

New Fairfield Zoning Board of Appeals New Fairfield, Connecticut

MINUTES June 16, 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, June 16, 2022, **via Zoom Web Conference (Meeting ID: 965 9261 9337)**. Secretary Joanne Brown took the Minutes.

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

ZBA Members not in attendance: Alternates Peter Hearty and Christopher Wegrzyn

Town Officials in attendance: Evan White, ZEO

Chairman Joe DePaul called the Meeting to order at 7:15 p.m. Network Administrator, Paul Gouveia, from the Town of New Fairfield, gave an overview of how the Zoom Web Conference would proceed. Joe DePaul announced that the ZBA will have a mandatory training session (Special Meeting) from Town Attorney Neil Marcus for board members, alternates and any interested members of the public on Wednesday, August 31st in the New Fairfield Library Community Room. The Chairman introduced the Board Members and explained the meeting process and voting and appeal procedures. Secretary Joanne Brown read the agenda. John Apple made a motion to adopt the agenda, duly 2nd, approved 5-0.

Continued Application # 18-22: Imhoff, 73 Lake Drive North, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 15.8', 3.2.6B Side Setbacks to 9.3' and 4.3', 3.2.6C Rear Setback to 11', 3.2.7, 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of rebuilding an existing single-family house. Zoning District: R-44; Map: 15; Block: 1; Lot: 53.

Stacey Keaney, Keaney & Co., returned to the board with a revised plan changing the side setback from 4.3' to 7' and a color-coded plan showing the areas that are being increased (yellow) and the structures being removed (blue). She indicated that there would be an overall decrease in lot coverage by 52 sq. ft. The roof was changed to a more contemporary flat roof with a minimal roof pitch, reducing the roof height by 5'. A lengthy discussion ensued over the neighbor's view at 60 Lake Drive North. Joe DePaul presented photos of the existing home, noting how close the house was to the side setbacks. The Chairman also noted that there were no side windows on the existing home and that the proposed house is a combination of the two houses on the property with a massive increase in nonconformity. Joe DePaul presented Zoning Regulation 7.2.3A,B&E and noted that nonconformity cannot be increased. John McCartney noted

that the Isle and Knolls are full of very small narrow lots with tear-down houses. Evan White stated that there is a decrease in nonconformity by constructing one house instead of two dwellings on the property. Ann Brown noted that the new proposal increases nonconformity by adding the vertical expansion. John Apple and John McCartney both agreed that the board issues variances to this rule and without granting variances nothing would be built on the Isle or Knolls because all the lots are nonconforming. Joe DePaul asked the public for comment. Paul Schofield, 60 Lake Drive North, submitted photos and a letter and reiterated how their lake view from the bedroom, kitchen and porch would be obstructed. Mr. Schofield also noted the many variances required (setbacks, impervious coverage, area) and lack of hardship. Stacey Keaney addressed the concerns and noted that the revised application reduced the roof height by 5', reduced the side setback to 7' from 4.3' and tried to minimize the overall impact of the construction with design. Joe DePaul suggested that the applicant reduce the side setbacks of the new construction to 12' to minimize nonconformity. The applicant stated that he would have to consider it. Bob Jano noted that there is no hardship. The board entered into the Business Session. John McCartney noted that the Zoning Regulations are outdated and written by people who resist change in New Fairfield. John Apple gave his support for the application. Ann Brown and Christine Garabo both agreed that the proposal should be further from the setbacks. John McCartney urged the board to look at the GIS to see how the property sits across the street to the new proposal. The board suggested that the applicant continue to work on reducing the side setbacks. The applicant agreed to continue. John Apple made a motion to continue Application # 18-22 until next month, duly 2nd, approved 5-0. Application continued.

Continued Application # 23-22: Lynch, 2 Crestway, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setback to 28.6', 3.2.6B Side Setback to 16.1', 3.2.6C Rear Setback to 22.9', 3.2.11, 7.1.1.2 and 7.2.3A,B& E for the purpose of enlarging the front porch and steps, building a 3-season room on part of an existing deck and raising the roof over part of the house to build a roof deck. Zoning District: R-44; Map: 10; Block: 2, Lot: 45.

Caren Carpenter returned to the board due to an advertising error. The proposal would raise part of the roof to a 1 ½ story vertical expansion, construct a 3-season room over an existing deck, change the direction of a roof ridge and add steps going to the porch. John McCartney ascertained that the application was continued due to an advertising issue. Joe DePaul noted that the proposal did not increase nonconformity. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Joe DePaul made a motion to grant a front setback to 28.6', a side setback to 16.1' and a rear setback to 22.9' to allow construction of a vertical expansion, 3-season room, and roof change as per the plans as submitted; the hardship being the 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.

Continued Application # 25-22: Shade, 117 State Route 39, for variances to Zoning Regulations 3.0.4A,C,E&F Minor Accessory Structures, 3.0.6A&B Swimming Pools, 3.1.5A&B, 3.1.6A Front Setback to 10' (shed) and 25' (pool), 3.1.6B Side Setback to 20' (pool), 3.1.11, 7.1.1.1A&B and 7.2.3A&B for the purpose of constructing a shed and installing an above-ground pool. Zoning District: R-88; Map: 19; Block: 1; Lot: 26.

Justin Shade returned to the board with a letter from Tim Simpkins, Director of Health Department, noting possible damage to the leaching system if equipment is driven over it. Mr. Shade noted the many hardships on the property, the slope, shape of the nonconforming lot, septic placement and ledge. Joe DePaul noted that this application would be bifurcated to vote on the shed and pool separately. John McCartney stated that the shed is far from the road. Mr. Shade explained that he owns the shared driveway. A lengthy discussion ensued regarding placement of the shed. It was agreed that the shed would be placed 10' from the property line in the front yard with the entrance facing the house with (6) six green giant evergreens, each with a minimum height of 4' planted as a natural screen along the street side of the shed every 4'. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Joe DePaul made a motion to grant a front setback to 10' to allow installation of a shed with the front facing the front door of the house with six (6) 4' tall green giant evergreens planted 4' apart on the street side as natural screen per the revised plans as submitted; the hardship being the direction of the house, duly 2nd, approved 5-0. Variance granted.

Mr. Shade presented his proposal to install an above-ground pool with a 20' setback. Joe DePaul suggested the applicant keep a 35' setback for the pool by pulling it closer to the house and septic. The applicant agreed to the 35' setback. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Joe DePaul made a motion to grant a front setback to 35' and a side setback to 35' to allow installation of an above-ground pool in the front yard per the plans as submitted and revised; the hardship being the direction of the house, duly 2nd, approved 5-0. Variance granted

Application # 29-22: Schneider, 10 Candlewood Knolls Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 20.5', 3.2.6C Rear Setback to 40.9', 3.2.7, 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of vertical expansion with a deck and stair addition to an existing house. Zoning District: R-44; Map: 20; Block: 11; Lot: 9.

Stacey Keaney, Keaney & Co., presented the proposal for a vertical expansion. Ms. Keaney noted the small size of the lot, noting that there is only 12' in the building envelope for an addition. Setbacks from the existing stairs and proposed construction were discussed, noting the existing nonconformity in the front. The proposed first and second floor decks are 26'x23'. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Joe DePaul made a motion to

grant a front setback to 20.5' and a rear setback to 40.0' to allow construction of a vertical expansion per the plans as submitted; the hardship being the narrow shape of the lot, duly 2nd, approved 5-0. Variance granted.

Application # 30-22: Genovese, 14 Sunset Trail Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6C Rear Setback to 38.7', 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of constructing a 12'x54' deck. Zoning District: R-44; Map: 15; Block: 6; Lot: 35 & 36.

Frank Genovese and Jodi Hook presented their proposal for a 12'x54' rear deck addition to connect two existing decks (one ground level and one 30' off the ground) on the sides of the house. The board noted that there is no hardship, and the applicant already has two decks with views. Mr. Genovese stated that a deck could not have previously been constructed due to the placement of an older septic, but now a new septic was being installed. Joe DePaul stated that the reason a deck was not put in the rear location was that it violated the 50' rear setback. John Apple stated that the application was creating nonconformity on a conforming house. It was determined that one of the side decks could be increased by 5' without needing a variance. Joe DePaul asked the public for comment. None given. Joe DePaul noted the lack of hardship and suggested the applicant withdraw the proposal. The applicant agreed to withdraw the proposal.

Application # 31-22: Dawes, 4 Sherry Lane, for variances to Zoning Regulations 3.2.5A&B, 3.2.6C Rear Setback to 32', 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of constructing a deck. Zoning District: R-44; Map: 24; Block: 1; Lot: 95.

Applicant Cleon Dawes presented his application to replace and enlarge an existing 10'x12' deck due to safety concerns with a 10'x24' bi-level deck. The proposal would not increase nonconformity and stay within the footprint. The board saw no issues with the application. 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 32' to allow construction of a deck per the plans as submitted, noting no increase in nonconformity; the hardship being the size and shape of the lot, duly 2nd, approved 5-0. Variance granted.

Application # 32-22: Albano-Carmichael, 7 Lamont Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 30.5', 3.2.6B Side Setbacks to 15.2' and 17', 3.2.6C Rear Setback to 44', 3.2.7, 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a two-car garage. Zoning District: R-44; Map: 36; Block: 10; Lot: 16.

Jeanne Albano Carmichael presented the proposal to add a two-car garage under the left side of the house. The property has two previously approved variances, one in 2007 and another in 2016. The applicant is in the process of combining the adjacent lot which will eventually eliminate one of the side setbacks. A lengthy discussion ensued

over what setbacks were granted in the previous variances. The board questioned why the applicant wouldn't wait until the lots were combined to proceed. The applicant stated that the house is staying in the same location and just needs approval for the garage change addition. Joe DePaul noted that it is the applicant's responsibility to provide previous variances and minutes so the board can see what was voted on. Evan White found the 2016 variance with a front setback to 30.5', side setbacks to 17' and 17' and a rear setback to 44'. The new proposal would require a front setback to 31.3' and a rear setback to 45.3' which would decrease nonconformity. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Joe DePaul made a motion to grant a front setback to 31.3', side setbacks to 17' and 17' and a rear setback to 45.3' to allow construction of a single-family house with a garage underneath, per the plans as submitted; the hardship being the shape of the lot, duly 2nd, approved 5-0. Variance granted.

John McCartney made a motion to adjourn the meeting at 9:57 p.m., duly 2nd, approved 5-0.