

New Fairfield Zoning Board of Appeals
New Fairfield Connecticut 06812
MINUTES
Meeting
October 20, 2011

The New Fairfield Zoning Board of Appeals (ZBA), held a public hearing followed by a business session at 7:00 pm on Thursday, October 20, 2011, in the New Fairfield Public Library. 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: Maria Horowitz, CZEO

Chairman Joe DePaul called the meeting to order at 7:00 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. Peter Hearty made a motion to adopt the Agenda, duly 2nd, approved 4-0. Secretary Laurie Busse read the Call of the Meeting.

Application # 28-11 TANM Irrevocable Trust, Anthony Sarro, Trustee, 21A Woods Road, for variances to zoning regulations for the purpose of legalizing a pergola.

Joe DePaul read a letter from Anthony Sarro dated 10/20/2011 stating he is unable to attend tonight's meeting and would like the case to be heard at the next regular meeting. Joe DePaul stated the application will remain unopened.

Application # 29-11: Jan and Iwona Glinski, 8 Warwick Road, for variances to zoning regulations for the purpose of legalizing a swimming pool.

Peter Hearty made a motion to bring Application # 29-11 to the floor, duly 2nd, approved 4-0.

Iwona Glinski approached the Board and explained the pool has been in place since 1972. The pool was in need of a new liner and after it was repaired an A-2 Survey was done and that is when he discovered the pool was 1.7' closer to the setback than originally believed. A plot plan from 1972 was submitted and shows that the pool is 20' away from the side setback. Discussion followed on the accuracy of the 1972 plot plan. Only a corner of the pool encroaches on the side setback. A member of the Board had gone out to the property and stated there are lots of evergreen trees acting as a barrier between the pool and the neighbor.

Maria Horowitz stated plot plans are not as accurate as A-2 Surveys and she does not have any issues with this application. He is in an R-88 zone and has less than 1 acre therefore he can drop down to R-44 zone setbacks.

Joe DePaul asked for any further public comment—None Heard.

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

In the business session the Board discussed the inaccurate plot plan and the fact that the increase in nonconformity is de minimis as only a corner of the pool encroaches on the setback. There is a natural barrier between the neighbors and the pool.

Joe DePaul made a motion to grant a variance for a side setback to 18.7' not subject to the plans as submitted but rather to the construction all ready in place. The hardship is the irregular size and shape of the lot and the proximity of the next door neighbors, July 2nd, approved 4-0.

Minutes: Peter Hearty made a motion to approve the Minutes to the September 19, 2011 meeting as submitted, July 2nd, approved 4-0.

Application # 30-11: Grace E. Lang, 7 Holly Drive and Loretta Lang Fink, 11 Holly Drive, for variances to zoning regulations for the purpose of a lot line revision.

Peter Hearty made a motion to bring Application # 30-11 to the floor, July 2nd, approved 4-0.

Paul Szymanski and Susan Lang approached the Board. The board inquired if there was authorization from both parties for representation. They replied there was. The applicants are seeking a lot line revision, however before that can happen they need variances for multiple zoning regulations. They explained that there are two lots owned by the same family. The garage, the driveway, and a portion of the deck for 7 Holly Drive which belongs to Grace E. Lang are on the property of 11 Holly Drive which belongs to Loretta Lang Fink. They propose to move the property line in such a way that the garage, the driveway and all of the deck will be on 7 Holly Drive. At the closest point the garage will be 25' from the side setback and 60' from the rear setback. Both the garage and the deck will not require variances for setbacks. Although the lot for 11 Holly Drive will become more nonconforming with respect to lot frontage the lot for 7 Holly Drive will become more conforming. The roof over the patio of 11 Holly Drive will be 25' away from the side setback and a variance will not be required for setbacks. Additionally both lots will have their own garages, driveways, and decks. The houses were built in the 1950's prior to the subdivision's approval in 1959. The houses do not predate Zoning. None of the properties will require variances regarding setbacks to buildings or structures. The houses are in a 2 acre zone and can drop down to 1 acre zoning regulations because they have less than 1 acre.

Maria Horowitz stated she does not have any issues with the lot line revision.

Joe DePaul asked for any further public comment—None Heard.

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

In the business session the Board discussed these are very unusual circumstances and they would like to see the garage, driveway and deck that belong to 7 Holly Drive on the property of 7 Holly Drive. They are glad the proposed lot line revision was drawn in such a way that variances would not be required for the buildings and structures that are on the wrong property. The proposed lot line revision would improve the setbacks for both lots and overall there is a decrease in nonconformity.

Joe DePaul made a motion to grant a variance to zoning regulations as outlined on the application for the purpose of redrawing the property lines down the middle of the property to reconvey the garage, the driveway, and the deck to 7 Holly drive and make the lot less nonconforming, duly 2nd, approved 4-0

Application # 31-11: Peter and Barbara Lynch, 18 Meadoway for variances to zoning regulations for the purpose of constructing a 2nd story addition, a two story addition, and a screened in porch.

Peter Hearty made a motion to bring Application # 31-11 to the floor, duly 2nd, approved 4-0.

Tammy Zinick, agent for the owners approached the Board. The letter of authorization was submitted. The proposal is to construct dormers on the 2nd story, square off the house with a two story addition and add a 3 season sunroom on the south side. The existing home is 19' high and the proposal will bring the house to 28' at its tallest point, noting a height variance is not required. For the 2 story addition they are requesting a north side setback of 9' 1" which is existing and a rear setback to 30' 7". Discussion followed the survey submitted shows two rear setbacks, one to 30' and one to 30' 7". Both the application and the legal notice reflect the 30' 7" rear setback. The Board explained how to move forward with the advertising issue. Tammy Zinick stated she would remove some of the overhang to make sure the rear setback meets the 30' 7" advertised setback. The proposed screen porch will be on the south side of the property. For this they are requesting a front setback of 28'. The existing home is 26.3' so there will be no increase in nonconformity. The 3 season porch will not have heat. After the application was submitted a plan addressing zoning regulation 3.2.8 Impervious Surface Coverage was submitted noting the owners will change the paved driveway to paver stones. The impervious surface coverage was removed from the application.

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 are no objections from the neighbors. This is a small lot.

Joe DePaul made a motion to grant the Variance for a front setback of 28', a north side setback to 9' 1", and a rear setback to 30' 7", subject to the plans as submitted with the exception that the construction for the two story addition will be adjusted so the addition does not come any closer to the rear setback than 30' 7". Further stipulating the screened porch will not be heated. The hardship is the unusual slope and size of the lot, duly 2nd, approved 4-0.

Jack Michinko made a motion to adjourn the meeting at 8:00pm, duly 2nd, approved 4-0.