

## **New Fairfield Zoning Board of Appeals New Fairfield, Connecticut**

### **MINUTES October 21, 2021**

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session at 7:00 p.m. on Thursday, October 21, 2021, **via Zoom Web Conference (Meeting ID: 96095677069)**. Secretary Joanne Brown took the Minutes.

ZBA Members in attendance: Joe DePaul, Chairman; John Apple, Vice Chairman  
Vinny Mancuso; John McCartney; Dan McDermott and Alternate Ann Brown

ZBA Members not in attendance: Alternate Bob Jano

Town Officials in attendance: None

Assistant Network Broadcast Coordinator, Quintin Flower, from the Town of New Fairfield, gave an overview of how the Zoom Web Conference would proceed. Chairman Joe DePaul called the Meeting to order at 7:00 p.m. and introduced the Board Members. Joe DePaul explained the meeting process and voting and appeal procedures. Secretary Joanne Brown read the agenda. Vinny Mancuso made a motion to adopt the agenda as presented, duly 2<sup>nd</sup>, approved 5-0.

**Continued Application # 33-21:** 95 Louise's Lane LLC, 7 Lake Drive North, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 24.5', 3.2.6B Side Setback to 11.9', 3.2.6C Rear Setback to 5', 3.1.1.1, 7.1.1.2A&B and 7.2.3A,B&E for the purpose of constructing a two-bedroom residence. Zoning District: R-44; Map: 15; Block: 1; Lot: 8.

Joe DePaul noted that an email was received from Caren Carpenter withdrawing Application # 33-21, 7 Lake Drive North. The applicant has not yet received approval from First Light regarding the septic and well placement to proceed with the application.

**Continued Application # 40-21:** Zerrenner, 21 Deer Lane, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 18.9', 3.2.8, 3.2.11, 7.1.1.2A&B and 7.2.3A,B&E for the purpose of constructing a two-story addition to an existing house. Zoning District: R-44; Map: 44; Block: 6; Lot: 15.

Corrine Zerrenner returned to the board. The application was continued to correctly advertise the revised front setback. The applicant gave a brief overview of the proposed addition and agreed to remove the existing shed. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. The board saw no issues with the application. John McCartney noted that the applicant corrected the front setback, obtained a revised A2 Survey and provided the information the board requested. Joe DePaul made a motion to grant a front setback to 18.9' to

allow construction of a two-story addition per the revised plans as submitted; the hardship being the size and shape of the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

While in the Business Session, Vinny Mancuso made a motion to accept the Minutes as presented, duly 2<sup>nd</sup>, approved 5-0.

**Application # 37-21:** Logiudice, 54 Lake Drive North, for variances to Zoning Regulations 3.0.4C,E&F Minor Accessory Buildings & Structures, 3.0.9A,B,C,D&E, Pergolas, 3.2.5A&B, 3.2.6B Side Setback to 1', 3.2.6C Rear Setback to 1' (shed) and 5.5' (pergola), 3.2.7, 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing an open 20'x20' pergola over an existing deck and constructing an 8'x10' shed. Zoning District: R-44; Map: 15; Block: 1; Lot: 83-84.

Agent Lonny Lewis presented the proposal to construct a pergola on top of an existing deck with 4 posts and 4 rafters and fabric to block the sun. Joe DePaul read the Zoning Regulation 3.0.9 Pergolas into the record to ascertain which regulation was pertinent. The proposed pergola would require a variance because it exceeds 10' in length and is attached to the house. Joe DePaul suggested the applicant bifurcate the application to address the pergola and the shed separately. The applicant agreed to bifurcate the application.

The proposed 20'x20' pergola would sit atop the 20'x32' existing deck. The sails in the middle would only be used for shade in the summer months. Joe DePaul questioned what the hardship was. John McCartney questioned how the pergola would fit over the deck. A lengthy discussion ensued over the definition of a pergola, and which zoning regulation would be affected. The board suggested the application be continued to confer with Evan White, ZEO, on the exact definition of what type of structure was proposed, i.e., pergola, awning, etc. and, if a variance was needed at all. The applicant agreed to continue the application. The board entered into the Business Session. Vinny Mancuso made a motion to continue Application # 37-21, duly 2<sup>nd</sup>, approved 5-0. Application continued - pergola.

The board continued to discuss the second part of the application regarding the placement of the shed. Vinny Mancuso noted that the board should be consistent in keeping the setback requirements for sheds at 10' from the property line. A brief discussion ensued over the correct placement for the 8'x10'shed. The lot has no garage and a fence at the rear of the property. The space between the house and the rear property line is close to 10' leaving very little room for the shed location. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Joe DePaul made a motion to grant a rear setback to 1' to allow an 8'x10' shed to be placed behind the rear of the house, with a conforming side setback; the hardship being the location of the house on the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

John McCartney noted that the position of the fence was not located directly on the property line. Joe DePaul noted that the variance just granted could be modified and the application reopened. John Apple made a motion to reopen Application # 37-21, duly 2<sup>nd</sup>, approved 5-0. Joe DePaul asked the public for comment. None given. The

board entered into the Business Session. Joe DePaul made a motion to modify the variance to grant a rear setback to 1' from the existing fence to allow construction of an 8'x10' shed; the hardship being the location of the house on the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted – shed.

**Application # 41-21:** Marlowe, 25 Overlook Road, for variances to Zoning Regulations 3.25A, 3.2.6C Rear Setback to 20', 3.2.11, 7.1.1.2A&B and 7.2.3A,B&E for the purpose of constructing a wooden deck and stairs. Zoning District: R-44; Map: 45; Block: 5; Lot: 62.

Cord and Kelly Marlow presented their proposal to construct a wooden deck and stairs on the rear of the house. Joe DePaul gave a brief overview of the previous variances on the property, noting granted variances from 1980 and 2017. The applicant stated that they were looking to construct a 9' deck, increasing non-conformity by 5'. A brief discussion ensued over the placement of the stairs. Kelly Marlowe noted that the builder placed the stairs between two large boulders. The board suggested that the applicants get a new survey with the deck drawn to scale for accurate measurements. John McCartney noted that the existing deck sits at 31' and the applicant did not need another survey. Joe DePaul noted that the application would increase nonconformity and suggested that the applicants consider a smaller 7' wide deck to decrease nonconformity. Dan McDermott suggested a compromise of 8'x16'. The board suggested the application be continued to consider a smaller deck width which would lessen nonconformity. The applicant agreed to continue the application until next month. Vinny Mancuso made a motion to continue Application # 41-21, duly 2<sup>nd</sup>, approved 5-0. Application continued.

The board noted that this was Dan McDermott's last meeting on the ZBA and thanked Dan for his service.

Dan McDermott made a motion to adjourn the meeting at 8:17 p.m., duly 2<sup>nd</sup>, approved 5-0.