

**ZONING BOARD OF APPEALS
EXECUTIVE SESSION OF MAY 6, 2010**

The Zoning Board of Appeals Commission of the Town of Fairfield held the Zoning Board of Appeals Public Hearing Meeting on May 6, 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, Donald Cafero, Daphne Dixon, Alternate.0.

1. **Minutes of April 1, 2010:** Donald Cafero *moved* and James Hamilton *seconded* to approve the proposed minutes as submitted. *Motion passed unanimously.*
2. **Approval of Secretary's Fee:** James Hamilton *moved* and Kevin Coyne *seconded* to approve the proposed Secretary's Fee. *Motion passed unanimously.*

This portion of the Executive Session adjourned at 2:56 p.m.

Kevin Coyne, Secretary

Josephine M. Keogh

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

CONTINUED DOCKET

2. 685 Kings Highway, Map 78, Parcel 56. Petition of 675 Kings Highway, LLC for a variance of the Zoning Regulations; Section 28.6.12 to reduce the minimum required total number of off-street parking spaces from 8 to 0. **Permission to establish a service bar for beer and wine. Premises: DCD**

Attorney Peter Gelderman presented the application for a variance of the Zoning Regulations. He noted the applicant wishes to permit a café with a service bar for beer and wine only.

The parcel is located in a designed commercial district and is a permitted use. The parcel is currently non-conforming as to parking for the existing use. In fact, on-site parking is non-conforming for virtually any use. There is available off-street parking in the lot owned by property owner across the street.

Attorney Gelderman presented a parking license and photographs for the record.

Robert Brennan recused himself from the proposed application. Daphne Dixon sat in for Robert Brennan.

OPPOSITION: Mr. Stamanski, 110 Berwick Avenue; Attorney Vaughn, 213 Berwick Avenue; Tom Benedetto, 204 Berwick Avenue; Gerillo, 177 Berwick Avenue; Charles Barr, 182 Berwick Avenue were in opposition of the proposed application.

DENIED: Kevin Coyne *moved* and Donald Cafero *seconded* to approve the proposed application. *Motion denied unanimously.*

GENERAL DOCKET

1. 113-117 Tunxis Hill Road, Map 40, Parcel 253. Petition of Lion Realty, LLC for a variance of the Zoning Regulations; Section 28.6.6 to reduce the minimum required total number of off-street parking spaces by 2, from 10, to 8. **Permission to use the entire second floor for office space. Premises: DCD**

Linda L. Eliovson is a principal in the ownership entity, Lion Realty, LLC. She presented the application to the Board for a variance of the Zoning Regulations. Rene Masko, her paralegal, also spoke on behalf of the application.

Attorney Eliovson noted the property presently contains a three-story mixed use building. The bottom floor and approximately half of the second floor is occupied by her law firm. The remainder of the second floor and the third floor are utilized for residential purposes.

The intent of the applicant is to expand the use of the law firm to include the entirety of the second floor. The purpose of the petition is due to the need for additional work space and an eat-in-kitchen for existing staff and additional record retention for client files including Medicaid applications and exhibits. There are three ancillary employee parking space rented across the street at Custom Upholstery and Interiors. Custom Upholstery and Interiors has 4,020 square feet of professional space per the Tax Assessor's records. The square footage under the regulations requires 17 parking spaces. The three parking spaces that the applicant is renting are additional to the requirements of that building. Custom Upholstery and Interiors has a total of 21 parking spaces. Therefore, the spaces rented for the firm's employee parking are surplus to Custom's required parking spaces.

The total square footage proposed to be occupied by the law firm consists of 1131 square feet of first floor space and 1119 square feet of second floor space. The total proposed law firm square footage of 2250 square feet produces a parking requirement of 9 spaces. The third floor apartment, per the existing Town Plan & Zoning Commission approval, requires only one parking space. The total proposed site parking requirement is 10 spaces, with 8 spaces available on site.

Attorney Eliovson has utilized her portion of the premises for her legal practice. The practice specializes in elder law and estate planning. The practice requires additional work and storage space. Expansion into the residential area of the second floor is the logical option. The Board should note that no expansion of the building or exterior construction is proposed, but rather a change of use of a portion of the existing second floor.

Petitions of support from the neighbors were submitted.

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

2. **63 Cummings Avenue**, Map 183, Parcel 171. Petition of Judith Kohan for a variance of the Zoning Regulations; Section 5.2.5 to increase the maximum lot coverage from 30%, currently 28.1%, proposing 32.6%. **Permission to construct new front porch. Premises: B Zone**

The proposed applications was continued to June 3, 2010

3. **79 Hurd Street**, Map 180, Parcel 62. Petition of Sandra Romeo for a variance of the Zoning Regulations; Section 5.2.4 to reduce the minimum required street line setback from 30 feet, currently 16.42 feet, proposing 16.6 feet and Section 5.2.5 to reduce the maximum allowed lot coverage from 20%, currently 13.7%, proposing 22.2%. **Permission to construct a two-story addition with front porch. Premises: A Zone**

Alan McKeon, builder, presented the application for a variance of the Zoning Regulations. Sandra Romeo, owner, also spoke on behalf of her application.

The owner wishes to construct a 16' x 33.4' x 23' two story addition, consisting of a first floor family room, kitchen, bath and open entry porch, two second floor bedrooms and bath.

With regards to the hardship, the lot is non-conforming. The lot size and shape predate zoning regulations.

Petitions opposing the application from the neighbors were submitted.

IN FAVOR: Karen Avallon, 270 Edward Street, spoke in favor of the application.

IN OPPOSITION: Pam Sendzik, 232 Sherman Court; Karen Smith, 131 Ruane Street; Brigid Veale, 245 Sherman Street; Karen Steinschneider, 120 Sherman Court; Maureen Harte, 76 Hurd Street, spoke in opposition of the proposed application.

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

4. **211 Henderson Road**, Map 229 Parcel 100. Petition of Lorena Nickel for a variance of the Zoning Regulations; Section 5.2.4 to reduce the minimum required side line setback and sum of side yard from 7 and 25, currently 6 and 17, proposing 6 and 17 and Section 5.2.5 to increase the maximum lot coverage from 20%, currently 21.6%, proposing 21.6%. **Permission to construct a one story addition on existing deck. Premises: A Zone**

Lorena Nickel, owner, presented the application for a variance of the Zoning Regulations. She wishes to enclose the existing deck that was attached when she bought her home. The deck size is 14.6' x 13' and 13.1' x 5'.

When she bought her home in 1994, she was not aware of the existing deck that was in violation of the Zoning Regulations. In addition, she would like to bring it up to code by turning it into a three-season room.

Petitions and photos opposing the proposed application from the neighbors were submitted.

GRANTED: Kevin Coyne *moved* and Donald Cafero *seconded* to approve the proposed application. *Motion passed unanimously.*

5. 1560 Post Road, Map180, Parcel 264. Petition of Mike's Pizza of Fairfield, LLC for a variance of the Zoning Regulations; Section 28.6.12 to reduce the minimum required total number of off-street parking spaces from 6 to 1. **Permission to expand an existing Pizza Restaurant. Premises: CDD Zone**

Attorney Kevin Gumper presented the application for a variance of the Zoning Regulations. Mike's Pizza proposes to expand its existing pizza restaurant into the adjoining store front, adding 220 square feet of patron floor area.

The applicant, Mike's Pizza of Fairfield, LLC, is a tenant in the building at 1560 Post Road. The property at 1560 Post Road is owned by Grasso Realty, Inc. Mike's Pizza is proposing to expand its business and is seeking a variance to reduce the required number of parking spaces for such expansion from six to one.

The property has an area of 4,907 square feet (.11 acres). The property is improved with a two-story building. The building has three storefronts on the first floor and two residential apartments on the second floor. There are a total of six parking spaces presently located on the property. There is no room for any additional parking.

Mike's Pizza has been operating in this location since 1974. The restaurant is open for business from 11:00 a.m. to 10:00 or 11:00 p.m., seven days a week. The menu consists primarily of pizza and related items. The restaurant has a beer and wine permit. A substantial portion of its business consists of takeout and deliveries. During the lunch hour and throughout the afternoon the majority of its customers walk to the premises either from nearby business or from the schools. Based on past experience, it is anticipated that the majority of the sit down business will occur during the evening hours.

The strict application of the zoning regulations will impose a hardship upon the applicant in that it would prevent the applicant from any expansion of its business. There is simply no room available on site for any additional parking.

The strict application of the regulations is not necessary. The past experience of the applicant as well as that of other merchants in the downtown area has shown that during the evening hours, when the applicant (based on its experience) will require parking, there is an abundance of readily available parking in the downtown area.

Attorney Gumper presented the Conservation Town Plan for the record.

Petitions of support from the neighbors were submitted.

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

6. 171 Highlawn Road, Map 126, Parcel 292. Petition of Jason and Karyn Romajas for a variance of the Zoning Regulation; Section 5.2.5 to increase the maximum lot coverage from 20%, currently 22%, proposing 26.35%. **Permission to construct a deck to the rear of the home. Premises: A Zone**

Jason Romajas, owner, presented the application for a variance of the Zoning Regulations. He wishes to construct a 14' x 22' deck and connecting walkway on rear of house.

Regarding the hardship, the grade slopes down to the rear and to construct egress to the rear requires a deck. Since the existing house is over coverage, construction of a deck requires a variance. The lot is undersized for zone "A" and the existing house is 2% over coverage.

The proposed deck will be constructed within an "L" shaped formed by the existing house and will conform to rear setback regulations.

Petitions of support from the neighbors were submitted.

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

7. 391 Commerce Drive, Map 80, Parcel 11, 15. Petition of Denise Lamoureux for a variance of the Zoning Regulations; Section 28.6.15 to reduce the minimum required total number of additional off street parking spaces from 3 to 0. **Permission to establish 570 square feet of Yoga Studio within an existing building. Premises: DI Zone**

Denise Lamoureux, owner, presented the application for a variance of the Zoning Regulations. She is requesting a variance to be allowed to have small classes in the back building for Yoga, palates, meditation, etc., which would help her begin a small health oriented business.

Regarding her hardship, she noted has very little parking. Her restaurant only needs parking from 12-2 p.m. and 5-10 p.m. and sometimes not at all Saturday or Sunday afternoons. There are no cars at all in the parking lot.

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

8. 1609 Fairfield Beach Road, Map 234, Parcel 29, 115. Petition of Gregory Sargent for a variance of the Zoning Regulations; Section 2.8.1.1 to extend an existing legal nonconforming structure. **Permission to elevate an existing cottage to include a two-bay garage underneath and replace an outdoor deck with enclosed porch. Premises: Beach District**

Attorney William Fitzpatrick presented the application for a variance of the Zoning Regulations. He noted the applicant is requesting a variance of Section 2.8.1.1 of the Zoning Regulations in order to permit the expansion of an existing legal nonconformity. The applicant proposes to elevate an existing cottage to achieve compliance with FEMA

regulations, including the creation of a two story garage beneath, and the replacement of an existing outdoor deck with an enclosed porch.

The applicant is the owner of premises known as 1609 Fairfield Beach Road and resides on the premises with his family. This property is located in the Beach District and includes two separate single family homes. The property contains 14,796 square feet, in excess of the required minimum lot area of 9,376 square feet.

The applicant here is proposing to comprehensively renovate the property. This application pertains to the smaller of the two residences on site, the one story cottage located closer to Fairfield Beach Road. The intent of the applicant is to raise and relocate the existing cottage. The relocation of the cottage will cure existing street line setback nonconformity. The cottage is presently 42 feet from Fairfield Beach Road and will be relocated to 45.3 feet from Fairfield Beach Road, thereby satisfying the street line setback requirement to Fairfield Beach Road of 45 feet.

The elevation of the cottage is required in order to make it FEMA compliant. In the course of elevating the structure, the applicant will construct a two bay garage under the cottage, and will “square off” the existing cottage configuration, replacing a portion of the existing wood deck with an enclosed porch.

The Fairfield Zoning Department has consistently held that the addition of volume to an existing nonconformity is an expansion of the nonconformity. Here, the two single family residences on a single parcel constitute nonconformity in that only one single family home is permitted on a single parcel of property. The two existing single family homes are legally permitted, nonconforming uses. The raising of the cottage, and the creation of a new floor (i.e., the two bay garage), is an increase in the volume of a nonconformity, and requires a variance.

Therefore, the applicant is requesting a variance of Section 2.8.1.1 of the Zoning Regulations to permit the enlargement of nonconformity.

Approval of this technical variance request permits an existing cottage to be elevated and made FEMA compliant while relocating the cottage to be in accordance with the Fairfield Beach Road street setback.

GRANTED: Kevin Coyne *moved* and Duncan Keith *seconded* to approve the proposed application. *Motion passed 4-1.* **Opposed:** James Hamilton.

9. 38 Robson Place, Map 139, Parcel 337. Petition of Christopher and Ann Klouman for a variance of the Zoning Regulations; Section 5.2.4 to reduce the minimum required street line setback from 30 feet, currently 10.5 feet, proposing 10.5 feet. **Permission to enclose an open porch and convert to heated space. Premises: A Zone**

Ann Klouman presented the application for a variance of the Zoning Regulations. She wishes to re-enclose her front porch and an open porch and convert to heated space. She noted she is requesting a variance because of her disadvantaged and undersized lot.

Due to the undersized lot, she is currently over the maximum street line set back. Also, due to our undersized lot, she will be slightly over the 40% floor area coverage when we enclose our front porch.

The front porch was originally enclosed and in doing so will keep it in line with the rest of the neighborhood (6 out of the 10 houses have enclosed front porches).

Petitions of support from the neighbors were submitted.

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

10. 1 Orchard Hill Drive, Map 147, Parcel 27-B. Petition of Mark and Leslie Welshons for a variance of the Zoning Regulations Section 5.2.4 to reduce the minimum required street line setback from 30 feet, currently 10.5 feet, proposing 10.5 feet. **Permission to enclose an open porch and convert to heated space. Premises: A Zone**

Mark Welshons, owner, spoke on behalf of the proposed application. He wishes to construct a 500 square foot deck at the back of the house. He noted the existing deck that was on the house is rotting and needs to be replaced. He is seeking to replace it with a larger deck to improve and expand the outdoor living area. The current deck has limited space and a larger deck will allow more room to entertain and enjoy the back yard.

Petitions of support from the neighbors were submitted.

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

11. 30 Biro Street, Map 79, Parcel 158. Petition of Frank Barucci for a variance of the Zoning Regulations; Section 5.2.5 to increase the maximum lot coverage from 30%, currently 23.56%, proposing 38%. **Permission to construct a detached single car garage and a rear deck. Premises: C Zone**

The proposed application was continued to 6-3-10

12. 501 Mine Hill Road, Map 173, Parcel 25. Petition of Kevin McNamara for a variance of the Zoning Regulations; Section 5.2.4 to reduce the minimum required street line setback from 60 feet, existentially 53 feet, proposing 49.6 feet. **Permission to establish air condition units and concrete pad. Premises: AAA Zone**

Jack Franzen, architect, presented the application for a variance of the Zoning Regulations. The owners wish to create a mechanical pad which will accommodate 4 additional compressors on the easterly side of the existing house. A similar request was granted on April 2, 2009 as part of an expansion being proposed on the existing wing of the house.

The owners seek relief pertaining to front yard setback in a AAA zone. The proposed compressors are to be located on the east side of an existing house that was built 81 years ago. Because the house is on a corner lot, there are two front yards. The easterly portion of the house and the existing mechanical pad encroach slightly into the required 60'

setback from Mine Hill Road. It is likely that the original owner of the house chose to locate the foundation far South and East as possible because of poor drainage on the northwest portion of the property. Now that portion of the lot is a regulated area.

The desired work is for the purpose of upgrading the antiquated HVAC system. This request is a medication of an already existing non-conformity. The setbacks from Mine Hill Road to the proposed AC units, is 49.6' and 53.0' respectively. The existing setback of the garage wing is 50.7'.

Also, there are record drawings obtained from the previous owner dated as recently as 1968 which show the existing house including the dormer and air conditioning pad areas farther from Mine Hill and in conformance with the 60' setback. It is therefore likely that previous improvements to the easterly portion of this house and the placement of this existing air-conditioning pad were performed in good faith and in the belief that they conformed to the required setback.

Contributing to the hardship in this request is the fact that there is a substantial retaining wall and evergreen hedgerow along the southeasterly portion of this lot. The compressors sit well below the grade of Mine Hill Road. These features render both existing and proposed HVAC Equipment on this side of the house largely invisible.

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

13. 2215 Black Rock Turnpike, Map 76, Parcel 349. Petition of Sun Realty Associates, LLC for a variance of the Zoning Regulations; Section 28.6.5 to reduce the minimum required total number of off-street parking spaces by 24. Permission to expand an existing indoor recreation facility. Premises: DCD

Attorney John Fallon presented the application for a variance of the Zoning Regulations. On December 8, 2009 a Certificate of Zoning Compliance was issued for the establishment of "The Clubhouse" at the property owned by Sun Realty Associates LLC located at 2215 Black Rock Turnpike in Fairfield.

The Clubhouse provides individualized instruction regarding baseball fundamentals in the areas of pitching, hitting and coaching. This instruction is provided by an in house, highly skilled staff of coaches, players, scouts and trainers many of whom are current or former major league players, coaches and scouts. The services offered include fundamentals training, evaluation, vision training and individualized clinics.

As previously indicated, The Clubhouse, because it involves itself with individualized instruction on a by appointment only basis, is a low intensity utilization of the property from the standpoint of customer volume and parking. The parcels comprising the Shopping Center wherein The Clubhouse provides 371 parking spaces for use by customers. The variance which is requested in order to allow for the expansion of The Clubhouse into the adjacent space is highly technical in nature in that the 371 spaces provided at the Shopping Center are and will continue to be far more than adequate to meet the needs of the existing tenants and the expanded Clubhouse. As confirmed by the experience of tenants in the Center and customers patronizing the businesses and as will be

demonstrated at the time of the public hearing, more than sufficient parking is currently provided to accommodate the ongoing needs of all tenants and the expansion of adjacent square footage for use by The Clubhouse.

Attorney Fallon noted, in the present case, there will be no change in the use of the property as the operation of The Clubhouse is already ongoing and the use of the property for indoor recreational facilities is permitted pursuant to Section 12.4.8 of the Regulations. In addition, as previously indicated, the nature of the operation of The Clubhouse with its concentration on individualized instruction insures that more than adequate parking is already available to meet the needs of its clients.

The second statutory condition to be met is that it must be found that “a literal enforcement of ...the regulations would result in exceptional difficulty or unusual hardship...”. In this particular instance the “exceptional difficulty or unusual hardship” emanates from the fact that the parking regulations established pursuant to Section 28 require a cumulative analysis of parking requirements for each individual use established in a large shopping center such as the one in this case and there is no provision in the Regulations with regard to consideration of comparative periods of peak operating demand involving diverse tenant uses. In addition, no specific parking requirement for indoor recreational facilities is referenced in the Regulations and as a matter of administrative discretion the Zoning

Department applies the same standard for indoor recreational facilities as it does for general retail uses in the Designed Commercial District.

The impact of the Regulations and their interpretation to this specific property, constituting one of the largest shopping centers in town with a total of 371 spaces, establishes a proper legal basis for a finding of exceptional difficulty and unusual hardship because it renders the property technically deficient with regard to parking spaces although as a practical and realistic matter far more than ample parking is provided. In the present case, the Regulations require a parking variance notwithstanding the fact that the proposed additional area to be used by The Clubhouse is to be established in a shopping center where there are already 371 spaces which have historically proven to be more than adequate as a practical matter to meet the needs of the existing tenant uses including The Clubhouse.

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

14. 1760 Hillside Road, Map 171, Parcel 12-D. Petition of Phyllis D. Collins for a variance of the Zoning Regulations; Section 6.3.3 and 6.3.4 to allow a single accessory apartment within the five (5) year alteration period. Permission to build additions and establish an accessory apartment. Premises: AAA Zone

Attorney John Fallon presented the application for a variance of the Zoning Regulations. Jack Franzen, architect, spoke on behalf of the proposed application. The applicant seeks permission to construct a small addition to the dwelling and garage in order to establish an accessory apartment. Except for the provisions of Section 6.3.3 and 6.3.4, the proposed accessory apartment meets all requirements of Section 6.3 including those relating to occupancy (Section 6.3.1) and size (Section 6.3.2). The modest addition of 621.5 square feet will comply in all other respects with all applicable zoning regulations. Once the

addition has been constructed coverage will be 5.7% and in the AAA Zone a 10% coverage is allowed. Similarly floor area ratio will be 7.9% and the Zone allows up to 15%.

The need for this accessory apartment is vital and is driven by the medical condition of the applicant's daughter. Frances Collins suffers from a severe and progressive form of Chronic Regional Pain Syndrome (formally termed Reflex Sympathetic Dystrophy).

Diagnosed by her treating physician Craig H. Olin, M.D. she is frequently disabled by the disease and is rendered immobile without the aid of a scooter or wheel chair. She cannot stand for more than a few seconds. Because of her need for ongoing care as her condition worsens she is relocating from Tucson, Arizona to live with her mother, who is 77 years old and is not physically capable of acting as a full time caregiver for her daughter. It is therefore her intention to have her daughter's housekeeper/caregiver relocate with her to the Hillside Road property. In order to be able to do so it is necessary to construct this small accessory apartment to be occupied by the caregiver. This is especially true since the main house was built as a two bedroom house and although it now provides three (3) bedrooms the dwelling is not adequate to provide an independent living area for the caregiver unless the proposed addition can be accomplished. In addition and importantly the renovation will provide ground floor wheel chair accessibility so that her daughter may maintain as much independence as possible while residing with her mother.

Attorney Fallon noted, as previously indicated, the addition to accommodate the accessory apartment will result in a dwelling that is in conformance with the requirements of the Zone with regard to setbacks, coverage and total floor area. The proposed addition as designed by J.P. Franzen & Associates is aesthetically pleasing, harmonizes with the existing house and will have no adverse impact on the surrounding neighborhood.

Historically, the subject property has been improved by the single family residence and garage. The location of these structures on the property and the necessity of establishing an addition between them in order to accommodate the much needed accessory apartment creates the need for the technical variances of Section 6.3.3 and 6.3.4 that are requested. Granting of the variances will allow the applicant to construct the addition between these structures in order to create the small and otherwise conforming accessory apartment to provide an apartment for her daughter's caregiver.

Attorney Fallon presented photographs and a letter from Dr. Brian Halpen for the record.

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

15. 742 Kings Highway West, Map 243, Parcel 148C. Petition of Southport Business Center for a variance of the Zoning Regulations; Section 12.7.6.4 to reduce the rear setback from an adjacent design residence district from 30 feet, proposing 0 feet. **Permission to construct a three car three story structure. Premises: DCD**

Maxwel Soper, agent, presented the application for a variance of the Zoning Regulations. He noted the applicant wishes to construct a 22' x 30' garage structure consisting of 3 bays and space above to compliment the property.

The hardship is due to excessive drainage underground and internal traffic concerns for tenants. A study was done by The Huntington Engineers on August 21, 2008.

Mr. Soper presented a Drainage Report and an Easement Map for the record.

OPPOSED: Thomas Daily, 10 Southport Woods Drive, spoke in opposition of the proposed application.

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

There being no further business to come before the Commission, Chairman Brennan adjourned the meeting at 6:15p.m.

Kevin Coyne, Secretary

Josephine M. Keogh

ROBERT BRENNAN, CHAIRMAN

KEVIN COYNE, SECRETARY

JOSEPHINE M. KEOGH, CLERK