

ZONING BOARD OF APPEALS
MEETING MINUTES OF APRIL 4, 2024

The Zoning Board of Appeals held a meeting on Thursday, April 4, 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, Christine Hogan, Joseph Schwartz.

MEMBERS ABSENT: Jane G. Nishball, Secretary

ALTERNATE MEMBERS PRESENT: Alternate, Elise McKay sat in place of Jane G. Nishball

EXECUTIVE SESSION

1. Approval of Minutes of Thursday, March 7, 2024: Elise McKay and Katie O'Grady seconded to approve the minutes as presented. Motion passed unanimously.
2. Approval of Secretary's Fees: Elise McKay moved and seconded to approve the secretary's fees as presented. Motion passed unanimously.

Executive Session started at approximately 3:52 p.m.

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The proposed application was Withdrawn

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.

David Verespy, Landscape Architect presented on behalf of the petitioner.

The application is for construction of a 15' x 30' foot inground pool. The property is a corner lot subject to a 40' street line setback on two frontages, significantly reducing the usable area on the side yard. The alignment of Short Hill Lane does not meet at a 90 degree angle but returns on an acute angle, creating more of a peninsula configuration. The result is a parcel where the side street line setback extends significantly into the backyard making it impossible to meet the 10' side yard setback from the property line. The unusual topography creates unique hardships that are not self-inflicted. The proposed closest distance to the side property line is 18' +/- and

130 Lakeview Drive (continued)

28' to the street line. The area proposed is somewhat level, requiring less grading, easier construction access and less overall construction disturbance.

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

GENERAL DOCKET:

1. 680 Old Academy Road, Map 171, Parcel 9a. Discussion of Pending Litigation: Fath v. Zoning Board of Appeals, 680 Old Academy Road. To consider entering into a stipulated judgment sustaining the appeal.

Attorney Wilson Carroll presented.

The Zoning Board of Appeals voted to authorize the town attorney to enter into a stipulated agreement.

GRANTED: Elise McKay moved and Joseph Schwartz seconded to approve. Motion passed unanimously.

2. 15 Warner Hill Road, Map 177, Parcel 201. Petition of Joseph and Alisa Ryan for a variance of the Zoning Regulations Section 5.2.4 to reduce the street line setback from 50 feet, currently 39.2 feet, proposing 49.4 feet. Permission to legitimize a construction error. Premises: AA Zone.

Rob Daley, Midland Contracting Group presented.

They constructed a 10'x11' second floor addition on the petitioners' home and made an error. The front porch of the first floor was existing and was modified. The front section was pushed back 18". There was an error when framing. A 3-foot section under the front porch is 4" over the 50' front yard setback. All other sections of the addition are conforming.

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

3. 1132 - 1140 Post Road, Map 141, Parcel 92. Petition of Scarsdale Parking Triangle, LLC for a variance of the Zoning Regulations Section 28.6.12 to reduce the required parking spaces for a restaurant use by two (2). Permission to establish a restaurant. Premises: CDD Zone.

Bard Kligerman presented.

Wild Rice would like to rent the space at 1140 Post Road for a take-out restaurant and have (4) tables of (4) seats each. Based on regulations they are (2) parking spots short for this use. The other building occupants use minimal space and will be gone during Wild Rice's busiest time.

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

4. 110 Farmington Avenue, Map 7, Parcel 63-64. Petition of William Cruvinel for a variance of the Zoning Regulations Section 5.2.4 to reduce the street line setback on a corner lot from 30 feet, currently 24.3 feet, proposing 24.3 feet; and Section 5.2.5 to increase the total lot coverage from 20%, currently 21.4%, proposing 21.4%. Permission to construct a 2nd floor front dormer and to legitimize the current lot coverage. Premises: A Zone.

Presented by William Cruvinel.

The home was constructed in 1949 and is pre-existing non-conforming as they are bound by two (2) street lines and the existing house is within the setback requirements for both street lines. There is a screened porch built in 1982 and the lot coverage calculation was not done correctly, they need to legitimize the overage from that construction. This dormer is not adding additional lot coverage.

GRANTED: Christine Hogan moved and Elise McKay seconded to approve the proposed application. Motion passed unanimously.


5. 150 Palamar Drive, Map 74, Parcel 86. Petition of Jonathan Russell for a variance of the Zoning Regulations Section 5.2.4 to reduce the side and street line setbacks from 15 feet and 40 feet, currently 16.6 feet and 28.5 feet, proposing 14.1 feet and 25.3 feet; and Section 5.2.5 to increase the lot coverage from 15%, currently 16.18%, proposing 17.55%. Permission to construct a one story and two story additions. Premises: R-3 Zone.


Presented by Jonathan Russell, homeowner.

He wants to construct a 12'x34' second story addition in place of an existing 9'x10' bedroom. The new addition will consist of a primary bedroom, a full bath and two (2) closets. Minimum lot area is required to be 20,000 sq. ft. and minimum square and frontage are required to be 100 feet. This lot is only 12,951 sq. ft. and lot square and frontage are only 75 feet. This is consistent with 75% of the properties on the street. The home was built in 1948, is non-conforming as it sits on the parcel to the required setbacks and lot coverage allowance as shown on the survey.

GRANTED: Christine Hogan moved and Elise McKay 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 Avallone adjourned the meeting.


Jane Gitlin Nishball, Secretary


Jodi Karagianes, Clerk

BRIAN AVALLONE, CHAIRMAN

JANE GITLIN NISHBALL, SECRETARY

JODI KARAGIANES, CLERK