

**ZONING BOARD OF APPEALS
EXECUTIVE SESSION OF FEBRUARY 4, 2010**

The Zoning Board of Appeals Commission of the Town of Fairfield held the Zoning Board of Appeals Public Hearing Meeting on February 4, 2010 in the First Floor Conference Room of the Honorable John J. Sullivan Independence Hall, 725 Old Post Road, Fairfield. The Public Hearing was recorded on disc and is available for review at the Plan and Zoning Department.

PRESENT: Robert Brennan, Chairman, James Hamilton, Ph.D., Vice Chairman, Kevin Coyne, Secretary, Duncan Keith, Daphne Dixon, Alternate, sitting in for Donald Cafero.

1. **Minutes of January 7, 2010:** Duncan Keith *moved* and Kevin Coyne *seconded* to approve the proposed minutes as submitted. *Motion passed unanimously.*
2. **Approval of Secretary's Fee:** Duncan Keith *moved* and Kevin Coyne *seconded* to approve the proposed Secretary's Fee. *Motion passed unanimously.*

This portion of the Executive Session adjourned at 2:54 p.m.

Kevin Coyne, Secretary

Josephine M. Keogh

**ZONING BOARD OF APPEALS
MINUTES OF FEBRUARY 4, 2010**

The Zoning Board of Appeals Commission of the Town of Fairfield held the Zoning Board of Appeals Public Hearing Meeting on February 4, 2010 in the First Floor Conference Room of the Honorable John J. Sullivan Independence Hall, 725 Old Post Road, Fairfield. The Public Hearing was recorded on disc and is available for review at the Plan and Zoning Department.

PRESENT: Robert Brennan, Chairman, James Hamilton, Ph.D., Vice Chairman, Kevin Coyne, Secretary, Duncan Keith, Daphne Dixon, Alternate, sitting in for Donald Cafero.

GENERAL DOCKET

1. 350 Godfrey Road, Map 47, Parcel 159. Petition of Gonzalo Nahme and Gabriela Pavon for a variance of the Zoning Regulations; Section 5.2.4 to reduce the minimum required side line setback from 10 feet, currently 19.8 feet, proposing 7.2 feet. **Permission to legitimize a deck constructed prior to obtaining a permit. Premises: R-3 Zone**

Gonzalo Nahme and Gabriela Pavon presented their application for a variance of the zoning regulations. They are requesting a variance to legitimize a deck constructed prior to obtaining a permit. Mr. Nahme noted this was an honest mistake and asked the Board for their approval.

The deck was constructed over an existing concrete patio slab, whose dimensions are the same as the deck. The existing concrete slab encroached approximately 3 feet into the side setback and has existed for approximately twenty years. The depth of the slab is greater than 14 inches.

GRANTED WITH CONDITION: James Hamilton *moved* and Kevin Coyne *seconded* to approve with condition the proposed application. *Motion passed unanimously.*

CONDITION: Conditioned upon the deck to be inspected and approved by the Building Department.

2. 3808 Redding Road, Map 163, Parcel 2. Petition of Eugene and Melanie Marks for a variance of the Zoning Regulations; Section 29.7 to allow a single sign to exceed the maximum size requirement of 3 square feet. **Permission to establish a 46" x 95" (30.35 square foot) wall sign in a residential zone. Premises: AAA Zone**

Eugene Marks requested a variance to establish a 46"x95" wall sign in a residential zone. He stated after reconstructing the farm, a 46' x 95' historical sign was placed on the carriage house in June 2009. At the time that we hung the sign, we were not aware that

there were zoning regulations for the given size of the property (18 acres). When the sign was made, he took into consideration the frontage of the property and that it would be

placed 56' from the entrance from the street to be in scale with the carriage house and also with the property. The sign sits directly in front of our driveway, currently behind a fence with 10 fir trees to give some privacy. In a few years these trees will provide even more screening. By then, the sign will only be visible from the entrance to our 18' driveway (picture attached). When standing in our driveway, looking out into the street, there is no house directly across from it.

Mr. Marks noted he is requesting a variance to allow the sign to remain, noting it was an honest minor mistake and feels there is clearly no detrimental change in the character of the neighborhood. He also noted such signage is consistent with what existed on many early farms. The tasteful design is in harmony with general purpose and intent of original farm property.

In Favor: David Sturges, 375 Warner Hill Road, Morley Boyd, 6511 – Westport, spoke in favor of the proposed application.

In Opposition: Marianne Mellor, 3805 Redding Road, spoke in opposition of the proposed application.

DENIED: James Hamilton *moved* and Kevin Coyne *seconded* to approve the proposed application. **In Favor:** James Hamilton. **Opposed:** Robert Brennan, Duncan Keith, Kevin Coyne and Daphne Dixon. *Motion denied 4-1.*

3. 208 Davis Road, Map 47, Parcel 191. Petition of Ann Maslo for a variance of the Zoning Regulations; Section 5.2.5 to increase the maximum lot coverage and total floor area from 15% and 30%, currently 14.3% and 14.8%, proposing 19.5% and 32.5%.

Permission to construct a single family dwelling on a corner lot. Premises: R-3 Zone

Matt Pierce, son-in-law, presented the application for a variance of the zoning regulations. He wishes to expand the existing single family residence to include a new family room and front porch on first floor. The second floor renovations and additions will include new bath and bedrooms over proposed family room.

Mr. Pierce noted the existing non-conforming lot size is in an R-3 zone. If the lot was conforming, the home could be up to 6,000 square feet. The proposed renovation and addition to the existing home would make it approximately 3,500 square feet.

GRANTED: Daphne Dixon *moved* and James Hamilton *seconded* to approve the proposed application. *Motion passed unanimously.*

4. 536 Mine Hill Road, Map 173, Parcel 7. Petition of Elaine Purdy for a variance of the Zoning Regulations; Section 5.2.4 to reduce the minimum required street line setback from 60 feet, currently 46.3 feet, proposing 27 feet. **Permission to construct a rear two story addition, a screen porch and a 2nd floor over existing garage. Premises: AAA Zone**

Attorney Lawrence Weisman represented the contract purchasers in the application for a variance of the Zoning Regulations. The applicant wishes to demolish the existing home and construct a new residence of approximately 4,500 square feet.

The Lot is located on corner the of Mine Hill Road and Golden Pond Lane and so, has two (2) fronts, each requiring a 60' setback. The lot depth measured from Golden Pond Lane is 153.22', so after deducting the 60' front setback and the required 50' rear setback, available building area is limited to 43.22'.

The lot is non-conforming and is in a two acre zone. The existing structure opposite proposed driveway on Golden Pond Lane is 16' from street line and if the variance is approved, will be more than 75' from proposed new structure and faces Mine Hill Road.

GRANTED WITH CONDITION: Duncan Keith *moved* and James Hamilton *seconded* to approve with condition the proposed application. *Motion passed unanimously.*

CONDITION: Conditioned upon (1) a single 14 feet curb cut on Golden Pond Lane; (2). house to be substantial conformity with the plans attached to the application and submitted to the neighbors by the applicant. *Motion passed unanimously.*

5. 748 Rowland Road, Map 184, Parcel 102. Petition of Caitlin Bortolot for a variance of the Zoning Regulations; Section 5.2.5 to increase the maximum lot coverage from 20%, currently 17.78%, proposing 26.1% and Section 5.2.4 to reduce the minimum required sum of the side of the side setbacks from the two side property lines from 25 feet, existentially 19.2 feet, proposing 12 feet. **Permission to construct a 2-1/2 story dwelling. Premises: A Zone**

Neil Halk, architect, presented the application for a variance of the zoning regulations. The applicant wishes to demolish the existing one-story house, and construct a new two and a half story house. The lowest level of the proposed structure will be set at grade, and will house an open carport.

The first floor will be set at an elevation of 14.4', which is 3.4' above the minimum FEMA requirement. It will house living spaces such as a family room, kitchen, dining room and office. The second floor will house a master bedroom suite, two additional bedrooms, a shared bath, and a laundry.

Mr. Halk note the property is non-conforming. As a result, the applicant is seeking a variance for lot coverage and side yard setbacks. The Fairfield Zoning Regulations require a minimum lot area of 9,375 square feet, and the actual lot area is only 6,000 square feet. This creates a textbook hardship on our ability to build a reasonably-size house. He sated they have gone to great lengths to design a house that is modest in scale when compared to many of the other recently constructed new houses in the neighborhood. They have managed to stay below the maximum building floor area requirement of 40%.

The zoning regulations require a minimum square of 75' to fit on this property. The actual lot width is constant from front to back at 40 feet. Therefore, the largest square they can fit is 40'. This creates a textbook hardship on the ability to design a house that is reasonably

sized in terms of its width. If forced to conform to the combined side yard setback requirement of 25 feet, the applicant would be left with a house that could not exceed 15' in width, which is just not practical. We have made every attempt to design a house that is as narrow as possible at 23' in width.

DENIED: James Hamilton *moved* and Daphne Dixon *seconded* to approve the proposed application. **In Favor:** Robert Brennan, James Hamilton, Kevin Coyne. **Opposed:** Duncan Keith and Daphne Dixon. *Motion denied 3-2.*

There being no further business to come before the Commission, James Hamilton, acting as Chairman adjourned the meeting at 4:30p.m.

Kevin Coyne, Secretary

Josephine M. Keogh

JAMES HAMILTON, ACTING AS CHAIRMAN

KEVIN COYNE, SECRETARY

JOSEPHINE M. KEOGH, CLERK