

ZONING BOARD OF APPEALS
MEETING MINUTES OF NOVEMBER 3, 2022

The Zoning Board of Appeals held a meeting at 3:00 p.m. on Thursday, November 3, 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, Katie O'Grady

MEMBERS ABSENT: Brian Avallone

ALTERNATE MEMBERS PRESENT: Harold Zawadski, Alternate, sat in place of Brian Avallone.

EXECUTIVE SESSION

Approval of Minutes of Thursday, November 3, 2022: Terry Keegan *moved* and Jane G. Nishball *seconded* to approve the minutes as presented. *Motion passed unanimously.*

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

Executive Session started at approximately 2:55 p.m.

CONTINUED DOCKET:

10. 154 Ferncliff Road, Map 46, Parcel 250. Petition of Madeline C. Gianatasio for a variance of the Zoning Regulations Section 5.2.5 to increase lot coverage from 15%, currently 16.2%, proposing 18.7%; and Section 6.3.2 to allow an accessory apartment to exceed 40% of the floor area of the original residence, proposing 42%. Permission to build a two story addition to accommodate an in-law apartment and reconstructed deck. Premises: R-3 Zone

Madeline Gianatasio, owner, presented on her own behalf. Sal Dinardo, contractor also spoke.

She wishes to construct a two story in-law addition. The ground floor will consist of two bedrooms and one full bath. The second floor will consist of a kitchenette, tv/living area, and one half bath.

The existing lot is smaller than required. The minimum lot size in the zone is 20,000 sq. ft. and ours is 14,602 sq. ft. The addition has been carefully thought out so as not to be intrusive or change the neighborhood's look or the existing house.

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

6. 259 Barberry Road, Map 228, Parcel 75. Petition of David T. and Nicole Ciaburro for a variance of the Zoning Regulations Section 5.2.4 to reduce the street and side line setbacks from 50 feet and 25 feet, currently 41.3 feet and 20.4 feet, proposing 41.2 feet and 8.8 feet; and Section 5.2.5 to increase the total lot coverage and floor area from 10% and 20%, currently 10.5% and 9.8%, proposing 12% and 20.6%. Permission to construct a 1 ½ story and 2 story additions. Premises: AA Zone.

Attorney Ray Rizzio presented on behalf of the petitioner.

The Applicant proposes to construct an addition to the existing single-family dwelling. The Site currently contains a principal single-family dwelling, which is non-conforming. While being located in the AA District, this site, and many of the properties on Barberry Road are significantly undersized in both lot area and lot square. These properties, including this Site, were made pre-existing nonconforming when the area was rezoned. It creates the need for side property line setback variances with nonconforming lot squares. The AA District requires a minimum lot area of Forty-three thousand five hundred and sixty square feet (43,560 sq. ft.), but the Site only contains Twenty thousand three hundred and sixty square feet (20,360 sq. ft.) of lot area. The AA District also requires a minimum lot square of One hundred and thirty-five feet (135'), but the Site only contains One hundred feet (100'). The existing dwelling is nonconforming as to its street line and side property line setbacks. The existing street line setback is Forty-one and 30/00 feet (41.30'). The existing side property line setback is Twenty and 40/00 feet (20.40') on the northern side of the Site. The Applicant proposes to reduce this setback in conformity with side property line setbacks in the neighborhood.

The Applicant proposes to construct a two-car garage. The addition of the additional garage bay requires the side property line variance. Behind the proposed garage, the Applicant proposes to set back the remaining portion of the first floor addition, so it will not be visible from the public street. This portion will replace an existing patio and wood deck. The Applicant proposes to replace those features with a new terrace located directly behind the existing dwelling. The second floor addition will create Two (2) additional bedrooms, including a master, and a master bath. The proposed third floor will create attic storage space. The proposed additions will only slightly exceed the maximum total floor area under the Regulations even though the Site is drastically undersized for the zone. The non-conformity of the lot also forces the variances for lot coverage and total floor area. It is important to note that despite the lot conformity, the Application proposes a de minimis increase in the total floor area maximum of only Seventy-nine square feet (79 sq. ft.). No height variance is required under the Application. So, even though the Applicant is just over the floor area requirement on a significantly undersized lot, the Application also requires a lot coverage variance. It should also be noted that a portion of Barberry Road just to the south of the Site is located in the R-3 District. The division lines between the zones do not even follow along existing property lines. It splits some properties down the middle. The R-3 District requires a maximum lot coverage of Fifteen percent (15%) and a total floor area of Thirty percent (30%). The Application would be conforming to those requirements. The Application would also be conforming to the street property line requirement is Forty feet (40'). The existing dwelling was built in 1951 when the Site was not located in the AA District.

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

GENERAL DOCKET:

1. 830 Beach Road, Map 138, Parcel 46. Petition of Sophia V. Leonida for a variance of the Zoning Regulations Section 5.2.4 to reduce the side setback from 7 feet, currently 11 feet, proposing 5 feet; and Section 5.2.5 to increase the total lot coverage from 20%, currently 24.5%, proposing 24.8%. Permission to construct a platform lift. Premises: A Zone.

Attorney John Fallon presented on behalf of the petitioner.

Dr. Leonida suffers from significant neck pain, balance issues and arthritis causing ongoing pain, decreased range of movement in her neck, and significant problems with gait and stability and with her balance. Dr. Leonida has been under the care of Alice Chen, M.D. of the Hospital for Special Surgery who confirms that she is especially at risk for falling when negotiating stairs. As the condition has worsened she has been forced over the last two years to live on the first floor of her home due to the reconstruction required for FEMA compliance that has made access to her upper floors impractical and unsafe. In addition, there are currently ten steps in the back of her home to enter and her disabilities present an increased risk of falling whenever she has to utilize these stairs to gain access to her home.

Dr. Leonida seeks permission to install an outdoor lift around the back of her house. This lift is essential if Dr. Leonida is going to be able to remain in her home of 25 years and safely gain ingress and egress. There will be no change in the use of the property as a single family residence which is explicitly permitted pursuant to the provisions of the Zoning Regulations. As shown on the plans submitted the proposed lift is unobtrusive and will not have any adverse impact on the character of the surrounding neighborhood. Dr. Leonida has spoken with her abutting neighbors and provided confirmation of their support of the application.

In order to accommodate the construction of the lift a variance of Section 5.2.4 to reduce the side property line setback to 5 ft. is requested. In addition, a minor variance in coverage is required of .3% increasing the existing lot coverage from 24.5% to 24.8%.

GRANTED: Katie O'Grady moved and Terry Keegan seconded to approve the proposed application. Motion passed unanimously.

2. 105 Pine Creek Avenue, Map 238, Parcel 54. Petition of Maureen Gallace and Jason Tomme for a variance of the Zoning Regulations Section 11.10 to increase the total lot coverage from 20%, currently 28.6%, proposing 29.6%; and Section 11.15 to reduce the street line setback from 15 feet, currently 4.4 feet, proposing 4.3 feet. Permission to construct an elevated mechanical platform. Premises: BD Zone.

Jimmy Zummo, Architect, presented on behalf of the petitioner.

They propose to construct a new air conditioning platform for the existing dwelling. The platform will be 4 feet x 4 feet and elevated to an elevation of at least 14.0 feet per FEMA and local regulations. Existing coverage is 28.6%, proposed coverage is 29.6%, reduce setback from other streets to 4.3'.

105 Pine Creek (continued)

The existing site is undersized for the given zone. Due to the small lot size the existing coverage is currently over the 20% allowed. Any alterations to the existing footprint would require a variance for coverage.

There were no neighbors opposed.

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

3. 2 Knapps Park Drive, Map 44, Parcel 42A. Petition of Erno Bacso for a variance of the Zoning Regulations Section 5.2.4 to reduce the rear and street line setbacks from 30 feet & 40 feet, currently 15 feet & 29.6 feet, proposing 27 feet & 38.1 feet.; and Section 5.2.5 to increase the total lot coverage and total floor area from 15% & 30%, currently 18.69% & 27.93%, proposing 20.49% & 30.89%. Permission to construct a rear (1) one-story addition and a 2nd-floor dormer. Premises: R-3 Zone.

Erno Bacso, homeowner, presented on his own behalf.

He wishes to construct a 12' x 17'8" addition on the first floor and a second floor addition per the plans. He is on a pre-existing, legal, non conforming lot. The parcel is located in a single family district R-3 Zone and on a corner lot. Minimum required lot size is 20,00 sq. ft. and requires a square of 100 ft. This lot only has 10,133 sq. ft. and a square of only 68 feet; any proposed work here requires a variance.

There were no neighbors in opposition.

GRANTED: Terry Keegan moved and Katie O'Grady seconded to approve the proposed application. Motion passed unanimously.

4. 184 Mill River Road, Map 148, Parcel 42. Petition of Shoshana Snyder for a variance of the Zoning Regulations Section 5.2.4 to reduce the sum of two side line setbacks from 25 feet, currently 21.8 feet, proposing 21.5 feet. Permission to remove the existing garage and construct a new 1 ½ car garage with home office above. Premises: A Zone

Shashona Snyder, homeowner, presented on her own behalf.

She wishes to remove an undersized one car garage and construct a new larger garage with an attached rear mudroom and home office/bonus room above. The existing house is already non-conforming due to the home not being parallel to the street. She is looking for a small reduction of the sum of two side line setbacks while maintaining the minimum required one side line setback of 7'. The addition would be in keeping with the neighborhood. It would be brought up to current building codes as well as septic.

There were no neighbors in opposition.

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

5. 183 Rowland Road, Map 182, Parcel 164. Petition of Dominick J. Como Jr. & Christina A. Como for a variance of the Zoning Regulations Section 5.2.5 to increase the total lot coverage from 20%, currently 21.8%, proposing 22.0%. Permission to transfer a portion of the property to the neighbor. Premises: A Zone.

Attorney Ray Rizzio presented on behalf of the petitioner.

The Applicant proposes to transfer a portion of the Site (the "Transfer Area"), which is 156 SF in size, to the neighboring property located at 177 Rowland Road ("177 Rowland") through a lot line revision. Both the Site and 177 Rowland are within the Residence A District ("R-A District"). The Site and 177 Rowland are both located on Rowland Road and the Site is also located on the corner with Paulding Street. Each lot contains a single-family dwelling with attached garages.

The Applicant was the former owner of 177 Rowland. The shared property line between the Site and 177 Rowland starts as a typical shared property line perpendicular to Rowland Road. However, the shared property line then turns north 75' back from the street property line. The Applicant constructed a fence in between the two properties attempting to mirror the shared property line. Unfortunately, a portion of the fence was located fully within the Site. The Transfer Area exists between the shared property line and the installed fence. It has always been used by 177 Rowland since the fence installation.

The Applicant subsequently sold 177 Rowland to its current owner with the obvious belief that the Transfer Area was included within the property boundaries of 177 Rowland. The Transfer Area, which is 156 SF, was continuously used by the Applicant and its current owner as a part of 177 Rowland. After the sale of 177 Rowland, the Applicant purchased the Site and moved right next door. The Applicant has never considered the Transfer Area to be a part of the Site. It was not until a survey was completed that the error was discovered placing the Transfer Area within the boundaries of the Site. For these reasons, the Applicant proposes to convey the Transfer Area to the current owner of 177 Rowland, so the existing fence will delineate the shared property line as originally intended. Both properties exceed the maximum building lot coverage, but this proposed transfer will actually equalize those percentages between the two properties at 22%. It will reduce the building coverage of 177 Rowland by adding additional lot area with no buildings, while it will increase the building coverage of the Site by reducing the overall lot area. It is important to note that both lots will still be conforming as to lot area, minimum square, lot frontage and maximum building floor area. In addition, no existing setbacks will be made nonconforming. No construction is proposed in connection with the Application as the Application simply reflects existing conditions.

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 (the "Regulations") will cause an unusual hardship to the Applicant as the Applicant is merely transferring a portion of the Site that has been used by the owners of 177 Rowland Road, so that it is actually included within the property boundaries of 177 Rowland. As the former owner of 177 Rowland, the

183 Rowland Road (continued)

Applicant fully understands that the Transfer Area was intended to be a part of 177 Rowland. The Application is a minor transfer of 156 SF from the Site to 177 Rowland. In addition, the Application satisfies the intent of the Regulations by actually balancing the existing nonconformities between the two properties. The property at 177 Rowland Road currently contains a building coverage of 22.3%. The Application will reduce that nonconformity, which is a sufficient basis for the granting of a variance, to 22%. While the Application will obviously increase the building coverage of the Site, the building coverage of the Site will match 177 Rowland Road to balance the two properties. As stated above, both lots will still be conforming as to lot area, minimum square, lot frontage and maximum building floor area and no existing setbacks will be made nonconforming. The Application merely ensures the actual existing conditions between the two properties are properly reflected by their property lines.

GRANTED: Terry Keegan moved and Katie O'Grady seconded to approve the proposed application. Motion passed unanimously.

6. 159 Lalley Boulevard, Map 182, Parcel 4. Petition of Joseph Catalano and Susan Lacorte for a variance of the Zoning Regulations Section 5.2.5 to increase the total lot coverage from 20%, currently 14.5%, proposing 23.5%. Permission to construct a new side and rear deck. Premises: A Zone.

Leigh Overland, Architect, presented on behalf of the petitioner.

They wish to construct a first floor deck measuring 19'7" x 19'7" with a 3'-6" x 35' deck connecting the living room doors to the rear deck. The deck has already been constructed as our permitted plans show a deck, but the surveyor inadvertently called it a patio.

Being in a FEMA zone, various factors increase coverage vs. a non-FEMA lot, i.e. mechanical platforms, porches and stairs to get to the higher first floor required height. The deck vs. patio was designed to avoid the many steps to get to grade. The Lalley home is an IGF (insulated concrete form) fire and storm proof home. This type of construction requires 12" thick walls which impacted coverage.

GRANTED: Katie O'Grady moved and Jane G. Nishball seconded to approve the proposed application. Motion passed unanimously.

7. 49 Bonney Terrace, Map 232, Parcel 228. Petition of Joseph McCambley and Joan Zimmerman for a variance of the Zoning Regulations Section 5.2.4 to reduce the street line setback from 30 feet, currently 30 feet, proposing 26.8 feet. Permission to construct a one story front entry addition. Premises: A Zone.

Leigh Overland, Architect, presented on behalf of the petitioner.


They wish to construct a 3' x 9' wide front entrance bump out to allow more room in front of the stairs. The covered proposed entrance way of 7' deep meets zoning regulations. The enclosed bump out will be within the proposed covered entranceway.

49 Bonney Terrace (continued)

The existing homes' front door opens directly into the existing stairs which are only 3' away. The variance will allow them additional space in front of the stair. The space in front of the stair is the main access from the garage to the living area, increasing the likelihood of someone being hurt. This is an unusually small space in front of a stair.

GRANTED: Terry Keegan moved and Katie O'Grady seconded to approve the proposed application. Motion passed unanimously.

There being no further business to come before the Commission, at 4:15 p.m. Chairman Coyne adjourned the meeting.


Jane Gitlin Nishball, Secretary


Jodi Karagianes, Clerk

KEVIN COYNE, CHAIRMAN

JANE GITLIN NISHBALL, SECRETARY

JODI KARAGIANES, CLERK