

New Fairfield Zoning Board of Appeals New Fairfield, Connecticut

MINUTES June 15, 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, June 15, 2023, **via Zoom Web Conference (Meeting ID: 993 2825 5938)**. Secretary Joanne Brown took the Minutes.

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

ZBA Members not in attendance: John Apple, Vice Chairman; 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. John McCartney made a motion to adopt the agenda, duly 2nd, approved 4-0.

Application # 14-23: Kuck, 12 Brush Hill Road, for variances to Zoning Regulations 3.0.5A,B&C Private Permanent Detached Garage, 7.1.1.1A&B and 7.2.3A,B&E to allow a garage to exceed the permissible square footage for a detached garage. Zoning District: R-88; Map: 24; Block: 18; Lot:1.

Applicant Eric Kuck presented his proposal seeking a detached garage. The property has a previously granted variance for an addition with a garage. The applicant is no longer interested in the addition and would like to construct just the garage. A variance is needed because the garage exceeds the square footage allowed (750 sq.ft.). The proposed garage is 792 sq. ft. No setbacks are needed. Joe DePaul questioned why the applicant did not want to attach the garage to the house. Mr. Kuck explained that he thought it would look unsightly and wanted to construct a barn style garage. The 22'x36' three-car garage would contain a second floor for storage with an additional 12'x12' room in the back. An opposition email was read into the record noting that the proposed structure is bigger than the house and that out-of-state cars are parked on the property. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Joe DePaul noted that the applicant has plenty of land and is not violating any setbacks. Christine Garabo noted that the property already had an

approved variance for a garage. John McCartney noted that he was concerned about approving a three-car garage. Ann Brown saw no objection. Joe DePaul made a motion to grant a variance to allow construction of an oversized garage per the plans as submitted; the hardship being the placement of the current house on the lot, duly 2nd, approved 4-0. Variance granted.

While in the Business Session, Christine Garabo made a motion to approve the Minutes as presented, duly 2nd, approved 4-0.

Application # 15-23: Amabile & Enerson, 3 Lancaster Road, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setback to 14.4', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing an addition. Zoning District: R-44; Map: 36; Block: 7; Lot: 11.

Jennifer Amabile and Dean Enerson presented their proposal to demolish their existing one-car garage and construct a new two-car garage with a 2nd floor addition. They are requesting a Front Setback to 14.4'. The applicant stated that there is no other spot to put the garage with the layout of the house. The lot is undersized. A lengthy discussion ensued over reducing the front setback and placement of the garage. John McCartney noted that he did not have a problem with the application and the addition would be an improvement. Joe DePaul stated that the proposal did not increase nonconformity or require a side 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 14.4' to allow construction of a garage addition per the plans as submitted, noting no increase in nonconformity; the hardship being the small size and shape of the lot, duly 2nd, approved 4-0. Variance granted.

Application # 16-23: Schaefer, 9 Pettit Street, for variances to Zoning Regulation 3.2.5A, 3.2.6A Front Setbacks to 15.9' and 18.2', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a second floor, kitchen, and wrap-around porch addition. Zoning District: R-44; Map: 31; Block: 4; Lot: 18/19.

Glenn Smith, Project Engineer and Architect, gave a brief history of the property consisting of two lots purchased in the 1950s. The proposal would consist of a kitchen addition, second floor addition and a wraparound porch. The detached garage does not need a variance since it sits within the setbacks and does not exceed the allowed size. Joe DePaul questioned the existing front setback. Mr. Smith stated that the existing front setback is 23.1' to the house. Mr. Smith gave an overview of the many hardships on the property including the small size of the lots (100'x100'), 2 fronts on the property, steep topography, placement of wells on adjacent lots and a small building envelope. Joe DePaul stated that the proposal would increase nonconformity by increasing the front setback from 23.1' to 15.9'. A lengthy discussion ensued regarding hardship, setbacks, and whether the wraparound porch could be removed or reduced to lessen the front setback. John McCartney noted that he believed there was hardship with the

change in zoning regulations in the past. Joe DePaul asked the public for comment. None given. The applicant asked for a continuance to next month. Christine Garabo made a motion to continue Application # 16-23, duly 2nd, approved 4-0. Application continued.

Application # 17-23: Hilderbrand, 5 Buck Mountain Court, for variances to Zoning Regulations 3.0.5A,B&C Private Permanent Detached Garage, 3.1.6B Side Setback to 21' and 7.1.1.1A&B for the purpose of constructing a detached garage. Zoning District: R-88; Map: 24; Block: 18; Lot: 1.

Jennifer Hilderbrand presented her proposal to construct a detached 36'x26' three-car garage. The applicant currently has a two-car garage but would like more space for her children's future cars, lawn equipment and furniture. Joe DePaul noted that the applicant already has a garage, and the new garage would violate the side setback. A brief discussion ensued over placement. Mrs. Hilderbrand noted the extensive ledge in the yard and narrow driveway. Ann Brown questioned if the applicant would consider a smaller two-car garage moving it toward the house to lessen the setback. Joe DePaul noted that this was a self-created hardship, and the applicant already has a garage. The applicant requested a continuance to next month. Christine Garabo made a motion to continue Application # 17-23, duly 2nd, approved 4-0. Application continued.

Application # 18-23: Dommermuth, 5 Brookwood Drive, for variances to Zoning Regulations 3.0.4A,B,E,F&G Minor Accessory Buildings and Structures for the purpose of constructing a 16'x24' shed. Zoning District: R-88; Map: 23; Block: 16; Lot: 54.

Tom Dommermuth presented his proposal to construct a 16'x24' shed to place lawn equipment and furniture. The proposed shed is 384 sq. ft., which exceeds the 325 sq. ft. zoning regulations. The shed would be one story and placed parallel to the pool and placed where no one could see the equipment. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Joe DePaul noted the shed did not need any setbacks and could not be seen from the street. Ann Brown saw no problem with the proposal. Joe DePaul made a motion to grant a variance to allow construction of a 16'x24' shed per the plans as submitted; the hardship being the size and shape of the lot, duly 2nd, approved 4-0.

Application # 19-23: JMS Properties LLC, 249 Route 39, for variances to Zoning Regulations 1.5.1 General Provisions Applicable to All Districts, 3.2.1 Uses Permitted As of Right, 7.1.3 Requirements, 7.2 Nonconforming Uses, Buildings and Structures, 7.2.1 General, 7.2.2. Nonconforming Use of Land and 7.2.3A,B&E to allow a retail business in a preexisting nonconforming R-44 residential property. Zoning District: R-44; Map: 10; Block: 16; Lot: 48.

Rachel Petrillo, Candlewood Kayak Rental, gave a brief overview of the pre-existing nonconforming property housing a restaurant and a deli in a residential zone. Ms. Petrillo rented 150 sq. ft at the property in March 2023 to run her kayak rental business.

She is currently operating out of her mobile business. She is seeking an allowable use variance and will also have to appear in front of the Zoning Commission. The kayaks are stored to the side and rear of the business. The business is carried out online and the kayaks are delivered to the dock locations. The board agreed that the business is a great addition to the town. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Joe DePaul made a motion to grant a variance to allow the operation of a business in a residential zone; the hardship being the size and shape of the lot and that prior businesses were located in the structure predating zoning regulations, July 2nd, approved 4-0. Variance granted.

Christine Garabo made a motion to adjourn the meeting at 8:56 p.m., July 2nd, approved 4-0.