

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

**MINUTES
June 21, 2007**

The New Fairfield Zoning Board of Appeals held a regular public hearing followed by a business session at 7:00pm on Thursday, June 21, 2007, in the New Fairfield Free Public Library. Secretary, Laurie Busse, took the minutes.

ZBA members in attendance: John Day, Chairman, Croix Sather, Vice Chairman, Maureen Walker, Joe DePaul, and Bob Jano

ZBA members absent: John Apple

Town Officials in attendance: Maria Haussherr-Hughes, Zoning Enforcement Officer

Chairman, John Day called the meeting to order at 7:12pm, introduced the Board members and explained the meeting process and voting procedures.

Secretary, Laurie Busse read the proposed agenda for the meeting. John Day read a letter from Tammy Zinick, agent, requesting that Application # 24-07 William Drew, 8 Lake Shore North, be unopened and removed from the Agenda. John Day made a motion to adopt the Agenda as amended, duly 2nd approved 5-0.

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

Continued Application # 19-07: Maplewood Development LLC, 15 Peralta Street, for variances to zoning regulations for the purpose of constructing a single family home.

Bob Jano made a motion to bring Continued Application # 19-07 to the floor, duly 2nd, approved 5-0.

Joe Reilly and Tom Bigland of Reilly Construction approached the Board. John Day read a letter from Rich Jackson, Town Sanitarian into the meeting which stated the house was in the only possible location. The applicants also showed the Board a copy of their closing papers to document they had purchased the property. The applicants are requesting a 23' front setback and a 23' rear setback. The applicants have combined lots 13 and 14 to help reduce nonconformity. The home will be a 3 bedroom, 50' x 30' raised ranch with a 2 car garage and deck. Based on Rich Jackson's letter, the house cannot be moved sideways as discussed in last month's meeting. The home is on a corner lot with one of the roads being a paper road. The Board discussed a road is a road regardless if it is on paper or not. The Board discussed this is a small lot and some type of variance would be required to put any building on it.

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

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

In the business session the Board discussed this is a classic case of small nonconforming lots combined to make 1 lot and a variance would be required to put any type of building on it. The Board discussed the letter from Rich Jackson.

John Day made a motion to grant the variance for a front setback to 23' and a rear setback to 23' for the purpose of constructing a 30' x 50' raised ranch with 3 bedrooms and a deck, subject to the plans submitted. The hardship is the 2 fronts and nonconforming size of the merged lots, July 2nd, approved 5-0.

While still in the business session Bob Jano made a motion to accept the Minutes to the May 19, 2007 meeting, July 2nd, approved 4-0-1. John Day abstained.

Application # 21-07: Frank and Patricia LoPresti, 74 Lake Drive North for variances to zoning regulations for the purpose of constructing a tram.

Maureen Walker made a motion to bring Application # 21-07 to the floor, July 2nd, approved 5-0.

Mr. & Mrs. LoPresti approached the Board and explained the slope on their property is so steep that there are 65 steps to get up to their home and they are not as young as they used to be. Last summer they requested a variance for the tram and ended up withdrawing their application. Since then they have revised their plans to move the tram further away from the side setback and further away from the front setback. The track is a permanent structure and will be 1' off the ground so as not to hit snow in the winter. Mr. LoPresti said he would put plants around the track so it would not be conspicuous. The lift is enclosed and has a canvas roof; the brochure was shown to the Board. The lift works by remote control so when the applicants leave their home the tram will move back up to the house and not be left in the yard. Some of the Board members had gone to the applicant's home and noted there is a significant slope of approximately 40' to 45'. The Board looked for ways to reduce nonconformity and discussed pulling the tram back so that it will not come any closer to the side setback than the garage but will still be even with the house. Discussion focused on the setbacks, if the applicants pulled the tram back the requested side setback of 3' will change to 10' and the requested rear setback will change from 28' to 32.2'. Mrs. LoPresti stated the requested side setback of 0 {zero} meant that she was not changing the other side setback and the Board should ignore that request. The Board discussed the hardship must be from the land and not anything to do with the health of the applicants. Some Board members were concerned that if the home was sold, could the new owner build a different structure out as far as the tram. While it would be possible for a new owner to use this as an argument for a variance, if the Board should grant a variance at tonight's meeting, it would strictly be for a tram and not any other type of building or structure. The Board asked if the LoPrestis had letters from their neighbors stating they were in favor of the tram. Mr. & Mrs. LoPresti stated their neighbors did not object to the tram, however, they did not have the letters with them. They offered to go home and return before tonight's meeting ended to provide us with the letters. The Board discussed this as a possibility, and ultimately the applicants stated they would be comfortable if the Board voted on their application without the letters of approval from their neighbors.

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

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

In the business session the Board discussed the steep slope on the lot and the applicants were willing to work with the Board to reduce the amount of nonconformity. The requested side setback was increased by 7' and the rear setback was increased by a little over 4'.

John Day made a motion to grant a variance not subject to the plans submitted but rather the plans as revised and discussed at tonight's meeting including the mechanical description of the tram with a side setback to 10' and a rear setback to 32.2' the hardship does not arise from the medical condition of the applicants but rather the 40' difference in height from the applicant's home to the top of the driveway, duly 2nd, approved 5-0.

Application # 22-07: Allan & Linda Finn, 249 Ball Pond Road for variances to zoning regulations for the purpose of changing the roofline and constructing a 2nd story to the existing 2 car garage.

Bob Jano made a motion to bring Application # 22-07 to the floor, duly 2nd, approved 5-0.

Mr. & Mrs. Finn approached the Board and explained the home was built in 1892; however the garage lacks character and appeal. They propose to construct a 3' knee wall and raise the roofline. This will give them additional storage space and be more in line with the original home. The height increase will be 4'. The ceiling height will be 10'. The garage will be lower than the existing home. The garage doors will remain 7' high. There will be no change in the footprint on the ground. The existing setback is 12'7" and they requested 11'7" as a buffer. The garage will be used for storage and there will be no heat or plumbing in the garage.

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

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

In the business session the Board discussed this is a classic vertical expansion and there is no increase in nonconformity. The use of the garage will not change and it will remain without heat or plumbing.

John Day made a motion to grant the variance for a front setback to 11'7" subject to the plans submitted stipulating the garage cannot have a change in use, cannot be used for living space, cannot be heated, and cannot have plumbing; the hardship is the preexisting location of the garage, duly 2nd, approved 5-0.

Application # 23-07: Lisa and Brian Coughlin 27 Margerie Drive, for variances to zoning regulations for the purpose of constructing a 2nd story addition.

Maureen Walker, made a motion to bring Application # 23-07 to the floor, duly 2nd, approved 5-0.

Mr. & Mrs. Coughlin approached the Board and explained they have a ranch style home and plan to add a 2nd story addition. The existing home is 16' to 17' high and the addition will add an additional 16' to 17'. A height variance is not required and the addition will not obstruct their neighbor's view of the reservoir. The existing side setback

is 19.5' and the existing front setback from the porch is 18.4' these setbacks will not change. They are also constructing a 1 story addition on the back of the house; however a rear setback is not required. John Day stated the rear addition is not in front of the ZBA. The existing home has 2 bedrooms and after the addition, they will have 3 bedrooms. A new 3 bedroom septic will also be installed. The existing home is 1,100 sq.ft and the proposed construction including the rear addition will increase the home to approximately 2,900 sq.ft. They will not have a finished basement. The Board discussed the steep slope and the odd shape of the lot.

John Day asked for any further public comment—none heard

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

In the business session the Board discussed this is a classic vertical expansion with no increase in nonconformity. The height of the addition does not require a variance and will not have an adverse affect on the neighbors. The rear addition is not in front of the Board.

John Day made a motion to grant a variance for a front setback of 18.4' and a side setback to 19.5' subject to the plans submitted. The hardship is the irregular slope and shape of the parcel, duly 2nd, approved 5-0.

Application # 25-07: Sri Priyal Wijegoonaratna 67 Ball Pond Road East, for variances to zoning regulations for the purpose of constructing 2 shed dormers on the existing detached garage.

Maureen Walker made a motion to bring Application # 25-07 to the floor, duly 2nd, approved 5-0.

Attorney Ray Lubus along with agents Devon Gregory and Jack Santonella approached the Board. Attorney Lubus explained the applicant would like to add dormers to the existing detached garage. There will be no increase in the overall height of the building, the ridgeline will stay the same height and the footprint on the ground will not change. The existing garage has an 8' ceiling and they will remove all of the beams on the ceiling of the garage. The purpose of the dormers is to allow room for the cars. The applicant plans to install "stackers" and the cars will sit one on top of the other. The Board discussed the pipes and the conduit on the outside of the garage along with the possibility of the garage being converted into living space. The applicants stated there is an existing overhead heater and they plan to replace that with hydronic heat which will be in the slab of the garage. The actual mechanics to the hydronics will be in the main house. Maria Haussherr-Hughes stated she was not aware they were going to replace the concrete floor of the garage and they may have to go back to Zoning. The Board discussed stipulating the use of the garage cannot change and cannot be used for living space.

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

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

In the business session the Board discussed there is no increase in nonconformity and the overall height of the building will not change. Further discussion focused on stipulating the garage can never be used for living space.

John Day made a motion to grant the variance for a front setback to 3' subject to the plans submitted noting there is no increase in the net height of the garage, there is no change in the foot print of the garage including the eaves, there is no change in use of the garage, the beams of the garage will be removed and counsel and the applicant's agents represented at tonight's meeting there will be no improvements for living space, July 2nd, approved 5-0.

Joe DePaul made a motion to adjourn the meeting at 8:37pm, July 2nd, approved 5-0.