

**New Fairfield Zoning Board of Appeals
New Fairfield Connecticut 06812**

**MINUTES
January 17, 2008**

The New Fairfield Zoning Board of Appeals held a regular public hearing followed by a business session at 7:00pm on Thursday, January 17, 2008, in the New Fairfield Free Public Library. Secretary, Laurie Busse, took the minutes.

ZBA members in attendance: John Day, Chairman, Maureen Walker, Vice Chairman, Bob Jano, John Apple and Jack Michinko.

ZBA members absent: Joe DePaul

Town Officials in attendance: None

Chairman, John Day called the meeting to order at 7:10pm, introduced the Board members and explained the meeting process and voting procedures of a 4 and 5 member Board, noting there would be a recusal at tonight's meeting. John Day gave the definition of a recusal.

Secretary, Laurie Busse read the proposed agenda for the meeting. John Day made a motion to adopt the Agenda duly 2nd approved 5-0.

Secretary, Laurie Busse, read the Call of the meeting.

Continued Application # 51-07: James Hopkins, 10 Candlewood Road, for variances to zoning regulations for the purpose of constructing a 2 story addition

John Apple made a motion to bring Continued Application # 51-07 to the floor, duly 2nd, approved 5-0.

Mr. Hopkins recapped on last month. The property line for the rear east side setback, referred to as the Tonner boundary is exactly where it is shown on the survey. The requested setback to the Tonner boundary is 28' 3"; the survey shows the addition will not come any closer to the boundary line than the existing wood deck which is 28' 9". Mr. Hopkins agreed to adhere to the 28' 9" setback. Discussion followed on a very large house across the street which does not fit into the neighborhood.

The boundary that abuts the Yourashek property has been considered to be unbuildable by the Town since 1982. Letters were submitted from Tim Simpkins, Health Dept, dated 2/24/2005 addressed to Joan Oros, Tax Assessor and a letter dated 1982 from Paul Lockwood, Health and Sanitation addressed to the Tax Assessor. Both letters stated due to the lot size and soil type a well and septic system are not buildable on this lot and presently the lot is considered unbuildable. A Field Card with a print date of 1/11/2008 showed the lot was appraised at \$16,000 and the notes state the lot is unbuildable per the health inspector. The Board discussed the requested 10' setback increases nonconformity by 15' as well as their position on allowing garages to get cars off the

street, noting this home already has a gravel parking area. Further discussion focused that for the past 25 years the Yourashek lot has been considered unbuildable “at this time”, which may or may not indicate it would be buildable in the future.

The first floor of the addition will be a garage; the 2nd floor of the addition will be 2 full bedrooms. The correct requested setbacks are Rear Eastside 28’ 3”, Front 13’ South Side setback to 10’. There are roads on 2 sides of the property. The Board discussed moving the addition closer to the Cross Way boundary by 6” to allow the requested setback of 28’ 3”.

John Day asked for any public comment—none heard

Bob Jano made a motion to move into the business session, duly 2nd, approved 5-0.

In the business session the Board discussed the Yourashek lot has been considered unbuildable by the Health Dept and the Tax Assessor for the past 25 years, but does not state the lot will never be buildable. The Board noted they have applied the general variance standards to the 440 Line for lake front owners even though obviously there’s not going to be an abutting house on that side of those properties. Further discussion focused on the large increase in nonconformity and if the garage would take cars off the street. The Board discussed the very large home across the street.

John Day made a motion to grant the variance with the following setbacks: Rear eastside to 28’ 9”, Southside to 10’ 6” and Front to 13’, subject to the plans submitted. The hardship is the nonconforming size of the lot and 2 fronts noting the Southside adjoining lot for tax and sanitary purposes is unbuildable, duly 2nd, denied 2-3. John Apple and Jack Michinko were in favor; Maureen Walker, John Day, and Bob Jano were opposed. Application Denied.

Bob Jano made a motion to adopt the Minutes of the December 20, 2007 meeting, duly 2nd, approved 5-0.

Continued Application # 54-07: April Beaulieu, 10 Carleon Road, for variances to zoning regulations for the purpose of constructing an attached garage.

Maureen Walker recused herself from this application. John Apple made a motion to bring Continued Application # 54-07 to the floor, duly 2nd, approved 4-0.

The Board recapped on last month noting the vertical expansion had been granted and they were coming back to submit documentation that there was a shed 1’ away from the property line. A 1971 Field Card was submitted showing there is a 6’ x 6’ shed on the property line. The Board discussed this is a legally grandfathered shed and the zoning regulations went into effect in 1974. The Board discussed if the shed was on the property line, then the garage does not increase nonconformity. The proposed attached garage would be in the rear of the home. The applicants propose to replace the existing deck with a 16’ x 12’ garage. Some of the Board members expressed their concern of having the shed come down if the garage was granted. John Day explained how to proceed.

The applicants requested a break to discuss their options, John Day made a motion to take a short break, duly 2nd, approved 4-0.

Back from the break the applicants stated they need the shed and want the Board to vote on the application as submitted.

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

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

In the business session the Board discussed if the shed remains there is no increase in nonconformity and if it comes down nonconformity increases.

John Day made a motion to grant the variance with a rear setback to 41.4' subject to the plans submitted and will not increase nonconformity based on the legally grandfathered nonconformity shed. The hardship is the lot size and shape, duly 2nd, approved 4-0.

Application # 58-07: Frank and Catherine Ross, 29 Lake Shore North, for variances to zoning regulations for the purpose of demolishing the existing home and replacing it, converting the car port to a garage and adding a rear deck.

John Day made a motion to bring Application # 58-07 to the floor, duly 2nd, approved 5-0.

Mr. and Mrs. Ross approached the Board along with their engineer, Paul Sotnik and builder Sean Condon. Mr. Ross explained there is a failing storm drain line under his home that is causing severe drainage issues on his property. The poor drainage has caused the old fieldstone footings and foundation to rot away as well as the support timbers inside the home. The house also has aluminum wires which are rotting away. The car port needs be replaced with a garage for support reasons. If there is a heavy rain the applicants have 5" of water in their basement. The plans are to build the house up 5' higher which will make it the same level as the street. They will repitch the property so water runs back out into the street and not into any one else's property. The existing house is 4 bedrooms and will be reduced it to 3 bedrooms.

The proposed deck will be 28' x 10'. The applicants would like a deck for a 2nd means of egress in case of an emergency. The deck encroaches on the rear setback and increases nonconformity by 7'. The existing home is at 30% lot coverage. The deck will bring them over 30% lot coverage. The Board and the applicant discussed ways to bring the proposal back down to 30% lot coverage and not increase nonconformity. The Board wanted a specific set of plans. John Day explained how to move forward. The applicants requested a short break.

John Apple made a motion to take a break, duly 2nd, approved 5-0.

Back from the break the applicants stated they will remove the deck from their proposal and keep the rest of the plans as is; which includes keeping the stairs from the kitchen. To clarify there will be no increase in existing lot coverage; everything will be within the existing footprint except for the 5' height increase.

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

John Day made a motion to enter the business session, duly 2nd, approved 5-0.

In the business session the Board discussed this is a straight vertical expansion, there is no change in the footprint on the ground, and they are not increasing nonconformity.

John Day made a motion to grant the variance for a front setback to 17.4' side setbacks to 7.1' and 9.8' and the rear setback requested minus the size of the deck; subject to the plans submitted except for the deck. The hardship is the size, shape and unnatural drainage of the lot duly 2nd, approved 5-0.

Application # 59-07: Maplewood Development LLC, 1 Andover Road, for variances to zoning regulations for the purpose of constructing a new home.

Maureen Walker made a motion to bring Application # 59-07 to the floor, duly 2nd, approved 5-0.

Bernd Jackel approached the Board and explained his plans to build a new home. There were originally 2 empty lots that had been merged together to create one larger lot. The house will be a 3 bedroom raised ranch and will be approximately 30' x 50' and 2,100sqft. There will be a 12' x 16' rear deck. The Board discussed the application setbacks are different from the drawings. The applicant stated he added 1' for a "cushion". The Board discussed if the variance was granted it would be subject to the plans as submitted and wouldn't allow him to blow the house out a foot—it just gives him a plus or minus edge to put it.

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

John Apple made a motion to move to the business session duly 2nd, approved 5-0.

In the business session the Board discussed this is a modest size house centered on an empty lot and there will be no impact on the neighborhood.

John Day made a motion to grant the variance for a front setback of 25' and a rear setback of 27' for the purpose of constructing a single family home, subject to the plans as submitted. The hardship being the irregular size and shape of the lot duly 2nd approved 5-0.

Application # 60-07: Rory and Heidi Langguth, 10 Calumet Road, for variances to zoning regulations for the purpose of constructing a 2 story addition.

Maureen Walker made a motion to bring Application # 60-07 to the floor, duly 2nd, approved 5-0.

Rory Langguth approached the Board and explained his plans to build a 2 story addition. He will be at 14.21% lot coverage. The property line is 3' from the fence. The existing house is 2 stories and 1,700sqft. After the addition the house will be 2,100sqft. He has roads on 2 sides, Elmwood and Calumet. If he goes straight up he would require a height variance. The existing home is 12' from the property line and there is a shed 8' 6" from the property line; the requested setback is 8' from the property line. The Board looked for ways to have the requested setback not come any closer than the existing shed.

John Day asked for any further public comment—none heard

John Day made a motion to enter the business session, duly 2nd, approved 5-0.

In the business session the Board discussed the nonconforming shape and size of the lot as well as the legally grandfathered shed that is 8' 6" from the property line. The proposal has been modified so that it will not come any closer to the side setback than 8' 6". The proposal may actually be further from the property line than 8' 6" so the applicant will be expected to conform to the building drawings that he used to sketch his plan when he submitted it to us.

John Day made a motion to grant the variance for a side setback to 8' 6" the hardship being the irregular shape and slope of the property subject to the plans as submitted, and noting the side setback 8' 6" not 8' 0", duly 2nd, approved 5-0.

John Apple made a motion to adjourn the meeting at 9:50pm duly 2nd, approved 5-0.