

**New Fairfield Zoning Board of Appeals**  
**New Fairfield, Connecticut 06812**  
**MINUTES**  
**November 14, 2019**

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session at 7:00 p.m. on Thursday, November 14 2019, in the Community Room of the New Fairfield Library located at 2 Brush Hill Road. Secretary Joanne Brown took the Minutes.

ZBA members in attendance: Joe DePaul, Chairman; Vinny Mancuso; John McCartney; Dan McDermott and Alternate Ann Brown.

ZBA members not in attendance: John Apple, Vice Chairman and Alternate Bob Jano.

Town Officials in attendance: Evan White, ZEO

Chairman Joe DePaul called the Meeting to order at 7:00 p.m. and introduced the Board Members. Joe DePaul explained the meeting process and voting and appeal procedures. Secretary Joanne Brown read the Agenda. Joe DePaul made a motion to amend the agenda to include discussion of the ZBA 2020 calendar dates, duly 2<sup>nd</sup>, approved 5-0.

**Continued Application # 60-19:** McEnery, 7 Penny Lane, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 21', 3.2.6B Side Setbacks to 11' and 15', 3.2.6C Rear Setback to 31', 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 3-season room over an existing patio with an open deck above. Zoning District: R-44; Map: 10; Block: 11; Lot: 11.

Tammy Zinick of Permit Me Please returned to the board and produced the variance issued on the property in 2010 showing a front setback to 24' and a rear setback to 45'. Ms. Zinick stated that she met with ZEO, Evan White, to determine the rear of the property and how the setbacks were determined in 2010. Evan White noted that the side setback was interpreted as a rear setback because it faced the lake. Proposed and existing setbacks were discussed. It was determined that the proposed front step overhang measured approximately 3'. There is an 18" overhang around the rest of the house requiring a front setback to 21', side setbacks to 11' and 15' and a rear setback to 31'. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, duly 2<sup>nd</sup>, approved 5-0. Joe DePaul noted that the increase in nonconformity was diminimus. Vinny Mancuso stated that he appreciated the additional information. Joe DePaul made a motion to grant a front setback to 21', side setbacks to 11' and 15' and a rear setback to 31' to allow construction of a 3-season room, noting a small increase in nonconformity due to the overhangs; the hardship being the irregular size and shape of the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

While in the Business Session, Vinny Mancuso made a motion to accept the minutes as presented, duly 2<sup>nd</sup>, approved 4-0-1, Ann Brown abstaining.

**Continued Application # 63-19:** Jakacic, 17 Keplers Way, for variances to Zoning Regulations 3.2.5A, 3.2.6C Rear Setback to 46', 3.2.11, 7.1.1.2A&B and 7.2.3A&B for the purpose of a deck addition. Zoning District: R-44; Map: 45; Block: 5; Lot: 20, 52, 53.

Agent Taylor McCourt and applicant Nicole Jakacic returned to the board seeking a deck addition. Evan White came in front of the board to explain why the applicant needed a variance for a small extension of the existing deck. The board noted the ZEO's comments. Joe DePaul asked the public for comment. None given. John McCartney made a motion to enter into the Business Session, duly 2<sup>nd</sup>, approved 5-0. The board saw no problem with the application. Joe DePaul made a motion to grant a rear setback to 46' to extend the deck per the plans as submitted, noting that there is no increase in nonconformity; the hardship being the irregular size and shape of the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 64-19:** See, 47 Lake Drive South, for variances to Zoning Regulations 3.0.4C&F Minor Accessory Buildings and Structures for the purpose of installing a shed. Zoning District: R-44; Map: 20; Block: 5; Lot: 22.

Applicant Jane See approached the board seeking a variance for a shed in a front yard, noting the small lot with no garage or basement. Ms. See gave a brief description of the steep and terraced lot. Vinny Mancuso asked the applicant for pictures. Joe DePaul produced photos of the house and area and asked where the applicant proposed to place the shed. Ms. See noted that the intention would be to locate the shed between a tree and a wall. The shed would match the color and trim to the existing house. Joe DePaul stated that he had a history of opposing sheds, especially in front yards highly visible from the street noting that it was unsightly. Ms. See noted that many neighbors had sheds. Joe DePaul also noted that he saw two additional sheds on the property. A brief discussion ensued about the size and quantity of the sheds. Evan White stated the Zoning Regulations for a R-44 lot. Dan McDermott asked if the sheds could be consolidated to one if granted. Joe DePaul noted that the applicant had alternative storage, noting the area under the deck that could be used for storage. It was determined permits were never obtained for the existing sheds. The board suggested that the application be continued so the applicant can explore other areas to place the shed and decide what size shed they are proposing. The board also suggested that Ms. See obtain a letter from the adjacent neighbor noting no objections. Vinny Mancuso made a motion to continue, duly 2<sup>nd</sup>, approved 5-0. Application continued.

**Application # 65-19:** Fructus Holdings LLC, 9 Roseton Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 25', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a 24'x24' addition with an attached two-car garage. Zoning District: R-44; Map: 37; Block: 4; Lot: 5.

Tammy Zinick approached the board and gave a brief history of the 540 sq. ft. house built in 1950. The proposed addition would include a two-car garage with a front setback to 25'. The board reviewed the survey submitted and it was determined that the front setback requested did not include the stairs and therefore was not correct. A brief discussion ensued about the existing front setback. It was determined that the grandfathered front setback was to the concrete patio in

the front. Joe DePaul noted that he would like to see the house moved back from the road. The board suggested the application be continued to determine the correct front setback needed. A suggestion was made to rotate the proposed front stairs 90 degrees so they do not encroach any further into the setback than the existing concrete patio. Vinny Mancuso made a motion to continue, duly 2<sup>nd</sup>, approved 5-0.

John McCartney made a motion to discuss the 2020 ZBA Calendar, duly 2<sup>nd</sup>, approved 5-0. The board noted that they had no conflicts with the calendar. Vinny Mancuso made a motion to accept the ZBA 2020 calendar as presented, duly 2<sup>nd</sup>, approved 5-0.

Vinny Mancuso made a motion to adjourn the meeting at 8:08 p.m., duly 2<sup>nd</sup>, approved 5-0.