

ZONING BOARD OF APPEALS
MEETING MINUTES OF FEBRUARY 2, 2023

The Zoning Board of Appeals held a meeting at 3:00 p.m. on Thursday, February 2, 2023. 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, Brian Avallone

EXECUTIVE SESSION

Approval of Minutes of Thursday, January 5, 2023: Terry Keegan *moved* and Jane G. Nishball *seconded* to approve the minutes as presented. *Motion passed unanimously.*

Approval of Secretary's Fees: Jane G. Nishball *moved* and Terry Keegan *seconded* to approve the secretary's fees as presented. *Motion passed unanimously.*

Executive Session started at approximately 3:00 p.m.

GENERAL DOCKET:

1. 401 Springer Road, Map 121, Parcel 27-N. Petition of Debra Cavalier for a variance of the Zoning Regulations Section 5.2.5 to increase the lot coverage from 10%, currently approved 11.36%, proposing 11.46%. Permission to construct an extension to an approved deck. Premises: AA Zone.

Debra Cavalier, property owner, presented on her own behalf.

She would like to extend her previously approved rear deck by an additional foot. The lot is undersized by almost 50% of the required lot size in the AA Zone. The topography of the rear of the property slopes significantly down toward the lake making it impossible to construct a patio in place of the deck. The height of the deck does not change and the 1' extension to the rear of the deck is further away from the already approved setback variance approved in February, 2022. The existing deck is also not wheelchair accessible which has been a recent need.

Neighbor Ewa Sidwa at 377 Springer Road spoke in opposition.

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

2. 879 Bronson Road, Map 177, Parcel 186. Petition of Daniel and Jennifer Najjar for a variance of the Zoning Regulations Section 5.2.4.3 to reduce the side line setback for an accessory structure from 25 feet, proposing 15.7 feet to the pool and 9.5 feet to the spa. Permission to construct an in-ground pool and spa. Premises: AA Zone

879 Bronson Road (continued)

Rich Bernstein of RMB Builders presented on behalf of the petitioner.

They wish to construct a new 35' x 16' in-ground swimming pool, with an 8' x 7' spa.

The lot is pre-existing, non-conforming for a 1 acre parcel. The required lot size, lot square, and lot frontage are 43,560, 135 and 135. The lot consists of only 19,420, 74.8 and 75 respectfully so they are handicapped in width, thus running into a side setback issue with the pool.

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

3. 220 Henderson Road, Map 229, Parcel 109. Petition of Kristie Goodgion for a variance of the Zoning Regulations Section 5.2.4 to reduce the sum of two side line setbacks from 20 feet, currently 19.8 feet, proposing 13.8 feet. Permission to construct a rear, one (1) story addition. Premises: A Zone.

Kristie Goodgion, property owner, presented on her own behalf.

They want to add an 18 ft..x 30 ft. first floor addition consisting of a dining room and a home office. In addition they would like to add a 6 ft. x 10 ft. mudroom at the entry to the home. This requires a variance of the sum of two side line setbacks.

They will remove an existing non-conforming detached garage from the west side of the property to complete the addition. The lot is pre-existing, non-conforming in the Residential A Zone. The minimum required lot size is 9,375 sq. ft., required square of 75 feet and the required frontage of 75 feet. The lot consists of 8,449 sq. ft., with a square and frontage of only 50 feet.

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

4. 28 Alberta Street, Map 7, Parcel 2. Petition of Ryan and Molly Marchione for a variance of the Zoning Regulations Section 5.2.5 to increase the lot coverage from 20%, currently 24.09%, proposing 24.52%. Permission to construct a rear 2nd floor cantilevered addition. Premises: A Zone.

Cindy Tominski, property owner, presented on her own behalf.

She would like to put on a 134.3 sq. ft. 2nd floor bathroom addition that will increase the non-conforming building coverage from 24.09% to 24.53% with all but 34.5 sq. ft. of the proposed building over the existing first floor dwelling.

The lot area is unusually diminished with 8,059 sq. ft. where 9,375 us required in the A Zone which is directly related to the requested variance.

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

5. 2268 Fairfield Beach Road, Map 234, Parcel 90. Petition of 2268 Fairfield Beach Road, LLC for a variance of the Zoning Regulations Section 11.13 to reduce the street line setback from the center line of Fairfield Beach Road from 25 feet, currently 7.9 feet, proposing 10.2 feet to roof overhang and 15.7 feet to dwelling. Permission to construct a 2-story, FEMA compliant, single-family dwelling with a C.A.M. application. Premises: BD Zone.

The proposed application was Continued to March 2, 2023.

6. 253 Ruane Street, Map 182, Parcel 783. Petition of Nicholas A. and Christina B. Aysseh for a variance of the Zoning Regulations Section 5.2.4 to reduce the sum of two side line setbacks from 20 feet, currently 29.7 feet, proposing 14.2 feet; and Section 5.2.5 to increase the lot coverage and total floor area from 30% and 50%, currently 18.5% and 17.1%, proposing 34% and 54.5%. Permission to construct 1 & 2 story, 2nd floor and porch additions with an accessory apartment. Premises: B Zone.

Attorney John Fallon presented on behalf of the petitioner. Owner, Nicholas Aysseh also spoke.

Nicholas and Christina's parents will be relocating to live with Nick and Christina in the near future. Josephine has recently been diagnosed with Parkinson's disease and will require the support of her son and daughter-in-law in a setting that provides an opportunity for independent living as she ages in place. As referenced in the plans, a small and comfortable accessory apartment will provide the family the opportunity to give her that support.

The intent of this application is for the Ayssehs to enlarge their home with sensitivity and in keeping with the character and architecture found in the immediate neighborhood. The home is located within the FEMA flood zone and the plans as submitted will bring the residence into full compliance with all FEMA guidelines and requirements. The basement will be filled in accordance with code requirements; no mechanicals will be below 12 feet elevation. The design will modify the existing roughly 1,200 square-foot first floor. The plan relocates the bedrooms and laundry upstairs and provides for three bedrooms and three bathrooms over the existing footprint, this additional space will also compensate for the loss of the basement area which is being filled in order to ensure FEMA compliance.


The addition as proposed, and the variances as requested, will not change the use of the structure, which will remain as a single-family residence explicitly permitted in the zone. All of their neighbors enthusiastically support their application and feel that the proposal will be a significant upgrade to the property benefiting the entire neighborhood.

With regard to hardship, the impact of FEMA regulations and compliance has long been recognized as establishing a factual basis for hardship. The proposed additions will require FEMA compliance that will result in the filling of the currently existing basement. This will result in the loss of significant interior space that has previously been used for storage and other purposes. The design of the proposed addition will address the loss of this space and the needs of the family for additional living area. With regard to the variance requested concerning the sum of the side property line setbacks, the historic location of a pre-existing structure on a lot creates a proper basis for a finding of hardship; it is the fact of the existing

location of the current structure that creates the need for the variance that is requested with regard to the sum of the setbacks since the proposed addition cannot be constructed without the granting of such a variance due to the location of the existing structure. Of particular relevance to the consideration of this application is the fact that the proposal provides for the establishment of an accessory apartment to benefit Mr. Aysseh's mother in accordance with the provisions of the zoning regulations as amended by the Town Plan and Zoning Commission in 2021. The purpose of the accessory apartment regulations and the amendments made by the Commission is to address the identified needs in this community for the maintenance, preservation and creation of affordable and secure housing units within the Town of Fairfield benefiting all segments of our population, often including the elderly who, like Mrs. Aysseh are in need of support as they age in place, but desire to maintain substantial independence. The creation of a self-contained separate living unit, incidental to an existing single-family residence, is a planning goal that has been embraced by our Town Plan and Zoning Commission and the community as a whole. This application and the proposal made herein is consistent with these planning goals.

GRANTED: Katie O'Grady 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 4:00 p.m. Chairman Coyne adjourned the meeting.


Jane Gitlin Nishball, Secretary


Jodi Karagianes, Clerk

KEVIN COYNE, CHAIRMAN

JANE GITLIN NISHBALL, SECRETARY

JODI KARAGIANES, CLERK