

**New Fairfield Zoning Board of Appeals
New Fairfield Connecticut 06812
MINUTES
Meeting
October 17, 2013**

The New Fairfield Zoning Board of Appeals (ZBA), held a public hearing followed by a business session at 7:00 pm. on Thursday, October 17, 2013, in the New Fairfield Library located at 2 Brush Hill Road. Secretary Laurie Busse took the Minutes.

ZBA members in attendance: Joe DePaul, Chairman, John Apple, Vice Chairman, Jack Michinko, Vinny Mancuso, and Peter Hearty

ZBA members absent: Alternate John McKee

Town Officials in attendance: None

Chairman Joe DePaul called the meeting to order at 7:00 pm, introduced the Board members, and explained the meeting process and voting procedures. Joe DePaul gave the definition of a recusal.

Secretary Laurie Busse read the Agenda. Joe DePaul made a motion to add calendar dates onto the Agenda and made a motion to adopt the Agenda as amended, duly 2nd, approved 5-0. Secretary Laurie Busse read the Call of the Meeting.

Application # 30-13: Inez Deaton, 9 Lake Drive, for variances to zoning regulations for the purpose of constructing a dormer over the front door.

Peter Hearty made a motion to bring Application # 30-13 to the floor, duly 2nd, approved 5-0.

Inez Deaton approached the Board and explained her plans to construct a dormer over the front door. She has a small nonconforming lot. While her house does not encroach on the front or side setbacks, the entire home is within the rear setback line. Therefore she is requesting a rear setback to 37' for the front dormer. Discussion followed this is one of the unusual lots where the home is located entirely within the rear setback. There will be no change to the footprint on the ground, there will be no increase in nonconformity, the height of the home will not increase and there will be no impact on the neighbors.

Joe DePaul asked for any further public comment—none heard.

Jack Michinko made a motion to enter the Business Session, duly 2nd, approved, 5-0.

In the Business Session the Board discussed there is no increase in nonconformity and no increase to the footprint on the ground and the unusual location of the house.

Joe DePaul made a motion to grant a variance for a rear setback to 37' for the purpose of constructing a dormer over the front door subject to the plans as submitted. Further stipulating this variance does not increase nonconformity. The hardship is the irregular small sized lot, duly 2nd, approved 5-0.

Minutes: Vinny Mancuso made a motion to approve the Minutes to the September 16, 2013, meeting as presented, duly 2nd, approved 4-0-1. Peter Hearty abstained.

Application # 31-13: Michael and Janet Vavolizza, 16 Manning Street, for variances to zoning regulations for the purpose of legalizing a shed.

Vinny Mancuso made a motion to bring Application # 31-13 to the floor, duly 2nd, approved 5-0.

Michael Vavolizza approached the Board. He explained he started to construct a shed without permits. The shed is 3.5' from the side setback. He cannot locate the shed on the other side of the house as the septic system is located there. The Board discussed the shed needs to be 10' away from the side setback and discussed their position on increasing nonconformity. Discussion focused on moving the shed over 6.5'. The applicant was reluctant to do so as that is where his septic fields are and you can see the difference in the ground when it rains. The shed has also been constructed on footings that are 4' deep and it will not be easy to move. Pictures were submitted into the record showing other homes in the area that have sheds less than 10' from the property lines. A letter supporting the project signed by at least 11 neighbors was also submitted into the record, noting the neighbor the shed is closest to, did not sign the letter. Discussion followed, the survey submitted did not show the septic system or fields to back up the applicants claim of the septic location and they would have liked to have seen ZBA minutes or variances from the other sheds in question. The Board reiterated their position on increasing nonconformity.

Joe DePaul asked for any further public comment—none heard.

John Apple made a motion to enter the Business Session, duly 2nd, approved 5-0.

In the Business Session the Board discussed that a hardship does not exist and although pictures of other sheds were submitted, the applicant did not supply copies of variances or minutes authorizing those sheds. Additionally they would have liked to have seen the survey showing the location of the septic system and fields.

Joe DePaul made a motion to grant a variance for a side setback to 3.5' for the purpose of legalizing a shed, not subject to the plans as submitted but rather to the construction already in place. The hardship is the location of the septic system and the size of the lot, duly 2nd, denied 0-5.

Calendar Dates: Laurie Busse stated she is working on the 2014 calendar and is the 3rd Thursday still OK with everyone. Discussion followed, some members do not have a preference and some would prefer Mondays.

Vinny Mancuso made a motion to adjourn the meeting at 7:30 pm., duly 2nd, approved 5-0.