

**New Fairfield Zoning Board of Appeals  
New Fairfield Connecticut 06812  
Special Meeting  
MINUTES  
August 17, 2009**

The New Fairfield Zoning Board of Appeals held a special public hearing followed by a business session at 7:00pm on Monday August 17, 2009 in the Community Room located at 31 and 33 Route 37. Secretary Laurie Busse took the minutes.

ZBA members in attendance: John Day, Chair, Maureen Walker, Vice Chair, Jack Machinko, Michelle Rhyce, and Bob Jano

ZBA members absent: John Apple and Joe DePaul

Town Officials in attendance: None

Chair John Day called the meeting to order at 7:03pm introduced the Board members and explained the meeting process and voting procedures.

Secretary Laurie Busse read the proposed agenda for the meeting. Jack Machinko made a motion to adopt the Agenda duly 2<sup>nd</sup>, approved unanimously. Secretary, Laurie Busse, read the Call of the Meeting.

**Application # 23-09:** Kevin and Melissa Russ, 9 Illion Road, for variances to zoning regulations for the purpose of constructing a 2 car garage and a 2 story entry.

Bob Jano made a motion to bring Application # 23-09 to the floor, duly 2<sup>nd</sup>, approved 5-0.

Kevin Russ approached the Board and submitted pictures of his property. The home is on a small nonconformity lot. The existing home is further away from the road than neighboring homes. He explained his plans for the garage and addition. The existing front setback is 34' and the proposed plans will bring the front setback to 25'. The existing lot coverage is 17.9%. The proposal will increase lot coverage to 22.7%. There is an existing shed 5' from the rear property line. Mr. Russ plans to remove this shed. The Board discussed their position on increasing nonconformity and going over lot coverage. Further discussion focused that by removing the shed the rear yard becomes significantly more conforming and the applicant is swapping nonconformity in the rear yard for nonconformity in the front yard and noting that with the elimination of the shed and reduction in deck size, there is a net reduction in dimensional nonconformity for the lot. The Board discussed although the shed would be removed, the proposed plans still bring him over 20% lot coverage. Mr. Russ stated he would remove a portion of his deck to meet the lot coverage requirements. Due to the height of the deck it may or may not be included in ground coverage. The height of the proposed addition will be 30' however due to the slope on the property it will have the appearance of being much lower. There will be no change in the number of bedrooms and there will be no adverse impact on the neighbors.

John Day asked for any further public comment—none heard.

Maureen Walker made a motion to enter the Business Session, July 2nd, approved 5-0.

In the Business Session, the Board discussed increasing nonconformity in the front and reducing the nonconformity in the rear noting with the elimination of the shed and reduction in deck size, there is a net reduction in dimensional nonconformity for the lot. The applicant will remove the shed and as much of the deck as necessary to bring the lot coverage down to 20%. There will be no adverse impact on the neighbors.

John Day made a motion to grant the Variance for a front setback to 25' subject to the plans as submitted stipulating the shed will be removed and the deck size will be adjusted as necessary so as not to exceed 20% lot coverage and noting that net of the elimination of the shed and reduction in deck size, there is a net reduction in dimensional nonconformity for the lot. The hardship is the slope and irregular size of the lot, July 2nd, approved 5-0.

**Minutes:** Bob Jano made a motion to approve the Minutes to the July 16, 2009 meeting as amended, July 2nd, approved 5-0.

**Application # 24-09:** John and Elizabeth Schalkham, 15 Windmill Road, for variances to zoning regulations for the purpose of constructing a sunroom.

Bob Jano made a motion to bring Application # 24-09 to the floor, July 2nd, approved 5-0.

John Schalkham approached the Board and explained his plans to construct a sunroom over the existing patio. The walls at the edge of the patio are over 2' in height. Pictures were submitted into the record. The enclosure will be 345sqft. There will be no change to the existing setbacks. There will be no increase in nonconformity. There will be no adverse impact on the neighbors.

Michelle Rhyce made a motion to enter the business session, July 2nd, approved 5-0.

In the business session the Board discussed there is no increase in nonconformity and there is no adverse impact on the neighbors.

John Day made a motion to grant the Variance for two side setbacks of 16.5' and 15' subject to the plans as submitted, further noting the project does not increase dimensional nonconformity. The hardship is the shape and size of the lot. July 2nd, approved 5-0

**Revision to Application # 15-09:** Reilly Construction, 8 Muller Street, for the purpose of revising a previously approved Variance that showed the incorrect Zoning District as R-44; Map: 32, Block: 4; Lot: 5. The correct Zoning District is R-44; Map: 31, Block: 4; Lot: 10.

Maureen Walker made a motion to bring Revision to Application # 15-09 to the floor July 2nd, approved 5-0.

No one was present to represent this application. The Board discussed the 2006 and 2009 applications have different Zoning District information. As there was no

representation the Board was hesitant to move forward with the request to change the Zoning District information on the Variance.

John Day made a motion to continue to the next regularly scheduled meeting with the expectation for someone to appear and submit written documentation to satisfy the correct Zoning District information duly 2nd, approved 5-0.

**Discussion on 2010 Meeting Dates:**

Due to the number of Boards/Commissions needing to use the new Community Room above the Senior Center the Selectman's office requested all Boards/Commissions submit their 2010 meeting dates. The 2010 meeting schedule was handed out. The Board discussed they will continue to meet on the third Thursday of the month at the Library whenever possible, noting the Library will not be available for the March and August 2010 meeting dates so those dates have been switched to Monday March 15 and Monday August 16 in the new Community Room. The Board further discussed the possible Library construction.

John Day made a motion to adopt the 2010 meeting schedule as presented duly 2nd, approved 5-0.

Bob Jano made a motion to adjourn the meeting at 8:15pm, duly 2nd, approved 5-0.