

New Fairfield Zoning Board of Appeals New Fairfield, Connecticut

MINUTES January 20, 2022

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session at 7:00 p.m. on Thursday, January 20, 2022, **via Zoom Web Conference (Meeting ID: 92602229433)**. Secretary Joanne Brown took the Minutes.

ZBA Members in attendance: Joe DePaul, Chairman; John Apple, Vice Chairman; Vinny Mancuso; John McCartney; Christine Garabo and Alternates Ann Brown and Bob Jano

ZBA Members not in attendance: Alternate Peter Hearty

Town Officials in attendance: Evan White, ZEO

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

Continued Application # 47-21: Davis, 29 Deer Run, for variances to Zoning Regulations 3.25A, 3.2.6C Rear Setback to 20', 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of extending an existing deck. Zoning District: R-44; Map: 15; Block: 1; Lot: 126.

Marc Davis explained to the board that he had a hard time acquiring an updated survey due to the holidays and backlog with the surveyors. He has hired a new surveyor but will not have an updated survey until March at the earliest. Joe DePaul suggested the applicant withdraw his application and resubmit when he has the updated survey. The applicant withdrew the application.

Application # 48-21: Ross, 19 North Beach Drive, for variances to Zoning Regulations 3.2.5, 3.2.6B Side Setback to 9', 3.2.6C Rear Setback to 22', 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of constructing a 6'x12' extension to an existing deck. Zoning District: R-44; Map: 40; Block: 4; Lot: 27-28.

Applicant Karen Ross stated that she made a clerical error on the previous variance's front setback and would like to rectify the situation. The previous granted front setback was 11' and the new setback is 9.1'. Joe DePaul visited the property and noted that the existing shed on her property is not in conformance with the Zoning Regulations and

would need to be brought into compliance before the board could address the variance. Ms. Ross noted that she was unaware of the situation and would like to bring the shed into compliance. John McCartney noted that the shed could not be moved from the property line due to the deck and suggested she ask for a variance for the shed. Joe DePaul requested that the applicant obtain letters from the adjoining two neighbors noting that they had no objections to the placement of the shed. Ms. Ross asked for a continuance to the next meeting to obtain the letters. John Apple made a motion to continue Application # 48-21, duly 2nd, approved 5-0. Application continued.

Application # 49-21: Weber, 46 Lake Drive North, for variances to Zoning Regulations 3.2.5, 3.2.6B Side Setback to 13.4', 3.2.6C Rear Setback to 9.8', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a partial vertical expansion on the existing footprint. Zoning District: R-44; Map: 15; Block: 6; Lot: 47-48.

Architect Peter Coffin, representing Andrew and Katherine Weber, presented the proposal for a vertical expansion on the nonconforming property with no change in existing setbacks. The vertical expansion would increase the square footage by 500', adding two bedrooms on an upper floor. A brief discussion ensued about the setbacks and where to measure them from. Evan White noted the setbacks are measured from the proposed construction. Joe DePaul and Peter Coffin agreed that there were no views obstructed by the application. It was determined that a 28' rear setback and 14' side setback would allow for overhangs and gutter placement. Joe DePaul asked the public for comment. None given. Bob Jano asked about parking. It was determined that there was ample parking with the garage and driveway. The board entered into the Business Session. There were no issues with the application. Joe DePaul made a motion to grant a rear setback to 28' and a south side setback to 14' to allow construction of a vertical expansion per the plans as submitted; the hardship being the irregular size and shape of the lot, duly 2nd, approved 5-0. Variance granted.

While in the Business Session, John McCartney made a motion to accept the Minutes as presented, duly 2nd, approved 5-0.

Application # 50-21: Roscoe, 13 Candlewood Road, for variances to Zoning Regulations 3.0.5C Private Permanent Detached Garages, 3.2.5, 3.2.6A Front Setback to 7.5', 3.2.6B Side Setbacks to 1' and 2', 3.2.6C Rear Setback to 2.10', 3.2.7, 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of replacing an existing retaining wall and installing a carport on a new extended driveway. Zoning District: R-44; Map: 39; Block: 1; Lot: 40.

Connor and Bob Roscoe presented their proposal to move and replace an existing retaining wall 9' further from the property line, extend the driveway and construct a carport. Joe DePaul stated that he did not have an issue with expanding the driveway and noted that there is an existing shed on the property that is not in conformance with the Zoning Regulations. Mr. DePaul explained that in order for the ZBA to address the

variance, the shed must be brought into compliance with the Zoning Regulations. Mr. DePaul stated that the applicant should ask for a continuance to address the shed but asked that applicant to present his proposal for the wall and carport. The applicant explained the relocation of the wall. John Apple questioned why he was asking for a 7.5' setback if the wall was being moved 9' further from the road. Evan White stated the distance of the setback would be to the portion of retaining wall that was 6' above grade or higher. A lengthy discussion ensued as to where the 6' high location occurred on the wall. It was determined that the wall became 6' along the section parallel to the front property line which was shown on the plan as 15.8'. The board had an issue with the carport being so close to the road. Joe DePaul explained that the setback is not from the support post but from the roof edge and the board had concerns over its proposed placement. Vinny Mancuso agreed that the placement was too close to the road. Joe DePaul asked the public for comment. None given. The applicant agreed to continue the application until next month to include the shed, confirm the setbacks and withdraw the carport. Vinny Mancuso made a motion to continue Application #50-21, July 2nd, approved 5-0. Application continued.

Vinny Mancuso made a motion to adjourn at 8:05 p.m., July 2nd, approved 5-0.