

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

### **MINUTES February 16, 2023**

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session at 7:00 p.m. on Thursday, February 16, 2023, **via Zoom Web Conference (Meeting ID: 993 8275 4410)**. Secretary Joanne Brown took the Minutes.

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

ZBA Members not in attendance: John McCartney; Alternates Bob Jano and Peter Hearty

Town Officials in attendance: Evan White

Chairman Joe DePaul called the meeting to order at 7:00 p.m. Assistant Broadcast Coordinator, Erik Muhlenberg, 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. Joe DePaul made a motion to add a discussion of a letter from Town Attorney Neil Marcus to the agenda, duly 2<sup>nd</sup>, approved 4-0. Christine Garabo made a motion to adopt the agenda, duly 2<sup>nd</sup>, approved 4-0.

**Continued Application # 51-22B:** Roscoe, 3 Woods Road, for variances to Zoning Regulations 3.0.4A-G Minor Accessory Buildings & Structures Side Setback to 2.6' and Rear Setback to 12.5', 3.2.5A&B, 3.2.7, 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of installing a shed. Zoning District: R-44; Map: 45; Block: 1; Lot: 13.

Connor Roscoe returned to the board for the proposed shed with support emails from neighbors Cathy and Peter Marasco (4 and 6 Woods Road) and Bill and Niki Dial. Mr. Roscoe provided a photo of the shed. A brief discussion ensued over setbacks and placement of the shed. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Joe DePaul made a motion to grant a side setback to 2.6' to allow installation of a shed per the plans as submitted; the hardship being the narrow size and shape of the lot, duly 2<sup>nd</sup>, approved 4.0. Variance granted.

While in the Business Session, Christine Garabo made a motion to accept the minutes as presented, duly 2<sup>nd</sup>, approved 2-0-2, John Apple and Ann Brown abstaining.

**Application # 01-23:** Albano-Carmichael, 7 Lamont Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 7.9', 3.2.7, 3.2.8, 3.2.11, 7.1.1.2, and

7.2.3A,B&E to legalize a single-family dwelling built in the wrong location. Zoning District: R-44; Map: 36; Block: 10; Lot: 16.

Construction Manager, Keith Aragi, representing the applicant gave an overview of the situation regarding the construction of the single-family home. Mr. Aragi stated that the house had a previously approved variance and that the applicant had purchased the adjacent lots and joined the lots. Mr. Aragi explained that due to a medical issue he was not onsite at the time the lot was surveyed. He stated that the iron pin used for the survey was placed in a log which was subsequently moved from its original location. This resulted in an incorrect measurement placing the house in a different location than granted in the variance. The house was moved to the newly purchased lots and forward toward the roadway. The new location of the house eliminated the need for side and rear setback variances. The position of the septic is unchanged. Mr. Aragai stated that Wetlands has granted approval for the new location. Joe DePaul stated that the previous variance was granted per plans as submitted and nothing can be changed without first coming before the board. Mr. DePaul noted that the house is not even close to where it was approved. Keith Aragai stated that he was in front of the board to correct the change in house location and that it now meets 3 of the setbacks, only violating the front setback. Joe DePaul explained that Connecticut State Law states that there must be hardship based on the land and that this is a self-made hardship caused by human error or misunderstanding and has nothing to do with the land. Mr. Aragai asked for a continuance to seek legal counsel. Joe DePaul asked the public for comment. None given. John Apple made a motion to continue Application # 01-23, duly 2<sup>nd</sup>, approved 4-0.

**Application # 02-23:** Noren, 85 Lake Drive South, for variances to Zoning Regulations 3.2.5A,B&C, 3.2.6A Front Setback to 12.5', 3.2.6B Side Setback to 10.7', 3.2.6C Rear Setback to 0', 3.2.7, 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of renovating an existing detached garage and installing a permanent roof and screened porch on an existing patio. Zoning District: R-44; Map: 25; Block: 1; Lot: 22.

Dan Scharff of Cheridan Designs presented the two-part proposal for a garage vertical expansion and an addition on the south side of the house on an existing patio. Mr. Scharff gave a brief overview of the preexisting nonconforming lot and small building envelope creating the hardship. The existing detached garage has a legal furnished space above the garage. The proposal raises the existing roof 5'. A small roof will be added on the front over the garage doors to protect the garage doors from the rain. The existing stone patio is surrounded by a small stone wall which will be replaced by a permanent addition. The proposal does not increase the impervious area. Mr. Scharff stated that the neighbors across the street and on the right-hand side of the property are in support of the proposal and will not lose their sight lines to the lake. Joe DePaul noted that the property is massively nonconforming and asked what the existing setbacks were. The current side setback is 13.6' and front setback is 14.3'. Mr. DePaul suggested that the applicant retain the 13.6' side setback for the addition, which would not increase nonconformity. The board agreed. Ann Brown questioned what was the

proposed height of the garage. Mr. Scharff stated that the current height was 18.3' and proposed height was 23.3' to the ridge. A brief discussion ensued over changes to the roof line. It was suggested that the applicant remove the cupola and roof overhang over the garage doors and keep the addition within the 13.6' side setback. It was decided that the application be bifurcated to split the garage and addition into separate applications. Joe DePaul asked the public for comment. None given. John Apple made a motion to bifurcate the application, duly 2<sup>nd</sup>, approved 4-0. The board entered into the Business Session. Joe DePaul made a motion to grant a front setback to 14.3' and a side setback to 13.6' to allow construction of a vertical expansion of the garage, removing the cupola and removing the roof overhang from over the garage doors per the modified plans as submitted noting no increase in structural nonconformity; the hardship being the size and shape of the lot, duly 2<sup>nd</sup>, approved 4-0. Variance granted. Joe DePaul made a motion to continue Application #02-23B, duly 2<sup>nd</sup>, approved 4-0. Application continued.

Joe DePaul read a letter from Neil Marcus, Town Attorney, to First Selectman Pat Delmonaco dated February 3, 2023 regarding New Fairfield Land Use Commissions into the record. A brief discussion ensued over Connecticut statutes and rules and regulations regarding participation in meetings.

Christine Garabo made a motion to adjourn the meeting at 8:20 p.m., duly 2<sup>nd</sup>, approve 4-0.