

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

### **MINUTES August 18, 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, August 18, 2022, **via Zoom Web Conference (Meeting ID: 924 1089 1589)**. Secretary Joanne Brown took the Minutes.

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

ZBA Members not in attendance: John Apple, Vice Chairman and Alternate Peter Hearty

Town Officials in attendance: Evan White

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

**Continued Application # 36-22:** Bass, 19 Lakeshore South, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 31.30', 3.2.6B Side Setbacks to 7.80' and 9.40', 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 constructing a vertical expansion. Zoning District: R-44; Map: 45; Block: 1; Lot: 25.

Architect Peter Helmes returned to the board. The application had been continued so the ZBA could notify the neighbors up the hill of the proposal. Mr. Helmes stated that the applicant had previously received letters of support from both adjacent neighbors and the neighbor across the street. Joe DePaul noted that state statute decrees that notifications must be sent out via Certificate of Mailing and not via Certified Mailing. The addresses were obtained via the Tax Assessor Office. Joe DePaul questioned if there was an expansion of a rear deck. Mr. Helmes noted that there is no deck but a wider stair landing will be installed and existing concrete walkways removed reducing nonconformity. The current height of the house is 17.3' and proposed height is 27' to the ridge with an increase of 9.9'. The front porch will be reduced to allow for a kitchen expansion of 10'. Bob Jano questioned the impervious surface. John McCartney noted that the impervious surface would be reduced. Evan White stated that with a vertical expansion, there is no change in impervious surface since the property is existing

nonconforming. Joe DePaul asked the public for comment. None given. Christine Garabo noted that the neighbors were notified with no objections and the proposal did not increase nonconformity. John McCartney stated that he drove the upper roads and did not see that this vertical expansion would change neighbor's view with the trees and other houses. Ann Brown noted that she also drove on the upper roads and did not see a problem with the vertical expansion. Joe DePaul made a motion to grant a front setback to 31.3', side setbacks to 7.8' and 9.4' and a rear setback to 11' to allow construction of a vertical expansion noting no increase in setbacks; the hardship being the narrow size and shape of the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

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

**Continued Application # 37-22:** Flynn, 8 Smoke Hill Drive, for variances to Zoning Regulations 3.0.6A&B Swimming Pools, 3.2.5A, 3.2.5C Rear Setback to 25', 3.2.11, 7.1.1.1A&B and 7.2.3A&B for the purpose of installing an inground pool. Zoning District: R-44; Map: 23; Block: 16; Lot: 42.

No one was present for the application. The ZBA received a request to continue the application but did not receive authorization for someone to act on behalf of the owner. John McCartney made a motion to continue Application # 37-22 until next month, duly 2<sup>nd</sup>, approved 5-0. Application continued.

**Continued Application # 38-22:** Horn & Foreht, 1 Satterlee Road, for variances to Zoning Regulations 2.1 Definitions, 3.0.4A-F Minor Accessory Buildings and Structures, 3.2.5A, 3.2.11, 7.1.1.2, 7.2.3A,B&E for the purpose of constructing a 10'x20' shed. Zoning District: R-44; Map: 17; Block: 3, Lot: 34.

Melanie Horn presented her proposal to install a 10'x20' shed with a change in orientation placing a portion of it behind the rear of the house which would take up less space and be more conducive to the architecture. Joe DePaul noted that this property contains 2 fronts since it is a corner lot. Joe DePaul stated that a garage variance was previously granted. Mr. DePaul noted that the board is very liberal with garages as they get cars off the street, but sheds are a different story. The board usually does not allow sheds in the front yard or where they are visible from the street. A brief discussion ensued about setbacks. Joe DePaul stated that the board granted the garage in good faith. Joe DePaul asked the public for comment. None given. The board entered into the business session. Joe DePaul stated that he was disappointed that there was no change in the proposal from last month. Ann Brown stated that a shed would not accomplish the same goals as a garage. John McCartney noted that was not sure he understood the reasoning to go from a garage to a shed. Joe DePaul made a motion to allow construction of a 10'x20' shed per the plans as submitted; the hardship being the slope and shape of the lot, duly 2<sup>nd</sup>, denied 0-5. Variance denied.

**Application # 39-22:** Holzmaier, 45 Knollcrest Road, for variances to Zoning Regulations 3.0.4A-F Minor Accessory Buildings and Structures for the purpose of installing a 11'x14' shed. Zoning District: R-44; Map: 10; Block: 3; Lot: 86.2.

Richard and Yvette Holzmaier presented their proposal to install a 10'x14' shed on their property. Evan White noted that there is an easement on the side of the property from Aquarion to access a water well. This easement would require a 0' setback for the shed. The board was confused over where the easement was since there was no A2 survey. Joe DePaul produced photos of the property and questioned whether the shed could be placed elsewhere which would not require a variance. The board requested the applicant return next month with an A2 survey showing the position of the easement and proposed shed. The applicant agreed to continue and to speak to ZEO Evan White the next morning for guidance. Christine Garabo made a motion to continue Application # 39-22 until next month, July 2<sup>nd</sup>, approved 5-0. Application continued.

Bob Jano made a motion to adjourn the meeting at 7:51 p.m., July 2<sup>nd</sup>, approved 5-0.