

**New Fairfield Zoning Board of Appeals
New Fairfield Connecticut 06812
MINUTES
Meeting
June 21, 2012**

The New Fairfield Zoning Board of Appeals (ZBA), held a public hearing followed by a business session at 7:00 pm. on Thursday, June 21, 2012, in the New Fairfield Library located at 2 Brush Hill Road. Secretary Laurie Busse took the minutes.

ZBA members in attendance: Joe DePaul, Chairman, Jack Michinko, Peter Hearty and Alternate John McKee.

ZBA members absent: John Apple, Vice Chairman and Vinny Mancuso

Town Officials in attendance: None

Chairman Joe DePaul called the meeting to order at 7:03 pm, introduced the board members, and explained the meeting process and voting procedures for a 4 member Board. Joe DePaul gave the definition of a recusal.

Secretary Laurie Busse read the proposed Agenda. Joe DePaul asked if there were any changes or amendments to the Agenda—None Heard. Jack Michinko made a motion to adopt the Agenda as read, duly 2nd, approved 4-0. Secretary Laurie Busse read the Call of the Meeting.

Application # 16-12: Scott & Carolyn Spletzer, 28 Lavelle Avenue, for variances to zoning regulations for the purpose of constructing a 2nd story addition.

John McKee made a motion to bring Application # 16-12 to the floor, duly 2nd, approved 4-0.

Scott Spletzer and his building consultant Hugh Delage approached the Board explaining the home was destroyed by fire, noting the foundation to the home was not destroyed. They will construct the new home over the existing foundation. According to the zoning regulations they can rebuild exactly what they had, so long as there are no changes. Before the home was destroyed by fire, there was a small dormer on the 2nd floor, which had a ceiling height so low you could not stand up in parts of it. This type of dormer is no longer to code. The proposal is to change the existing small dormer to a dormer that runs straight across the roof line and the ceiling height will be to code. There will be no change to the existing height of the home, only the interior ceiling height will change. There will be no change to the footprint on the ground, no increase in nonconformity and no impact on the neighbors. Variance # 42-97 dated 10/16/1997 was for the construction of a deck with a side setback to 8'.

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

Jack Michinko made a motion to enter the business session, duly 2nd, approved 4-0.

In the business session the Board discussed this is a typical vertical expansion and there is no increase in nonconformity, there is no increase in the height of the building and there is no impact on the neighbors.

Joe DePaul made a motion to grant the Variance for a side setback to 8.5' for the purpose of enlarging the dormer. The hardship is the size and shape of the lot, duly 2nd, approved 4-0. This Variance does not increase dimensional nonconformity.

Minutes: Joe DePaul made a motion to accept the Minutes to the May 17, 2012 meeting as presented. Duly 2nd, approved 3-0-1, Peter Hearty abstained.

Application # 17-12: Kim Wiede, 24 Ridge Road, for variances to zoning regulations for the purpose of revising a previously approved Variance for a 2nd story addition.

Jack Michinko made a motion to bring Application # 17-12 to the floor, duly 2nd, approved 4-0.

Tammy Zinick, Agent for the property owner approached the Board and explained Variance # 08-12 approved on April 19, 2012 included a partial 2nd story addition, similar to a dormer. The homeowners have since changed their minds and would like to include the rest of the home in the 2nd story addition. Discussion followed on the new roof design. There will be no change to the footprint on the ground, there will be no change to the varied setbacks, and there will be no increase in nonconformity. The existing height of the home is 26' 8" and the proposed addition will increase the height of the home by about 6'. A height variance will not be required. The applicant reminded the Board of the steep slope and small size of the lot.

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

Peter Hearty made a motion to enter the business session, duly 2nd, approved 4-0.

In the business session the Board discussed there will be no change to the footprint on the ground, there will be no change to the varied setbacks, and there will be no increase in nonconformity.

Joe DePaul made a motion to grant a variance for a front setback to 38' and a side setback to 13.8' for the purpose of enlarging a 2nd story addition as granted in Variance # 08-12, subject to the plans as submitted. The hardship is the slope & size of the lot, duly 2nd, approved 4-0. This Variance does not increase dimensional nonconformity.

Application # 18-12: Robert and Lori Gabriele, 12 Carleon Road, for variances to zoning regulations for the purpose of enclosing a deck.

Peter Hearty made a motion to bring Application # 18-12 to the floor, duly 2nd, approved 4-0.

Robert Gabriele approached the Board and explained last month the Board approved Variance # 13-12 for a 2nd story over his garage with the stipulation that it be used for storage and not living space. His home is small and he would like additional living space. He is proposing to enclose the existing 12' X 15' deck. The enclosure will be one story and the height will be below the existing height of the home. It will not interfere

with the neighbors' privacy. The Board noted the neighbors who were opposing the 2nd story garage addition were not here tonight and have not submitted any correspondence to the Board. The enclosed deck will have a door and the steps and landing will be altered to go into the back yard, noting they will be no closer to the rear setback than the existing home. There will be no increase in nonconformity and there will be no impact on the neighbors. The applicants reminded the Board of the small and irregular shaped lot.

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

Jack Michinko made a motion to enter the Business session, duly 2nd, approved 4-0.

In the Business session the Board discussed the small lot size and shape. There is no increase in nonconformity, there is no impact on the neighbors and the height will be lower than the existing roof line. Further discussion focused on how many variances a property can have. Some Board members had questions not answered in the public session.

John McKee made a motion to go back into the public session, duly 2nd, approved 4-0. Back in the public session, the Board inquired if this area would be heated or if it would be a 3 season room. Mr. Gabriele stated he is going to put in windows and the room will be heated and used year round.

Peter Hearty made a motion to go back into the business session, duly 2nd, approved 4-0.

Back in the business session, Joe DePaul made a motion to grant a rear setback to 28' for the purpose of enclosing the existing 12' X 15' deck subject to the plans as submitted. The hardship is the unusual size and characteristics of the lot, duly 2nd, approved 4-0. This Variance does not increase dimensional nonconformity.

Application # 19-12: Eugene Denoia, 315 Route 39, for variances to zoning regulations for the purpose of legalizing an enclosed storage area and a covered porch.

Jack Michinko made a motion to bring Application # 19-12 to the floor, duly 2nd, approved 4-0.

Eugene Denoia and his Engineer, Dainius Virbickas, PE approached the Board. Prior Variance # 05-11 was granted last year to construct a 2nd story addition that did not extend beyond the footprint of the existing house. Mr. Virbickas explained his client enclosed an area over an existing concrete slab. The roof of the patio above it overhangs the opening thus creating a roof and his client put a door over the opening. The house sits well below the street level. Discussion followed if the roof was constructed without permits. Maria Horowitz's letter of noncompliance dated 01/25/2011 was read into the meeting. Discussion followed if permits were taken out and if this letter of noncompliance was applicable to this application. It may have been applicable to Variance #05-11 but not this one. Pictures were submitted into the meeting showing the slope on the property. Discussion followed there is no increase in lot coverage as the concrete slab was existing prior to being enclosed. Prior Variance # 05-11 indicates the lot coverage to be 29.3%. The Board discussed there is no increase in impervious surface coverage.

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

Peter Hearty made a motion to enter the business session, duly 2nd, approved 4-0.

In the business session the Board discussed there is no increase in nonconformity, no increase in impervious surface coverage and no increase in lot coverage as the concrete slab was existing prior to it being enclosed.

Joe DePaul made a motion to grant a variance for lot coverage and impervious surface coverage as well as a front setback to 2.9' and a rear setback to 5' for the purpose of legalizing an enclosed concrete slab, not subject to the plans as submitted but rather to the construction already in place, duly 2nd, approved 4-0.

Application # 20-12: James Kelleher & Robin Brady, 32 Lake Shore North, for variances to zoning regulations for the purpose of constructing a 2nd story addition, with deck and a covered front entrance.

Peter Hearty made a motion to bring Application # 20-12 to the floor, duly 2nd, approved 4-0.

James Kelleher and his agent Stacey Keeney approached the Board. This property is a corner lot and is considered to have 2 fronts and 2 sides. There is an existing small dormer on the 2nd floor that is approximately 400sqft. The 2nd story addition will add an additional 600sqft to the home. The 2nd story addition will raise the roofline by approximately 5'. The highest point at the peak of the roof is about 30' in the front of the home. The roof line will be flipped so the addition will be aesthetically pleasing. The property slopes downward so the addition will not interfere with the neighbors view. There will be a portico roof over the door on the Knolls Road front. The existing front setback on Knolls Road is 11.5' and the plans are that the roof overhang will not encroach on this setback, but they are asking for a 10' setback on the Knolls Road front just in case. This will increase nonconformity by approximately 1 ½'. The Board discussed their position on increasing nonconformity. The applicants stated they will make sure the plans are amended so that there will be no increase in nonconformity and are changing the front setback to 11.5'. The Board discussed prior Variance # 55-95 was to construct the dormer on the 2nd story. The existing home is 1,550sqft and the addition will increase the square footage to 2,100. The lot is only .16 of an acre and it has a steep slope. The Board discussed this is a very clustered and over developed neighborhood.

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

Jack Michinko made a motion to enter the Business session, duly 2nd, approved 4-0.

In the Business session the Board discussed there is no increase in nonconformity. There will be no change to the footprint on the ground as the applicant has agreed to keep the existing setback on the Knolls Road front setback. A height variance is not needed. Further discussion focused on the clustered and overdeveloped neighborhood.

Jack Michinko made a motion to go back into the public session, duly 2nd, approved 4-0.

Back in the public session the Board confirmed the side setback was for the Lake Shore North side. Discussion followed, with the old zoning regulations a corner lot had 2 front setbacks and 2 rear setbacks. With the new zoning regulations effective October 2009, corner lots have 2 front setbacks and 2 side setbacks. Prior Variance # 55-95 was granted under the old zoning regulations which may have caused some confusion.

John McKee made a motion to go back into the business session, duly 2nd, approved 4-0.

Back in the business session Joe DePaul made a motion to grant a variance for a front setback to 11.5' on the Knolls Road front and a side setback to 10' on the Lake Shore North side setback for the purpose of constructing a 2nd story addition, subject to the plans as submitted with the stipulation the front setback on the Knolls Road front will remain unchanged at 11.5' further stipulating there is no increase in dimensional nonconformity, duly 2nd, approved 4-0.

Peter Hearty made a motion to adjourn the meeting at 8:23pm, duly 2nd, approved 4-0.