

ZONING BOARD OF APPEALS
MEETING MINUTES OF FEBRUARY 1, 2024

The Zoning Board of Appeals held a meeting on Thursday, February 1, 2024 at 3:00 pm. Executive Session started at approximately 2:45 pm. This meeting was held both in person as well as a hybrid manner.

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

MEMBERS PRESENT: Brian Avallone, Chairman, Katie O'Grady, Chairperson, Jane G. Nishball, Secretary, Christine Hogan, Joseph Schwartz

EXECUTIVE SESSION

1. Approval of Minutes of Thursday, January 4, 2024: Jane G. Nishball *moved* and Katie O'Grady *seconded* to approve the minutes as presented. *Motion passed unanimously.*
2. Approval of Secretary's Fees: Christine Hogan *moved* and Jane G. Nishball *seconded* to approve the secretary's fees as presented. *Motion passed unanimously.*

CONTINUED DOCKET:

3. 1376 Pequot Avenue, Map 281, Parcel 35. Petition of Donald C. Burton for a variance of the Zoning Regulations Section 5.2.4.3 to reduce the side setback for an accessory structure over 15 feet in height, from 15 feet, proposing 5.3 feet. Permission to construct a one story detached gazebo. Premises: R-3 Zone

The proposed application was Withdrawn

10. 380 Pine Creek Avenue, Map 234, Parcel 238A. Petition of 380 Pine Creek Associates, LLC for a variance of the Zoning Regulations Section 11.14.1 to reduce the setback from Pine Creek from 141 feet, proposing 87 feet to dwelling and 75 feet to the deck. Permission to construct a new 2-story FEMA compliant single-family dwelling with a CAM. Premises: BD Zone.

The proposed application was Continued To 3/7/24

4. 281 Eastlawn Street, Map 182, Parcel 383. Petition of Anne P. Hamlin for a variance of the Zoning Regulations Section 5.2.4.3 to reduce the side setback for an accessory structure greater than 15 feet in height from 10 feet, proposing 3.5 feet. Permission to construct a FEMA compliant one car garage with finished loft above. Premises: B Zone.

Shayna Moore presented on behalf of the petitioner.

They would like to construct a new double, shed dormer over an existing single bay garage. The current garage is pre-existing, non-conforming and is not structurally sound. It would have to be pushed over 4 feet to be compliant. They would like to take it down to the foundation and put a loft above.

DENIED: Jane G. Nishball moved and Katie O'Grady seconded to approve the proposed application. Motion Denied 3 to 1 (Christine Hogan, Jane G. Nishball and Joseph Schwartz opposed).

9. 481 Riverside Drive, Map 130, Parcel 46. Petition of 481 Riverside Drive, LLC, for a variance of the Zoning Regulations Section 5.2.4 to reduce the street line setback from 30 feet, currently 37.5 feet, proposing 20.3 feet; and Section 5.2.5 to increase the lot coverage and total floor area from 20% and 40%, currently 17.8% and 16.2%, proposing 21.3% and 44.1%. Permission to construct a 2 ½ story FEMA compliant single-family dwelling. Premises: A Zone

The proposed application was Continued To 3/7/24

GENERAL DOCKET:

1. 429 Round Hill Road, Map 141, Parcel 269. Petition of Alda Paquin for a variance of the Zoning Regulations Section 5.2.4 to reduce the side setback from 7 feet, currently 3.8 feet, proposing 3.8 feet; and Section 6.3.2 to increase the maximum allowable square footage for an accessory apartment from 40% of the primary dwelling, proposing 110.18%. Permission to attach a detached accessory structure and construct an accessory apartment. Premises: A Zone.

Mariana Lage presented on behalf of the petitioner.

They wish to construct a one-story addition to attach an existing detached garage/barn and convert approximately 1,000 sq ft to an accessory apartment. Their hardship is that the existing dwelling is pre-existing non-conforming due to the setbacks of the existing garage/barn at 3.8'. It is more than 40% of the main house. The back side of the garage is the barn that we wish to convert into an accessory apartment, using both the footprint and the loft area and to maintain the historical feel of the structure.

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

2. 29 Warwick Avenue, Map 30, Parcel 40. Petition of James and Angela Leto for a variance of the Zoning Regulations Section 5.2.4 to reduce the street and rear line setbacks from 30 and 30 feet, currently 29.7 feet and 28.5 feet, proposing 28.9 feet and 28.5 feet; and Section 5.2.5 to increase the lot coverage from 20%, currently 19.8%, proposing 22.6%. Permission to construct a one-story, two-story, and 2nd floor additions with new front porch. Premises: A Zone.

James Leto presented.

They are proposing to renovate the existing single-family dwelling to convert to a 2.5 story single family dwelling. Minimum lot requirements in the A zone is 9,375 sq. ft.; my lot is 7,014 sq. ft. thus making the lot a pre-existing, non-conforming lot based on size and location of the property.

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

3. 121 Harvester Road, Map 49, Parcel 28. Petition of Kevin Curtis for a variance of the Zoning Regulations Section 5.2.4 to reduce the side setback from 15 feet, currently 9.7 feet, proposing 9.7 feet. Permission to construct a 2nd floor addition. Premises: R-3

Kevin Curtis presented.

They wish to construct a 2nd floor over the existing garage. The 2nd floor would be the same size of the garage. The 2nd floor would consist of two bedrooms and one bath, not to extend beyond the existing garage footprint. The existing garage was granted a variance 20 years ago with the same hardship.

This is a residential R-3 Zone; they should have 20,000 sq. ft., but only have 10,885 sq. ft. based on the A-2 Survey.

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

4. 71 Reid Street, Map 125, Parcel 129. Petition of GE Properties, LLC for a variance of the Zoning Regulations Section 5.2.4 to reduce the sum of two side line setbacks from 25 feet, currently 19.2 feet, proposing 19.2 feet. Permission to construct a 2nd floor with attic addition. Premises: A Zone.

Ron Giacobbe, homeowner, presented on his behalf.

They would like to construct a two-story addition with four additional bedrooms and two additional baths with an attic and open front porch, resulting in a 5 bedroom, 3.5 bath home.

This dwelling is pre-existing, non-conforming due to the setbacks. The minimum sum of two side line setbacks for a one story is 20 ft., the current sum of side setbacks is 19.2 feet. Adding the 2nd floor will not change the sum of the setbacks.

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

5. 158 Fairview Avenue, Map 128, Parcel 243. Petition of Jessica and William Felton for a variance of the Zoning Regulations Section 5.2.4 to reduce the street line setbacks from 30 feet, currently 25.5 feet, proposing 25.5 feet; and Section 5.2.5 to increase the lot coverage from 20%, currently 21.3%, proposing 25.9%. Permission to construct a two-story addition and 2nd floor dormers. Premises: A Zone

Phil Cerrone, architect, presented on behalf of the petitioner.

The project is to construct an addition to the side of the house and to increase the size of the dormers on the second floor to create more usable space on the second floor. The existing lot is pre-existing, non-conforming that is 7,501 sq. ft. in a zone where the minimum required lot size is 9,375 sq. ft. If this was conforming lot size the permitted building coverage would be much greater than what we can currently construct without a variance. The variance we are requesting is for a total of 1,943 sq. ft. or 25.9%. In regards to the setback variance, we are not proposing to go any closer to the street than the existing residence is. The hardship here is that the existing building is in violation of the street setback as it is, so

any work on the residence would require a variance. We have located the addition to conform to the street and side setbacks.

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

6. 153 Glen Ridge Road, Map 73, Parcel 94. Petition of Kenny & Erica Fried for a variance of the Zoning Regulations Section 5.2.4 to reduce the street line setback from 40 feet, currently 33.2 feet to house and 25.7 feet to porch stairs, proposing 26.6 feet to house and 24.9 feet to porch stairs. Permission to construct a 2nd floor addition with attic and new front porch with stairs. Premises: R3 Zone

Kenny Fried, owner, presented on his behalf.

They wish to construct a second floor addition with an attic above and an open front porch with stairs.

The hardship is that they are located in the Residential R-3 district where the standard lot size is 20,000 square feet and this lot is only 19,971 sq ft. The home is pre-existing non-conforming due to the way it sits on the property, street line setbacks are required to be 40'; this home is currently 31.6'. They are not seeking to be any closer to the street line than what currently exists. The front porch steps will project .8' closer due to the grade of the front of the property and the need for one extra step.

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

7. 160 Morehouse Highway, Map 46, Parcel 294. Petition of Sabrina Yurkofsky and Jose Rijo for a variance of the Zoning Regulations Section 5.2.4 to reduce the setback from the secondary street line on a corner lot from 30 feet, currently 20 feet, proposing 20 feet. Permission to construct a 2nd floor addition. Premises: R-3 Zone.

Architect, Adam Kliver presented on behalf of the petitioner.

Sabrina and Jose Rijo seek to enlarge the existing garage within the existing covered apron area 17'9" x 4'1" (72.48 sq. ft.) with a 21'5" x 3'8" roof overhang and construct a 539 sq. ft. second floor addition over the existing garage consisting of a bedroom, bathroom and closet.

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

8. 241 Lakeview Drive, Map 73, Parcel 30. Petition of Ryan W. and Kristen M. Scully for a variance of the Zoning Regulations Section 5.2.4 to reduce the side setback from 15 feet, currently 22.6 feet, proposing 8.7 feet. Permission to construct a one-story addition with garage below. Premises: R-3 Zone.

Ryan Scully, owner, presented on his behalf.

He would like to construct a 24' x 32' one story addition with a garage below grade consisting of a primary bedroom and primary bathroom with an office above and walk in closets. Below grade will be a 2 car garage, new

241 Lakeview Drive (continued)

staircase and new laundry. As part of the project, but not part of the proposed addition, we will be remodeling the existing kitchen.

There are two reasons for the request: 1) to seek relief of the required side property line setback; and 2) to remedy and existing encroachment on the neighboring property located at 67 Glen Ridge Road. For the reasons detailed below, the proposed reduction of the side yard setback would allow the property owner to construct a 1-story addition with a garage to the existing home, as well as facilitate the moving of the asphalt driveway so that it no longer encroaches on 67 Glen Ridge Road. The proposed addition would be in character with the surrounding homes along Lakeview Drive and Glen Ridge Road.

The lot is irregular in shape as the property lines get narrower as they extend to the back of the property. In particular, the property line for which the property owner seeks the variance slants continually towards the existing home and center of the lot. Due to the shape and narrowing of the property lines on this lot combined with the required side property line setback of 15 feet, the strict application of the requirements of Section 5.2.4 of the Fairfield Zoning Regulations, would deprive the existing property owner of rights and privileges currently enjoyed on this site and by other property owners in the R-3 zoning district. They are requesting a reduction in the required side property line setback of 15 feet to 8.5 feet, a reduction of 6.5 feet.

Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the R-3 zoning district in which the subject property is located. The moving of the driveway will eliminate any existing or future property line disputes (including potential litigation) between 241 Lakeview Drive and 67 Glen Ridge Road, as well as remedy any existing title issues with both properties resulting from the encroachment. The granting of the variance would have no effect on any adjoining properties. This zoning relief requested will not cause any detriment to the common good, as the literal interpretation and strict application of the applicable zoning requirements of Section 5.2.4 of the Fairfield Zoning Regulations would cause substantial undue and unnecessary hardship to the current property owner not just a casual/discretionary inconvenience to the property owner.

The requested variance would be consistent with the spirit and purpose of this Chapter and Town of Fairfield's Comprehensive Plan text as the addition to be built will blend with the increasing amount of new and remodeled homes in the neighborhood and will be well within the spirit of the street and community.

DENIED: Christine Hogan moved and Jane G. Nishball seconded to approve the proposed application. Motion Denied 2 to 3 (Jane G. Nishball and Joseph Schwartz opposed).

There being no further business to come before the Commission, at 4:42 p.m. Chairman Avallone adjourned the meeting.

Jane Gitlin Nishball, Secretary

Jodi Karagianes, Clerk

BRIAN AVALLONE, CHAIRMAN

JANE GITLIN NISHBALL, SECRETARY

JODI KARAGIANES, CLERK