

New Fairfield Zoning Board of Appeals
New Fairfield Connecticut 06812
MINUTES
Meeting
November 19, 2009

The New Fairfield Zoning Board of Appeals held a public hearing followed by a business session at 7:00pm on Thursday November 19, 2009 in the New Fairfield Free Public Library. Secretary Laurie Busse took the minutes.

ZBA members in attendance: John Day, Chair, Jack Machinko, Joe DePaul, and John Apple

ZBA members absent: Peter Hearty

Town Officials in attendance: None

Chair John Day called the meeting to order at 7:07pm introduced the Board members and explained the meeting process and voting procedures of a 4 member Board.

Secretary Laurie Busse read the proposed agenda for the meeting; Chairman Day added a discussion of officers to the Agenda. John Day made a motion to adopt the Agenda as amended, duly 2nd, approved unanimously. Secretary, Laurie Busse, read the Call of the Meeting.

Continued Application # 26-09: Anthony and Kristina Wilmot, 4 Hardscrabble Road, No one was present to represent this application. The Chairman moved this application to the end of the Agenda to see if someone shows up.

Application # 32-09: Anand Kanakagiri, 2 Candlewood Isle Causway, for variances to zoning regulations for the purpose of constructing a front porch.

John Apple made a motion to bring Application # 32-09 to the floor, duly 2nd, approved 4-0.

Gary Cole of Avalon Building approached the Board. He explained the prior Variance # 07-02 was to construct the house. When the prior property owner came before the Board, they made the house closer to the front in order to have a larger rear yard setback. The existing front setback is 40' and the varied rear setback is 36.5', noting the existing rear setback is 37.4'. His plans are to construct a front porch for better egress. The letter of noncompliance shows a rear deck is being constructed. The applicant explained there was a last minute change in plans and the deck will meet the required rear setback of 50'. The proposed front porch will increase nonconformity by 5'. There is no change in the hardship of the land. The Board discussed their position on increasing nonconformity. Discussion focused on the front steps. There are 5 front steps; any steps that are 2' or less from the ground are not within the zoning regulations. The plans submitted with application # 07-02 show the front steps will not be any higher than 1.6' from the ground. If any of the front steps were not built to the plans as submitted and are beyond the 40' front setback, they would not be grandfathered as they are considered a structure and not a building. While the applicant can say the front

steps are existing outside of the building envelope, the Town can also say they were not constructed per plans submitted and issue a cease and desist order. Discussion followed. John Day explained how to move forward with the application. The applicant requested we continue the matter to the December 17 meeting.

John Day made a motion to continue the application to the December 17, 2009 meeting, duly 2nd, approved 4-0.

Continued Application # 26-09: Anthony and Kristina Wilmot, 4 Hardscrabble Road, for variances to zoning regulations for the purpose of constructing a swimming pool in the front yard.

John Day made a motion to bring Continued Application # 26-09 to the floor, duly 2nd, approved 4-0.

No one was present to represent this application. Discussion followed the certified letter from the October meeting was returned to us. There has not been any indication the certified letter for tonight's meeting has been signed for. The Board discussed this application is very close to the 65 day time limit and the Board must act on it at tonight's meeting. The Board recapped on the September meeting. The property had a home that was converted to an accessory building so that a new home could be constructed further away from the road. The pool although in the front yard would be constructed behind the accessory building. Further discussion focused on denying the application, without reaching the merits because the applicant failed to appear. If they want to file again and show up and make an argument that it doesn't look like the Board considered their case on the merits and turned it down because they never completed their argument. This would allow the applicants to come back, however they will still have to pay a new application fee. If the Board would like to review the application based on the merits they can do that too.

John Day made a motion to move into the business session duly 2nd approved 4-0.

In the business session the board discussed denying the variance because the applicant isn't here rather than discussing the details of the merits.

John Day made a motion to grant the application for a swimming pool in the front yard, subject to the plans as submitted, noting that the hardship is the irregular shape and size of the lot, duly 2nd, denied 0-4.

Minutes: John Day made a motion to approve the Minutes to the October 14, 2009 meeting as presented, duly 2nd, approved 3-0-1. John Apple abstained.

2010 Meeting Dates

The Board discussed there is no change in the 2010 meeting dates previously discussed, although changes were made to the application cut off dates.

Board Officers

Due to the prior election there is a change in Board members as well as a change in officers as Maureen Walker the vice chair is no longer on the Board. At the December meeting, we will vote on officers. Currently we do not have any alternate members.

John Day will solicit the RTC and DTC for alternates. If anyone on the Board knows of someone, please let John Day know.

John Day made a motion to adjourn the meeting at 8:30pm, duly 2nd, approved 4-0.