125 Pequot Avenue, Map 281, Parcel 15. Petition of Spread Eagle Trading, LLC for a variance of the Zoning Regulations Section 32.7 to allow a horizontal structural member to be less than 1.1 feet above the base flood elevation, proposing an elevation of 3.22 feet below the base flood elevation. Permission to construct a patio expansion. Premises: R-3 Zone.

Attorney John Fallon presented on behalf of the petitioner.

The Applicant purchased the subject property in October of 2011. Shortly thereafter the presently existing home and swimming pool were built. At that time there were also plans to construct a boat house and cabana at the existing pool as well as expand an existing pool patio. On July 8, 2013, prior to these accessory structures being constructed the FEMA Flood Zone mapping with respect to the property was changed and the property was mapped totally for the first time in the High Velocity Flood Zone (VE-14 Flood Zone). Prior to that, the area involving the proposed expansion of the existing pool patio was split between Flood Zone AE (elevations 10 and 11) which allowed for the currently proposed design of the patio expansion as of right. The impact of this change of FEMA mapping and the interpretation of the regulations applied by staff would require our proposal have the bottom of the lowest horizontal structural member at elevation 15.1 (14 ft. plus 1.1 ft.) The plans as proposed show the horizontal structural member for the expanded patio will be established at elevation ft.

In an email dated June 24, 2022, James Wendt, the Planning and Zoning Director rendered a decision that the proposal was not compliant with the provisions of Section 32.5c of the Zoning Regulations prohibiting a horizontal structural member from being less than 1.1 ft. above the base flood elevation. The

1125 Pequot Avenue (continued)

Applicant has filed an appeal of this interpretation of Section 32.5c but in the alternative makes this application for a variance of this section of the Regulations so as to permit the construction as proposed and detailed in the plans submitted of a horizontal structural member established at elevation 10.78 ft. rather than 15.1 ft..

Section 32.7 of the Zoning Regulations explicitly provides authority for this Board to grant variances of the provisions contained in Section 32 of the Zoning Regulations. A variance is appropriate here pursuant to said Section in that as provided by Section 32.7.a there will be no increase in flood levels during the base flood discharge resulting from the proposed construction of the patio/terrace.

From a legal perspective this request for a variance of Section 32.5.c meets the requirements not only under the provisions of Section 32.7 of the Zoning Regulations but also as established by Connecticut General Statutes 8-6(a)(3). The patio/terrace area as proposed will be used accessory to the single family residence which is an explicitly permitted use in the zone. In addition as previously referenced above the granting of the variance will not result in any increase in flood levels during the base flood discharge and is therefore compliant with the provisions of Section 32.7.a Furthermore, the patio/terrace expansion as proposed has been designed to meet all applicable VE construction standards as set forth specifically in Section 32.5 .c. In addition it is compliant with the provisions of Section 32.3.f and 32.4 in that there will be no increase in coastal flood levels resulting from the construction of the expanded terrace/patio. The plans as submitted also meet all of the requirements as set forth in Section 32.1.c of the Zoning Regulations. Furthermore, the construction as proposed of the expanded patio/terrace is consistent with and complies with the provisions of FEMA Technical Bulletin #5 dated March 2020 which provides in Section R322.3.4 with regard to concrete slabs as follows:

Requires that slabs used for parking, floors of enclosures, landings, decks, walkways, patios, and similar uses that are beneath buildings or located such that they could be undermined or displaced and could cause damage be either (1) structurally independent of foundations and no more than 4 inches thick, have no tum-downed edges, have no reinforcing, and have isolation joints at pilings and columns and control or construction joints in both directions no more than 4 feet apart or (2) self-supporting and will remain intact under base flood conditions, taking into account scour and erosion, and have building foundations capable of resisting any added loads due to the presence of the slabs.

The controlling legal factor in this instance regarding hardship arises from the fact that the property was not subject to the current designation within the High Velocity Flood Zone (VE-14 Flood Zone) at the time of the purchase of the property and the construction of substantial residential improvements. At the time of the approval of the construction of the dwelling and accessory improvements at the property, provision was made for the expansion of the existing pool patio that is the subject of this application. This element of the proposed improvements was approved at that time by the Town. However, prior to construction of this accessory item the new FEMA mapping went into effect on July 8, 2013, well after the property had been purchased by the Applicant in October of 2011 and after the primary dwelling and other substantial improvements to the property had been completed based upon the approvals previously granted

1125 Pequot Avenue (continued)

by the Town. Such a factual circumstance as results from the re-mapping of the flood zone impacting this property in 2013 satisfies the hardship requirement as set forth in the cases cited above. In addition, the construction as proposed is compliant with FEMA Technical Bulletin #5 dated March 20, 2020 (Section R322.3.4) and the provisions of Chapter 9 of the ASCE (American Society of Civil Engineers) standards for such patio/terrace construction. The application for the variance of Section 32.5.c. also satisfies the statutory requirements as set forth in Connecticut General Statutes 8-6.

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 4:45 p.m. Chairman Coyne adjourned the meeting.

KEVIN COYNE, CHAIRMAN

JANE GITLIN NISHBALL, SECRETARY

JODI KARAGIANES, CLERK