

ZONING BOARD OF APPEALS
MEETING MINUTES OF MARCH 7, 2024

The Zoning Board of Appeals held a meeting on Thursday, March 7, 2024 at 3:00 pm. This meeting was held at Sullivan Independence Hall, 725 Old Post Road, Fairfield, Connecticut, and via WebEx.

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; Joseph Schwartz.

MEMBERS ABSENT: Christine Hogan

ALTERNATE MEMBERS PRESENT: Elise McKay, Alternate, sat in place of Katie O'Grady on Continued Docket # 9; Harold Zawadski sat in for Christine Hogan.

CLOSED EXECUTIVE SESSION

Discussion of Pending Litigation: Fath v. Zoning Board of Appeals

Motion was made by Jane G. Nishball, seconded by Harold Zawadski, and the board voted to enter into a Closed Executive Session at 2:37 p.m. regarding Fath v. Zoning Board of Appeals, to consider entering into a stipulated judgment sustaining the appeal.

Non-Board members included in the session were Attorney Wilson T. Carroll; Matthew Decker, ZEO, Chris Rogers, Assistant ZEO, Jodi Karagianes, Clerk.

Chairman Avallone noted no actions were taken in this Executive Session. The item will be listed on the April 4, 2024 agenda and Legal Notice will be posted.

The Board closed the executive session at 3:00 p.m. and immediately entered into Executive Session.

EXECUTIVE SESSION

1. Approval of Minutes of Thursday, February 1, 2024: Jane G. Nishball *moved* and Joseph Schwartz *seconded* to approve the minutes as presented. *Motion passed unanimously.*
2. Approval of Secretary's Fees: Jane G. Nishball *moved* and Harold Zawadski *seconded* to approve the secretary's fees as presented. *Motion passed unanimously.*

CONTINUED DOCKET:

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 4/4/24

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 from 20%, currently 17.8%, proposing 21.3%. Permission to construct a 2 ½ story FEMA compliant single-family dwelling. Premises: A Zone

Attorney Joh Fallon presented on behalf of the petitioner. Chairperson, Katie O'Grady recused herself from the application.

The Applicant proposes to construct a 2 ½ story single family residence on the property. In order to facilitate this proposed new construction a variance of Section 5.2.4 to reduce the required street line setback to 20.3 ft. is requested. In addition, variances of Section 5.2.5 to increase the allowable lot coverage to 20.9% is also requested. It should be noted that notwithstanding the substantial nonconformity of the lot with regard to its pre-existing lot area of 7,479 sq. ft. the coverage variance requested is only .9% and the proposed new structure will comply with the FAR requirements for the zone. The proposed new single-family home will conform in all other respects with the applicable provisions of the Zoning Regulations.

481 Riverside Drive is located in the Residence A zone and has a gross lot area of 14,647 sq. ft. however, the area below elevation 4.8 is 6,561 sq. ft. and in accordance with the provisions of Section 31.2.21 of the Zoning Regulations this area must be deducted from the calculation of gross lot area. Similarly, 607 sq. ft. is under 37.5 ft. wide and pursuant to the provisions of Section 31.2.21 this area must also be excluded. After deduction of these areas in accordance with the referenced provisions of the Zoning Regulations the lot area is 7,479 sq. ft. The minimum lot area established under the Regulations in the Residence A zone is 9,375 sq. ft. Thus, this parcel is a legally protected pre-existing nonconforming lot in accordance with the provisions of Connecticut General Statutes 8-2.

As shown on the survey, the lot also has an extremely unique shape being pie shaped at its northerly end with a long and narrow area extending to the south. The current structure on the property to be demolished is nonconforming to the sum of the side property line setback requirement of 25 ft. being located 16.3 ft. from the side property lines. The new structure as proposed will eliminate this nonconformity and conform to the sum of the setback requirement at 26.1 ft.

In order for the Zoning Board of Appeals to grant a variance 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 effect the Comprehensive Zoning Plan and Adherence to the strict letter of the Zoning Ordinance must be shown to cause unusual hardship unnecessary to the carrying out of the general purpose of the Zoning Plan. With regard to the first aspect of the test it has been held that if the use to be allowed by the variance is a permitted use in the zone, then the first part of the test is met. In this instance, the granting of the variances requested will not change the use of the lot which will remain for a single family residence as explicitly permitted in the zone. Other than the

variances requested the proposed new construction will comply with all technical requirements of the Regulations.

Attorney Fallon submitted examples of recent variances granted on Riverside Drive; (9) for coverage, (7) for street line, and (9) for both setback and coverage to show his proposal is consistent with other uses in the area.

With regard to the matter of hardship, the applicant must show that because of some peculiar characteristics of the property, strict application of the zoning regulations results in such unusual hardship. With regard to the hardship requirement there are two (2) factors which as a matter of law support a finding of hardship with regard to this property and the variances requested. The Connecticut Supreme Court has recognized that the unique configuration of a lot provides a proper basis for a finding of hardship for purposes of granting a variance. This lot obviously qualifies for such hardship consideration based upon its shape which is as previously referenced extremely "pie shaped" at its northerly point with an extremely narrow area extending southerly. The shape of the lot directly implicates and limits the ability to site the house without relief from the 30 ft. minimum street setback.

With regard to the variance sought concerning coverage the controlling legal fact is that the lot in question is a valid and legally protected nonconforming lot as it relates to the lot area requirements. The present requirement within the Residence A zone establish a contemplated minimum lot area of 9,375 sq. ft. This lot, established for residential purposes before the imposition of the current Residence A zoning regulations, has only 7,479 sq. ft. of legal net lot area pursuant to the provisions of the Zoning Regulations. Pursuant to Connecticut General Statutes 8-2 the lot is a valid and legally protected preexisting nonconforming lot.

Nonetheless the coverage requirement presently applicable in the zone must be calculated upon a lot area that is almost 1,900 sq. ft less in size than the minimum contemplated in the zone. It has been previously held by our Supreme Court that where a property is a valid nonconforming lot with regard to lot area, sufficient hardship to support the granting of a variance with regard to coverage is established because the application of these regulations effects the property and its protected nonconforming status in an adverse manner. The new construction that is proposed could easily and legally be accommodated but for the preexisting nonconforming status of this undersized lot. Indeed, as previously indicated, notwithstanding the significant nonconformity of the lot with regard to its area, the coverage variance sought is only .9% and the proposal will comply with the requirements of the zone with regard to FAR. Our case law establishes that strict application of the Zoning Regulations regarding coverage to this nonconforming lot does result in unusual hardship sufficient to support the granting of the variance requested for coverage.

An additional proper basis for the granting of the variances in this case is established by the well settled legal authority that the elimination of existing nonconformities provides a proper independent legal basis for a granting of variances. In the present case the granting of this application and construction of the new single-family home as proposed will result in the elimination of the existing nonconformity with regard to the sum of the side yard setback requirements presently nonconforming at 16.3 ft. but to be conforming under the present proposal at 26.1 ft.

In *Hescock v. Zoning Board of Appeals*, supra, the Appellate Court sustained a decision of the Board of Appeals of the Town of Stonington to grant a variance of the regulation that required that any new construction or substantial improvement within the zone be located "one hundred feet landward of the reach of the mean high tide." The defendants, whose existing house was located 44 ft. from the mean high tide line wanted to locate a new house three ft. further back to 47 ft. from the mean high tide. The

Appellate Court upheld the action of the Stonington Board and the trial court in granting the variance based upon a finding that the proposed application would diminish the existing nonconformity.

Chairman Avallone noted there were several letters received in favor of the application and reviewed by the commission.

Jennifer Gainer, neighbor at 461 Riverside Drive and Mark Seaver, neighbor at 25 Concord Street spoke in opposition. The Board reviewed a letter from neighbor Barbara Siegenfeld, 481 Riverside Drive during the meeting.

DENIED: Harold Zawadski moved and Elise McKay seconded to approve the proposed application. Motion denied unanimously.

GENERAL DOCKET:

1. 253 Redding Road, Map 225, Parcel 37. Petition of Deirdre M. Daly & Alfred U. Pavlis, for a variance of the Zoning Regulations, Section 5.2.4 to reduce the street line and side line setbacks from 60' & 30', currently 20.3' & 10.5', proposing 29.2' & 14.5'. Permission to remove the existing single family dwelling and construct a new 2 story, single family dwelling. Premises: AAA Zone

David Scott Parker, Architect, presented on behalf of the petitioner.

The modest residence on this property was built before Zoning existed in Fairfield. Deteriorated framing, an awkward layout and a leaky basement prompt the current owners to rebuild the structure and make it slightly larger, while also concurrently making the building more Zoning compliant. This application proposes to position it further from the street and the adjacent neighbor's property line. Wetlands on the north, south and west sides limit the ability to push it further. A new septic system previously designed and approved is assumed as part of the current layout, a copy of which is attached. A diminutive barn located next to the farm field behind is also proposed to be reconstructed for the farm equipment. Both proposed structures are modest in scale to maintain the property's bucolic character.

Inland wetland on front half of lot occupies almost 50% of entire parcel and farm land occupies the rear half restricting placement of proposed residence.

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

2. 130 Lakeview Drive, Map 73, Parcel 74. Petition of Anthony Alexander Baumann, for a variance of the Zoning Regulations, Section 5.2.4 to reduce the street line setback from 40', proposing 17.6'. Permission to construct an in ground pool. Premises: R-3 Zone.

The proposed application was Continued To 4/4/24

3. 338 Commerce Drive, Map 80, Parcel 94. Petition of CDR-328 LLC and CDR Properties LLC, for a variance of the Zoning Regulations, Section 13.12 to increase the maximum setback of 18', from (25.75') Commerce Drive & (24.71') Halley Court, proposing 55' from Commerce Drive & 67.46' from Halley Court, and Section 13.13A to allow off-street parking to be allowed between a public street and the frontage of a building. Permission to construct an automobile dealership. Premises DI Zone.

Attorney John Fallon presented on behalf of the petitioner. Jeb Balise, President of Belise Motor Sales and Jeff Casey, Director of Facilities spoke.

CDR - 328 LLC is the owner of the property located at 338 Commerce Drive and makes this application for a variance of Section 13.12 to increase the maximum street setback from 18 feet, presently 25.75 feet from Commerce Drive to 55 feet and from Halley Court to 67 feet. A variance of Section 13.13A is also requested to allow limited off-street parking between the public street and the frontage of the building. The new building proposed as shown on the architectural plans and site plan submitted herewith will be the new location of a Genesis automobile sales and service facility.

The property is located in the Designed Industrial District and the Commerce Drive Area Designed District. As shown on the survey and site plan submitted herewith the lot is a corner lot bounded by Commerce Drive to the north and Halley Court to the east. In making a final determination with regard to the location of the new facility the applicant's overriding concern was to ensure safe and convenient vehicle circulation for service and sales customers for both the Genesis dealership and the adjacent Hyundai dealership. This could not be achieved if the regulations pertaining to the maximum street setback was complied with. Similarly, the regulation with regard to parking between the public street and the building could not be accommodated while satisfying the minimum Genesis requirements for customer parking and vehicle display. The design required for Genesis dealerships calls for vehicle entrances/exits on every side of the building to support the different functions of the dealership. As a result, the building after careful consideration was thoughtfully located to provide safe vehicle circulation to each of the entrances and exits. Such a result requires the variances requested, including with regard to relief from the provision involving maximum street setbacks.

Automobile dealerships are in fact numerous in this immediate area of Commerce Drive. Thus, the proposed use is consistent with other uses in the area. Other than the variances requested with regard to the street setback and limited parking between the building and the street line no other variances are required and the proposed new construction will comply in all respects with the requirements of the regulations.

With regard to the hardship requirement, the crucial and controlling legal fact in this case is that the property is a corner lot bounded by Halley Court to the east and Commerce Drive to the south. Our caselaw is well settled that a proper basis for hardship concerning the granting of variances involving street line setbacks is established when the property in question is a corner lot and therefore subject to the application of those street line setback requirements on two sides. This corner lot is also subject on two sides to the application of the rather unique provision in the regulations that establishes a maximum street line setback.

With regard to the variance sought concerning Section 13.13A it should be pointed out that this particular regulation uniquely affects automobile dealerships where customer parking and display in the front of the building is essential. Indeed, there are numerous examples of similar parking arrangements for other automobile dealerships located in the immediate Commerce Drive area.

Other than the variances requested all other aspects of the proposed construction will comply with the applicable provisions of the zoning regulations.

There was no opposition to the application.

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

4. 1668 Fairfield Beach Road, Map 234, Parcel 122. Petition of RAD Fairfield LLC, for a variance of the Zoning Regulations, Section 11.10 to increase the lot coverage from 20%, proposing 20.6%, Section 11.11.3 to reduce the side setback from 6', proposing 1.4', and Section 11.14 to reduce the setback from Pine Creek from 10', proposing 0.3'. Permission to remove an existing deck and reconstruct in same location. Premises BD Zone.

Joe Wren, Engineer, presented on behalf of the petitioner. Rachel and Michael Doft were online.

The purpose of our project is to replace the existing deck between the existing house and the existing bulkhead along Pine Creek in-kind (approx. 400 s.f. + steps to grade). The existing deck has failed structurally due to the deterioration of the timber bulkhead along the tidal creek. The lower timber lagging along the bulkhead has deteriorated to a point that soil from beneath the deck is migrating with tidal fluctuations to Pine Creek thereby diminishing the soil support of the deck foundation. On December 8, 2023, we received DEEP authorization to excavate behind the bulkhead, replace the timber lagging, and install jackets and mortar around the existing pilings to repair the bulkhead and substantially increase its lifespan and structural integrity. This repair requires the removal of the existing deck to excavate beneath and conduct the repair to the bulkhead. Our variance requests will allow the deck to be replaced in-kind, with no expansion whatsoever, after the bulkhead is repaired and the area backfilled.

The original permit for the bulkhead repair was issued in 1976 and authorized for construction through 1979 so the deck was likely originally built after that repair in the late 1970's or early 1980's. A review of aerial photos confirms that the deck has been there since before 2006 but the images are too blurry prior to that. The exceptional hardship is explained in detail in #10 above but it is very clear - the existing deck has failed structurally which requires the bulkhead to be repaired and, in order to repair the bulkhead, the deck has to be removed. The deck is an existing non-conforming structure that has been in place for decades. We are not requesting any expansion of any existing non-conformity nor are we introducing any new non-conformity, just requesting to replace the existing deck in-kind after the bulkhead is repaired. The repaired bulkhead together with the replaced deck will substantially enhance safety and is a proactive measure to avoid any unnecessary future property damage to the land and/or house in the event of a significant coastal storm.

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

5. 9 Ludlowe Court, Map 180, Parcel 327. Petition of Meghan Addressi Miele & Joseph Miele, for a variance of the Zoning Regulations, Section 5.2.4 to reduce the sum of two side line setbacks from 25', currently 22.9', proposing 22.9'. Permission to construct a second floor addition. Premises A Zone.

Meghan Miele, homeowner, presented.

They would like to construct a 2nd story addition over the pre-existing home. The property is a preexisting, non-conforming lot, built in 1936 on ledge and rock. They would like to maintain the existing footprint to avoid having to dig into rock and disturb the structural integrity of the home as well as neighboring properties.

Elise McKay neighbor at 140 Ludlowe Road spoke in favor of the application.

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

6. 2962 Burr Street, Map 156, Parcel 13. Petition of Joseph D. Shaw, for a variance of the Zoning Regulations, Section 5.2.4 to reduce the side setback from 30', proposing 10.7'. Permission to construct a detached two car garage. Premises AAA Zone.

Joseph Shaw presented his application.

They wish to remove a small shed to the left of the house and construct a one-story, 24'x24' two-car garage with space in the attic. They have a narrow, undersized lot and the existing house is set toward the front, very close to the front yard setback, leaving no room for a garage there. The rear yard on the south side of the property has wetlands preventing us to build there. There is an existing attached garage that is small to the point of unusable and will be renovated into a mudroom and laundry.

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

7. 2263 Hillside Road, Map 170, Parcel 23. Petition of Zachary & Lauren Pardes, for a variance of the Zoning Regulations, Section 5.2.4 to reduce the street line setback for an accessory structure from 60', proposing 46'. Permission to construct a detached accessory structure with an apartment. Premises AAA Zone

Mariana Lage presented on behalf of the petitioner.

They would like to construct a 2 story addition to be used as an in-law suite in the back of the garage. Due to the location of the septic and the wetlands on the property there is no other place to build and avoid serious soil disturbance near the septic and wetlands.

GRANTED: Katie O'Grady moved and Jane G. Nishball seconded to approve the proposed application. Motion passed 4 to 1 (Jane G. Nishball opposed)

8. 344 Brookside Drive, Map 123, Parcel 216. Petition of Rita Aspirany-Vassallo and Salvatore Vassallo, for a variance of the Zoning Regulations, Section 5.2.4 to reduce the rear setback from 30', currently 26', proposing 26'. Permission to construct a 2nd floor addition. Premises A Zone.

Rita Vassallo, owner, presented the application.

They would like to build a 13'x22' addition making it 3 floors (not including existing extended area and addition). Existing house does not meet with the required setback (26' instead of 30'); the addition will be affected by this.

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

9. 90 Ridgeview Ave, Map 46, Parcel 168. Petition of Guido Picarazzi, for a variance of the Zoning Regulations, Section 5.2.4 to reduce the street line and side line setbacks from 40' & 15', currently 29.5' and 9.1', proposing 33.3' & 9.0' and Section 5.2.5 to increase the lot coverage from 15%, currently 18.6%, proposing 18.9%. Permission to construct an addition. Premises R-3 Zone

Attorney Chris Russo presented on behalf of the petitioner.

The Applicant requests waivers to construct a proposed addition to the northern side of the existing single-family dwelling at the Site, which is located in the Residence R-3 Zone. The Site contains a modest dwelling and the Applicant proposes a very modest addition and renovations to the existing dwelling. The Site is located with its sole access to Ridgeview Avenue. The Site is significantly undersized for the zone with a lot area of 9,750 SF in a zone where 20,000 SF of lot area is required. Despite this significant hindrance, the Applicant proposes a building floor area which is compliant with the Regulations. Typically, dwellings on this level of nonconforming lot will also have nonconforming FAR. The Applicant is proposing to only slightly increase building lot coverage by 0.3%. The Applicant achieves this through the removal of an existing deck and landing. So, the Applicant has made every effort to maintain existing conditions as to coverage.

The proposed improvements include a one-story addition at the front of the existing garage and as well as a new dormer. Along the rear of the dwelling, the Applicant proposes to construct a two-story addition. These additions will not intrude into the setback any further than existing conditions. These setback nonconformities on older homes are typical and the existing dwelling was constructed in 1937. They will maintain the same exact pre-existing nonconforming façade line. This nonconforming setback is consistent with the surrounding neighborhood, including the abutting properties. In fact, an abutting property has a similar dormer and addition over their garage. The addition will allow the attached garage to become a two-car garage with stacked spaces. It should be noted that the garage entrance is also set back from the existing front façade by a little over 4'. The construction of the rear addition and dormer will create a master bedroom and bath on the second floor. The design is in harmony with the neighborhood including the abutting property with a dormer and extensive transparency on the front and rear façade.

Granting the Applicant said variances 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 Site is significantly undersized for the R-3 Zone and the Applicant is proposing a modest addition to an existing dwelling, which will still conform to the FAR standard despite the undersized lot area. In addition, the proposed addition will match the existing side façade, so there will be no further encroachment into the setback. Along the frontage, the proposed addition will still be set back 4' from the existing front façade. The addition will also create another off-street parking space, which is a significant improvement as Ridgeview Avenue is a particularly narrow road for on-street parking. The proposed coverage and side property line setback are also completely conforming to the neighborhood. In fact, it is still more conforming than many of the homes in the neighborhood. The proposed garage and addition design is in conformity with similar garage structures

in the surrounding neighborhood, including a dwelling on an abutting property, and the proposed dwelling is extremely modest in comparison with the surrounding neighborhood.

GRANTED WITH CONDITIONS: Katie O'Grady moved and Harold Zawadski seconded to approve the proposed application. Motion passed unanimously.

CONDITION: They will remove a 2nd story window from the architectural plans.

10. 140 Old Barn Road, Map 179, Parcel 17A, Petition of Paul & Dana Ferraro, for a variance of the Zoning Regulations, Section 5.2.4 to reduce the street line setback from 50', currently 17.9', proposing 17.9'. Permission to construct an addition, Premises R-3 Zone

Attorney Chris Russo presented on behalf of the petitioner.

The Site currently contains a principal single-family dwelling and is pre-existing nonconforming as to street line setback. The Applicant is not proposing to protrude any further into the street line setback than existing conditions. The existing dwelling was constructed in 1930. As is commonly found in dwellings constructed before the Regulations were adopted, the existing dwelling was constructed close to Old Barn Road when there were no street line setbacks in existence. The result is almost the entire existing dwelling within the street line setback. Only a tiny bump-out at the rear of the existing dwelling is actually compliant as to street line setback. The Site contains extensive wetlands along the rear one-third of the Site.

The Site contains an extremely modest single-family dwelling. Even after the work proposed under the Application, the Site will have an FAR of 5.0% where 20% is permitted. In addition, the proposed building lot coverage is only 5.4% where 10.0% is permitted. It will remain a modest dwelling. The Applicant proposes three improvements to the dwelling. Again, because essentially the entire dwelling is nonconforming as to street line setback, any improvement to the existing dwelling would require a variance. The Applicant proposes a gabled roof over the main entrance along the front facade of the existing dwelling as well as a proposed dormer to the right of the main entrance. Even with these improvements, the proposed height of the dwelling is almost half the permitted height to the peak, not the mid-point of the roof. Finally, the Applicant proposes to expand the existing attached garage to become a 2- car garage with second floor living space above. This expansion maintains the same street line setback as the existing garage. Most of the construction is to the side and rear of the existing garage. The garage is setback from the front facade of the dwelling. The improvement provides additional parking for the Site.

Granting the Applicant said variances 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 is proposing modest improvements to an existing dwelling that was constructed prior to the Regulations and existing street line setback. As such, the existing dwelling is entirely within the street line setback. There is essentially no improvement that could be made to the existing dwelling that would not need a variance. The Applicant has designed the improvements to match existing facades at each location. Even with the improvements, the Site is well below the bulk standards at a quarter of the permitted FAR and almost a half of the permitted lot coverage. This addition also keeps construction far away from the existing wetlands at the rear of the Site. It increases off-street parking on the Site to minimize any potential for vehicles to park on the road. The Application will not have a negative impact on the property values of the surrounding neighborhood or its character. In fact, most dwellings on Old Barn Road will remain significantly larger than the proposed dwelling.

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

11. 1135 Mill Hill Road, Map 228, Parcel 102. Petition of Susan Earls and Leif Vik, for a variance of the Zoning Regulations, Section 6.3.8a to allow a detached structure to be converted to an accessory apartment on a lot that does not meet the minimum lot area requirements of the applicable Zoning District and Section 6.3.8c to increase the maximum allowable square footage for an accessory apartment from 40% of the primary dwelling, proposing 53%. Permission to convert a loft in a detached garage to be an accessory apartment. Premises AA zone.

Susan Earls Vik presented.

They would like to renovate their garage to convert the 2nd floor to an accessory apartment. The AA Zone allows for detached structures to be used as accessory apartments.

They have an undersized lot by over 50%. The lot is only 20,831 sq. ft. in the 1-acre district. With that the second floor of their garage is 750 sq. ft. and that brings the percentage of the total dwelling sq. ft. allowed for the accessory apartment to 53%, whereas 40% or 1500 sq. ft. whichever is less is allowed. They are well below the 1,500 sq. ft. and are not asking to expand the existing garage at all.

GRANTED: Jane G. Nishball 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 6:35 p.m. Chairman Avallone adjourned the meeting.



Jane Gitlin Nishball, Secretary



Jodi Karagianes, Clerk

BRIAN AVALLONE, CHAIRMAN

JANE GITLIN NISHBALL, SECRETARY

JODI KARAGIANES, CLERK