

ZONING BOARD OF APPEALS
MEETING MINUTES OF APRIL 6, 2023

The Zoning Board of Appeals held a meeting at 3:00 p.m. on Thursday, April 6, 2023. This meeting was held both in person, as well as 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 Chairman; Jane G. Nishball, Secretary; Katie O'Grady; Brian Avallone

EXECUTIVE SESSION

1. Approval of Minutes of Thursday, March 2, 2023: Brian Avallone *moved* and Terry Keegan *seconded* to approve the minutes as presented. *Motion passed unanimously.*
2. Approval of Secretary's Fees: Brian Avallone *moved* and Jane G. Nishball *seconded* to approve the secretary's fees as presented. *Motion passed unanimously.*

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

CONTINUED DOCKET:

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 is continued to May 4, 2023.

GENERAL DOCKET:

1. 1565 Post Road, Map 180, Parcel 82. Petition of United Fairfield Realty Group, LLC for a variance of the Zoning Regulations Section 28.6.12 to reduce the required parking spaces by 3. Permission to establish a restaurant. Premises: CDD Zone.

Keith Krolak, Architect, presented on behalf of the petitioner.

This restaurant will be called T-Swirl, and will be serving crepes. Most of the service will be take out so patrons will be in and out quickly, similar to an ice cream shop. Of the 960 gross sq. ft., there will be 270 net sq. ft. of patron area with a few tables and chairs available for customer use. The building is a single-story commercial structure with (3) three retail tenants. The property contains a parking lot with (11) eleven spaces to be shared by all three tenants. The 270 sq. ft. of patron area requires an additional (3) parking spaces. The physical limitations of the site do not allow for any additional parking spaces within the boundaries of the property, therefore, they are requesting a variance of the parking regulation. Because of the nature of the business which is considered more of a snack or dessert than a full meal, patrons will not be concentrated at the site during meal times, but rather spread out evenly during operating hours which means less of a parking burden during lunch or dinner times.

1565 Post Road (continued)

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

2. 668 Bronson Road, Map 229, Parcel 194. Petition of Reddy To Go Enterprise for a variance of the Zoning Regulations Section 5.2.4 to reduce the street line setback from 30 feet, currently 26.2 feet, proposing 26.2 feet. Permission to construct a one story and 2nd floor additions. Premises: A Zone.

Alan McKeon, Architect, presented on behalf of the petitioner.

This house was built in 1914, prior to zoning regulations. The front of the house does not meet the required setbacks. On the first floor they would like to eliminate the existing front entrance which is recessed into the house, and make it flush with the existing front wall. Second floor modifications will include changing the existing roof pitch from a 3-4 to an 8.

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

3. 208 Shoreham Village Drive, Map 130, Parcel 207. Petition of Donna Shea for a variance of the Zoning Regulations Section 5.2.4 to reduce the side line and street line setbacks from 7 feet and 30 feet, currently 4.1 feet and 29.2 feet, proposing 4.1 feet and 29.2 feet. Permission to construct an addition to attach a detached garage and 2nd floor addition. Premises: A Zone.

Owner, Donna Shea presented on her own behalf.

They are proposing to renovate the existing residence and extend back of house and attach a new garage with a breezeway. Existing residence to be new construction from existing 1st floor joists up. New garage to comply with rear yard setback, but will remain in side setback to retain driveway access, it will be no further into the side setback than existing garage. Front of house to remain in front setback to retain existing front foundation.

To stay on existing main house foundation, front of house will remain in front setback. Due to existing location of the house in order to achieve access to a garage, the garage would need to be in the side yard setback. Proposed garage has been positioned to now comply with rear setback and maintain same side yard relationship to setback as existing garage.

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

4. 497 Westport Turnpike, Map 258, Parcel 48. Petition of Charles Rockett for a variance of the Zoning Regulations Section 5.2.4 to reduce both side line setbacks from 30 feet, currently 16.5 feet and 22.9 feet, proposing 16.5 feet and 20.8 feet. Permission to construct an addition and deck. Premises: AAA Zone.

Charles Rockett, Owner, presented on his behalf.

497 Westport Turnpike (continued)

They would like to expand the 2nd-floor living room out 3'8" x 17' over the existing 1st-floor footprint. Enclose the 2nd floor balcony, 13'11" x 9'7" over the existing study. Expand 2nd floor adjacent 153 sq. ft. to the deck to square off the property. Build a deck off the rear 27'8" x 11'11". The lot was previously combined with Ms. Fredricks adjacent property (483 Westport Turnpike) making the parcel narrow surrounding the existing property.

This property is a country bungalow built in 1920. It's layout and useable space and storage area are extremely limited and bring down the property value. In addition, the property has been neglected for decades and improving and updating the design will benefit the surrounding property values without disrupting the character of the neighborhood.

There were several neighbors who sent in letters of approval. Christine Frederick 483 Westport Tpk spoke in favor. Peter Diefenbach, neighbor at 467 Westport Turnpike spoke in opposition.

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

5. 855 Bronson Road, Map 228, Parcel 19A. Petition of Adam Munson and Brianna Soloman for a variance of the Zoning Regulations Section 5.2.4 to reduce the street line setback from 50 feet, currently 29.7 feet, proposing 31.3 feet to the house, and 26.3 feet to the porch; and Section 5.2.5 to increase the lot coverage from 10%, currently 10.56%, proposing 11.33%. Permission to construct a 2nd floor addition and new open front porch. Premises: AA Zone

John Roundtree, Architect, presented on behalf of the petitioner.

They are seeking a variance for setbacks and coverage so that the homeowner could expand an existing 2nd floor to include a master bedroom and master bathroom 16' x 31'; and to add a covered porch over the 1st floor 5'0" x 32'0". This is a pre-existing, non-conforming lot.

A letter of support was submitted by Melanie Marks at 857 Bronson Road.

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

6. 75 Adley Road, Map 47, Parcel 324. Petition of Ian and Katie Marucci for a variance of the Zoning Regulations Section 5.2.4 to reduce the street line setback from 40 feet, currently 31.9 feet, proposing 31.9 feet; and Section 5.2.4.3 to reduce the side setback for an accessory structure from 10 feet, currently 1.8 feet, proposing 1.8 feet. Permission to construct a 2nd floor addition to the primary dwelling and to raise the roof to the accessory building. Premises: R-3 Zone.

Ian Marucci, homeowner, presented on his behalf.

They wish to construct a 5'x33' shed dormer on front of the home and a 7'x34' dormer off the rear of the home consisting of a 2nd floor bedroom and bathroom. Additionally, they would like to raise walls on detached garage by 3' raising the peak of the roof from 10'7" to 12.83'. Zoning changes have made this home non-conforming; the improvements are consistent with the neighborhood. This project cannot be reasonably satisfied by any other means. The garage variance

75 Adley Road (continued)

request is minimal with a 2 foot horizontal and 2-3 foot vertical area by length of garage. The slab-on-grade home with little to zero storage due to no attic or basement.

There were letters from neighbors submitted in support of this variance.

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

7. 891 Fairfield Beach Road, Map 184, Parcel 31. Petition of Mary S. and Robert M. Dunn for a variance of the Zoning Regulations Section 11.12 to reduce the setback from Long Island Sound from 198 feet, currently 198 feet to house and 189 feet to open porch, proposing 198 feet to house and 189 feet to 2nd floor open porch and roof. Permission to construct a 2nd floor open porch with new roof. Premises: BD Zone.

Bryan LeClerc, Esq., presented on behalf of the petitioner.

In 2016 a variance was granted to reduce the setback from Long Island Sound from 198 feet to 189 feet for the deck. The dwelling itself is located completely within the 198-foot setback. This application does not propose a further reduction in the 189-foot setback, but rather seeks a variance of setback to allow the addition of a second-floor deck above the current first-floor deck, still within the existing and approved 189-foot setback. Again, these two setback dimensions and the footprint of the dwelling will remain the same pursuant to this application.

This modest addition and reconfiguration will be in conformity with the neighborhood, and will cause the Property to remain significantly further from Long Island Sound than its immediate neighbor to the east. The proposed addition of a second-floor covered deck requires a variance of Section 11.2 of the Fairfield Zoning Regulations, reducing the setback from Long Island Sound from 198 feet to 189 feet, the same reduction previously granted as to the existing structure.

Pursuant to the provisions of Connecticut General Statutes 8-6(a)(3), two conditions must be met: The variance must be shown not to substantially affect the Comprehensive Zoning Plan; and adherence to the strict letter of the Zoning Ordinance must be shown to cause unusual hardship. The courts have consistently held that if the use to be allowed by a variance is consistent with other uses in the area and/or is a permitted use in the zone, then the first part of the test is met. As to the property subject to this application, the granting of this variance will not change the use of the lot. It will remain as a single-family residence, and consistent with the neighborhood. The proposed covered second-floor deck will not only harmonize with the neighborhood and be an aesthetic improvement further benefiting the area, it will also be very similar to other neighboring properties. The narrow nature of the lot and proximity to Long Island Sound supports a finding of hardship with regard to this property and the variance requested.

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

8. 2713 Redding Road, Map 218, Parcel 21. Petition of Dylan and Nicole Attia for a variance of the Zoning Regulations Section 5.2.4.3 to reduce the street line and rear line setbacks for an accessory structure from 60 feet and 50 feet, proposing 20 feet and 20 feet. Permission to construct a one story shed. Premises: AAA Zone.

Dylan and Nicole Attia presented on their behalf.

They wish to construct a new 20' x 20' one story storage shed. The lot is a legal nonconforming lot in the AAA, 2-acre zone, with a significant slope in the back yard that prevents us from locating the shed where it would meet the setback requirements. They are also bound by an undeveloped continuation of Brett Rd. as one of the property lines.

The rear of the property where they are looking to place the shed is at the bottom of the hill in the back yard and is bound by extensive vegetation and shrubs and cannot be seen from street level on Redding Road. Proper drainage will be installed to capture the roof water as required by code.

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

9. 1001 South Pine Creek Road, Map 232, Parcel 101. Petition of 1001 South Pine Creek, LLC for a variance of the Zoning Regulations Section 2.7 to reduce the lot frontage from 60 feet, proposing 51.86 feet; and Section 5.1.1 to reduce the lot square from 60 feet, proposing 59.04 feet. Permission to establish a building lot for a single family dwelling with CAM application. Premises: B Zone.

The proposed application was continued to May 4, 2023

10. 1003 South Pine Creek Road, Map 232, Parcel 101. Petition of 1001 South Pine Creek LLC for a variance of the Zoning Regulations Section 2.7 to reduce the lot frontage from 60 feet, proposing 40 feet. Permission to establish a building lot for a single-family dwelling with CAM application. Premises: B Zone.

The proposed application was continued to May 4, 2023

11. 2131 Black Rock Turnpike, Map 76, Parcel 347. Petition of Dolan Properties, LLC. for a variance of the Zoning Regulations Section 28.6.12 to reduce the required parking for outdoor dining by 19 spaces. Permission to allow the existing outdoor dining area to remain. Premises: DCD Zone.

Jeremiah Kline presented on behalf of the petitioner.


Looking to obtain a variance so that I may keep the existing outdoor dining area. The current patio is approximately 1400 sq. ft. and was created in 2020 under Executive Order 7MM provision to ease restrictions on/encouraging the development of outdoor dining facilities. This order will expire on 4/30/23. Under existing regulations, they are allowed a 400 sq. ft. patio, the zoning for the additional 1000 sq. ft. requires an additional 27 spaces; there are only 19 additional parking spaces. As a condition of approval, we will obtain a permit from the DOT to close the front lot access point on Stillson Road by extending the asphalt curb and connecting the grass planting beds on

2131 Black Rock Turnpike (continued)

either side of the access point. The asphalt will be turned into grass bedding to extend the existing grass planting beds. There have been no issues with the Fairfield Police or Fire departments. We have signatures from the abutting businesses of which no one objects.

GRANTED: Brian Avallone moved and Terry Keegan seconded to approve the proposed application. Motion passed 4 to 1 (Jane G. Nishball opposed).

There being no further business to come before the Commission, at 4:35 p.m. Chairman Coyne adjourned the meeting.



Jane Gitlin Nishball, Secretary



Jodi Karagianes, Clerk

KEVIN COYNE, CHAIRMAN

JANE GITLIN NISHBALL, SECRETARY

JODI KARAGIANES, CLERK