

**ZONING BOARD OF APPEALS
EXECUTIVE SESSION OF MAY 3, 2012**

The Zoning Board of Appeals Commission of the Town of Fairfield held the Zoning Board of Appeals Public Hearing Meeting on May 3, 2012 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: Kevin Coyne, Chairman, James Hamilton, Vice Chairman, Donald Caferro, Secretary, Duncan Keith, James Baldwin Daphne Dixon, Alternate.

1. **Minutes of March 3, 2012:** James Hamilton *moved* and Duncan Keith *seconded* to approve the proposed minutes as submitted. *Motion passed unanimously.*
2. **Minutes of April 5, 2012:** James Hamilton *moved* and Edward Cheffetz *seconded* to table the proposed April 5, 2012 minutes to the June 7, 2012 meeting. *Motion passed unanimously.*
3. **Approval of Secretary's Fee:** James Hamilton *moved* and Duncan Keith *seconded* to approve the proposed Secretary's Fee. *Motion passed unanimously.*

This portion of the Executive Session started at 2:55 and continued into Public Hearing.

Donald A. Caferro, Secretary

Josephine M. Keogh

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PRESENT: Kevin Coyne, Chairman, James Hamilton, Vice Chairman, Donald Caferro, Secretary, Duncan Keith, James Baldwin Daphne Dixon, Alternate.

1. 3657 Park Ave, Map 7, Parcel 145. Petition of Myron Smith for a Variance of the Zoning Regulations Section 5.2.5 to increase the maximum lot coverage From 20%, Currently 23.4%, Proposing 24.3%. Permission to construct two (2) sets of landings and stairs. Premises A Zone

Myron Smith, owner, presented the application for a variance of the Zoning Regulations. He wishes to construct two (2) sets of landings and stairs. When requesting a variance for the garage he was not aware he needed a variance for two (2) sets of stairs. The garage variance was for lot coverage, as is the request for variance for the stairs.

Petitions of support were submitted for the record from the adjoining neighbors.

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

2. 315 Palamar Drive, Map 74, Parcel 148. Petition of Marilyn Lawrence for a variance of the Zoning Regulations Section 5.2.4 to reduce the minimum required street line and side line setbacks From 40 & 15', Currently 39.5' & 11', Proposing 39.5' & 11'. Permission to construct a second floor addition. Premises: R-3 Zone.

Marilyn Lawrence, owner, presented the application for a variance of the Zoning Regulations. She wishes to construct a second floor addition, consisting of three (3) bedrooms and (2) baths, and a small study.

Regarding the hardship, the lot is shaped as an irregular rectangle and the house is a symmetrical rectangle. In 1954, the house was constructed straight across the property instead of at an angle matching the lots. Mr. Lawrence noted this allowed the house to face the street squarely; however it did not comply with the ordinances declared in 1949, which is also understandable why this house was allowed to be constructed in this manner in 1954 when the ordinance was set forth 5 years earlier in 1949.

Ms. Lawrence also noted it is her intent to build a second floor above the existing house. This will not extend beyond the existing walls or approach any closer to the property lines. This will increase the value of the house and be a nice addition to the rapidly growing

neighborhood. She asked that the Board consider the oversights that may have occurred regarding this property approximately 60 yrs ago and grant her the opportunity to build a standard second floor addition on this house.

Petitions of support were submitted for the record from the adjoining neighbors.

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

3. 18 Bloomfield Drive, Map 44, Parcel 90. Petition of Kevin Muller for a variance of the Zoning Regulations Section 5.2.4.3 to reduce the street line and side line setbacks From 40' & 10', Proposing 8, & 2' and Section 5.2.5 to increase the maximum required lot coverage and total floor area ratio From 15% & 30%, Currently 16.8% & 25.5%, Proposing 22.2% & 30.9%. Permission to construct a detached garage. Premises: R-3 Zone.

Kevin Muller, owner, presented the application for a variance of the Zoning Regulations. He wishes to construct a 20 x 24 garage with storage in attic the area. The R-3 zone was created during the 1950 era and has many areas that are non-conforming already to this zone that is preexisting.

Petitions of support were submitted for the record from the adjoining neighbors.

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

4. 48 Sanford Street, Map 180, Parcel 242. Petition of 50 Sanford Rd, LLC for a variance of the Zoning Regulations Section 28.6.12 to reduce the minimum required total number of off-street parking spaces by 12. Permission to establish season outdoor seating. Premises: CDD Zone.

Jon Eckman, agent, presented the application for a variance of the Zoning Regulations. Archie Moore's Bar and Restaurant has been our tenant for the past twenty (20) years, and is proposing to add a seasonal outdoor dining area. The seating area proposed would consist of an enclosed section in which there would be six (6) tables with a total of twenty four (24) seats. On their behalf, they are seeking a parking variance of twelve (12) spaces.

Mr. Eckman noted, as the Galleria Building and Donnelly Way cover one hundred percent (100%) Of the property and consequently there are no parking spaces on site, Archie Moore's, The Brasserie, Bubble Lounge and Café Lola have all been granted parking variances by the Zoning Board of Appeals in the past to allow their restaurant uses based on the overall availability of municipal parking in the downtown area.

The applicant's request for this variance is in keeping with these previously granted variances and with other area restaurants with seasonal outdoor seating areas have been granted, and that the Fairfield Center will benefit through this seasonal addition by adding diversity and enhancing the evening vitality of the area.

DENIED: Duncan Keith *moved* and Donald Caferro *seconded* to approve the proposed application. *Motion denied 3-2* Duncan Keith and James Hamilton were opposed.

5. 193 Merwins Lane, Map 223, Parcel 398. Petition of Stan Pomichter and Parul Sahai for a variance of the Zoning Regulations Section 5.2.4.3 to reduce the minimum required side line setback for an accessory structure From 30', Proposing 20.6'. Permission to construct a shed. Premises: AAA Zone.

Parul Sahai, owner, presented the application for a variance of the Zoning Regulations. She wishes to construct a 12' x 20' shed to hold garden equipment and children's bicycles, which would be placed next to the driveway. The location of the shed shows underground utility and drainage pipe running next to the driveway. This will prevent her from going closer to the driveway.

Petitions of support were submitted for the record from the adjoining neighbors.

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

6. 147 Trail Street, Map 72, Parcel 79. Petition of Leslie Richmond for a variance of the Zoning Regulations Section 5.2.4 to reduce the required street line setback From 40', Currently -1.3', Proposing -1.3'. Permission to construct a second floor addition. Premises: R-3 Zone.

Leslie Richmond, owner, presented the application for a variance of the Zoning regulations. She is requesting a variance to enclose the existing first floor 11'x15' covered porch and turn it into a foyer/mudroom; remove the existing second floor consisting of a bedroom and a bath and build a 30'x35' second floor over the existing first floor footprint with three bedrooms, two bathrooms and a laundry room.

With respect to the hardship, the existing residence was constructed in 1920, predating zoning. Trail Street was established after 1933 as a private road and is now considered a public road by the town. The existing structure encroaches on the private road right of way on record by 1.3' and the entire existing structure lies within the 40' front setback.

Petitions of support were submitted for the record from the adjoining neighbors.

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

7. 808 Post Road, Map 141, Parcel 82. Petition of Sunny Daes of Fairfield, LLC for a variance of the Zoning Regulation Section 28.6.12 to reduce the minimum required total number of off-street parking spaces From 31, To 23. Permission to establish seasonal outdoor seating. Premises: DCD Zone.

Attorney James White presented the application for a variance of the Zoning Regulations. The applicant seeks a variance of 8 parking spaces to reduce the required parking from 31 spaces to 23 spaces to allow the Applicant to install and create a seasonal outdoor patron seating area of 286 square feet.

Sunny Daes Ice Cream Store, since its opening in 2002 has offered to its customers in Fairfield the highest quality of ice cream and yogurt products in a conveniently located setting at the junction of the Post Road and North Benson Road. It has also proven to be a popular and convenient destination for people seeking snacks or desserts in the evenings, on weekends and at other times when they are out and about.

The applicant wishes to convert the currently existing buffer landscape area across the exterior front and side of its leased premises into a seating area consisting of 286 square feet. Portable tables, chairs and or benches would be installed in the seating area. There will be no table service provided.

The current parking requirement, as calculated for this Application by the applicant and ZBA staff, requires twenty four (24) parking spaces on the property before the addition of the seating area. A variance of two (2) parking spaces was approved by this Board in 2003. With the addition of the proposed seating area the parking requirement would increase by seven (7) parking spaces to thirty one (31) required parking spaces. The applicant proposes to add the seating area but not increase the total number of parking spaces on the property which would remain at twenty three (23) spaces, as presently configured. No parking spaces would be lost by the addition of the seating area. The applicant is requesting a variance of eight (8) parking spaces (6 additional spaces over and above the 2 that were granted in 2003).

The proposed seating area will be segregated from the vehicle parking area by the utilization of a rail fence. The parking needs for the Property will not increase since, based upon other similarly situated properties in Town and the applicant's experience with other Sunny Daes facilities, the patron volume will not increase and it is not the applicant's intent to increase it through this amenity.

The seating area will provide patrons of the store who would be patronizing the store in any event with an option to sit or stand outside of the store in the seating area to consume their food purchases. The seating area will provide a protected and convenient option for patrons who might otherwise wander or stand around the parking lot or sit in their cars to consume their ice cream yogurt products. The result will be greater convenience and service to customers as well as the avoidance of congestion in the parking lot and the avoidance of potential interference with traffic and use of the parking spaces.

Historically, Fairfield has made accommodation through variances granted by this Board and through approvals granted by the Town Plan and Zoning Commission for similarly situated restaurant food businesses where outdoor seating, when added as an option, does not cause undo parking issues. Small outdoor seating areas such as the one proposed in this application have become a basic component for food service establishments and are particularly common in the Town of Fairfield.

The Town Plan of Conservation and Development adopted by the Plan & Zoning Commission in 2000 recommended that consideration be given to permanent outdoor seating without requiring additional parking. This application fits within the recommended parameters of the Town Plan of Conservation and Development. The parking needs for the property have always been met without any complaints or negative issues regarding the currently existing parking. It should be noted that for this property most of the parking

spaces are located in the front of the applicant's ice cream store. The Sprint Nextel retail store which faces North Benson Road is a lower traffic generator and is adequately served by the parking area on the North Benson Road side of the property. In addition, the busiest times for the applicant's ice cream store are usually evenings, especially on weekends, when the Sprint Nextel store is closed. During such times the Applicant's store has the benefit of all twenty three (23) parking spaces for its patrons. In addition, along the rear of the building facing Elliott Street there have been nine (9) parking spaces which have been traditionally used for fifty (50) years but for purposes of this Application are not counted when determining the legally conforming parking spaces available on the property.

With the strict Adherence to the strict letter of Section 28.6.12 of the Fairfield Zoning Regulations, it is unnecessary to carry out the general purpose of the Zoning Plan since the use is a permitted use and the requested Seating Area will not increase the parking burden on the Property or the business volume and thus not to allow the seating area would cause unusual hardship to the applicant. When the recalculation of the parking requirements was reviewed with ZBA staff, the parking count was reduced by the 9 parking spaces traditionally available at the rear of the property. As evidenced by the lack of overcrowding in the parking areas or unmet parking demand in the operation of Sunny Daes and the Nextel Store over the last ten (10) years, the existing parking has been adequate to meet both the daytime needs of both Sunny Daes and the Sprint Nextel Store and the evening needs of Sunny Daes when Sprint Nextel is closed. It would be unusual hardship for the applicant to be required to provide additional parking spaces for an amenity which will not increase traffic or volume at a popular, convenient and successful business site. The seating area will simply provide a convenient and comfortable option for patrons who wish to sit or stand outside briefly while enjoying their food purchases and will enhance the safety of patrons visiting the premises and the ambiance of the store.

The applicant's business has been a positive asset to the Post Road commercial area in Fairfield for many years and has provided a substantial benefit to the quality of life of residents of the Town of Fairfield.

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

CONDITION: Conditioned upon re-stripping the parking lot.

8. 355 Pine Creek Ave, Map 234, Parcel 253. Petition of Scott and Jennifer Mallek for a variance of the Zoning Regulations Section 5.2.4.3 to reduce the street line setback for an accessory structure From 30', Currently 25.8', Proposing 24' and Section 5.2.5 to increase the maximum allowable lot coverage From 15%, Currently 21%, Proposing 19.6%. Permission to remove an existing garage and rebuild a new garage with finished second floor. Premises: FPD/R-2 Zone

Attorney John Fallon presented the application for a variance of the Zoning Regulations. The lot, located across the street from the property owned by Mr. & Mrs. Mallek where their residence is located, is in the Flood Protection District. Pursuant to provisions of the Regulations the design standards of the R-2 Residential Zone are applicable to all properties in the Flood Protection District.

Mr. & Mrs. Mallek seek approval of the variances requested in order to construct a garage on the property to be used in conjunction with their single family residence. The new garage will replace an existing dilapidated accessory structure on the property. The lot comprises 2,661 sq. ft., which is below the minimum lot area standards established under the Residence-2 regulations of 14,000 sq. ft. The lot is preexisting and nonconforming with respect to the minimum square requirement imposed by the R-2 regulations having a square of only 48 ft. as opposed to 80 ft. Construction of the proposed garage requires a variance of Section 5.2.4 to reduce the street setback from 30 ft. to 24 ft. It should be noted, however, that the existing structure to be replaced is also nonconforming to the street setback at 25.8 ft. A variance of Section 5.2.5 is requested in order to allow coverage of 19.6%. Again, it should be noted, that the structure to be replaced is actually more nonconforming to the coverage requirement of 15% comprising 21% of existing lot coverage.

With regard to the matter of hardship, it must first be pointed out that the lot in question is a valid and legally protected nonconforming lot as it relates to both lot area and shape requirements. When the property was rezoned into the Flood Protection District the requirements of the R-2 zone became applicable to this property establishing a minimum lot area of 14,000 sq. ft. This lot, made subject to the Flood Protection District Regulations after it was established for legal purposes, has only 2,661 sq. ft. Similarly, the lot is noncompliant to the current lot square requirements of 80 ft. Pursuant to the provisions of Connecticut General Statutes Section 8-2 the lot is a valid and legally protected preexisting nonconforming lot. The 15% coverage requirement presently applicable to the property under the provisions of the R-2 regulations must be calculated based upon a lot area over 11,000 sq. ft. less in size than the minimum requirement contemplated in the zone. It has been previously held by our Supreme Court that where a property is a valid nonconforming lot with regard to lot area sufficient legal hardship supporting the granting of a variance with regard to coverage is established because the application of these regulations peculiarly affects the property and its protected nonconforming status in an adverse manner. Similarly, the Court has found that when the lot is protected as a nonconforming lot with regard to the current shape requirements this establishes a proper basis for the granting of setback variances including in this case the variance of the current street setback requirement. Again, it should also be noted that the current structure to be demolished is already nonconforming to the street setback requirement.

In summary, the construction of the proposed new garage will have a positive impact on the surrounding neighborhood and result in an aesthetic enhancement to the property. Imposition upon the property of the presently imposed R-2 district coverage and setback regulations which contemplate a significantly larger and uniformly shaped lot creates legal hardship as recognized under Connecticut case law supporting the granting of the variances requested. In addition, the granting of the variances will actually result in a reduction of the current coverage nonconformity. For all of the above referenced reasons, it is respectfully requested the application be granted.

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

CONDITION: Conditioned upon no bathroom facilities.

IN OPPOSITION: Attorney John Curran, representing Jonathan Dentz, 355 Pine Creek Avenue, spoke in opposition to the proposed application.

9. 140 Sherman Street, Map 180, Parcels 103 & 54. Petition of 140 Sherman Street – Fairfield LLC for a variance of the Zoning Regulations Section 28.6.5 to reduce the **minimum required total number of off-street parking From 117, Proposing 109. Permission to convert 8,365 sq. ft. of office use to medical use. Premises: CDBD.**

Attorney William Fitzpatrick presented the application for a variance of the Zoning Regulations. The applicant owns a five-story office building located at 140 Sherman Street on the north side of Sherman Street. This property is identified in the Assessor's records as Parcel 103 on Assessor's Map 180. This property includes 78 parking spaces.

The applicant also owns property on the south side of Sherman Street. This property is referenced in the Assessor's records as Parcel 54 on Assessor's Map 180. This property is used to provide parking for the 140 Sherman Street building and includes thirty one (31) parking spaces. It is the intent of the applicant to convert the use of the full fifth floor of the office building at 140 Sherman Street from general office use to medical office use. The size of the fifth floor is 8,365 sq. ft. as depicted on the Floor Plan. This floor is accessed by both stairs and an elevator. The parking requirement from general office use is one parking space per 250 sq. ft. of space, and the parking requirement for medical office use is one parking space per 200 sq. ft. of medical office space. This parking calculation differential produces a parking shortfall of 8 parking spaces.

The applicant is requesting a variance of Section 28.6.5 to reduce the required parking from one hundred and seventeen (117) spaces to one hundred and eight (108) spaces in order to permit the conversion of 8,365 sq. ft. of fifth floor office space from general office use to medical office use.

Attorney Fitzpatrick noted the most relevant factor for the Board's consideration in evaluating this variance request is the fact that the parking lot on the south side of Sherman Street, while readily available, is utilized on a very limited basis. Evidence will be submitted at the time of the Zoning Board of Appeals public hearing confirming this fact. There is parking readily available on a daily basis in excess of the 8 parking space waiver request, the approval of this application is logical and reasonable. Attorney Fitzpatrick also noted given the recovering economy, both nationally and locally, the occupancy of a full floor of a downtown office building by a single tenant is a positive both for the applicant and the downtown in general. The fact that a minimal parking reduction, some 8 parking spaces, is necessary in order to accommodate the proposed tenant lends further support to this application.

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

10. 84 Pine Creek Ave, Map 238, Parcel 44. Petition of Nicolas and Julia Kennedy for a variance of the Zoning Regulations Section 11.13.1 to reduce the setback from the center line of Pine Creek Ave From 45', Currently 19.2', Proposing 24.34'. Permission to elevate the existing house and add a second floor. Premises: BD Zone

Attorney John Fallon presented the application for a variance of the Zoning Regulations. Nicolas and Julia Kennedy are the owners of the property located at 84 Pine Creek Avenue. The property is located in the Beach District and is nonconforming to the present requirements within the zone with regard to both lot area and minimum square. With regard to the minimum square requirement, the Regulations require fifty (50) feet and this preexisting lot has a square of twenty six (26) feet. Working with Marc G. Andre, the architect, Mr. & Mrs. Kennedy wish to construct a small attractive addition to their home consisting of a new second floor area with attic space. In conjunction with this construction and as shown on the plan submitted herewith an existing patio on the property will be removed as will existing steps and a landing presently nonconforming to the street line setback being 19.2 feet. from the center line of Pine Creek Avenue. It is also proposed to infill a small rectangular portion of an existing gable at the second floor level which will be setback 24.34 ft. from the center line of the street. The variance requested with regard to this proposed addition will provide the Kennedys much needed space for them and their three (3) children.

The variance of Section 1 1.13.1 will allow for the proposed modification of the gable on the second floor level 24.34 ft. from the center line of the street. It should be emphasized, that the existing steps and landing which presently are nonconforming at 19.2 ft. from the street line are being removed. It should also be noted that the present lot coverage of 29.1 % is being reduced to 28.9%.

An independent basis for the granting of the variance requested is found in the case of Hyatt v. Zoning Board of Appeals of Town of Norwalk, 163 Conn. 379 (1972). In Hyatt, the State Supreme Court held that a goal of zoning is the reduction of nonconformities and that, therefore, when an application for a variance involves a proposal that will actually reduce an existing nonconformity this fact provides an additional and proper legal basis for the Zoning Board of Appeals to grant the variance requested. Such is the case with this application where the coverage is being reduced as is the current nonconformity to the street line setback.

In summary the modest addition proposed by Mr. & Mrs. Kennedy in order to accommodate the needs of their family will be in keeping with the surrounding neighborhood and consistent with the Comprehensive Zoning Plan. All other aspects of the proposed addition will be in compliance with the applicable requirements of the Zoning Regulations. For all of the above referenced reasons it is respectfully requested that this application be granted.

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

In Opposition: Attorney Joel Green, representing Michael Romney, 78 Pine Creek Avenue and Helen Trotman, 90 Pine Creek Avenue, spoke in opposition to the proposed application.

11. 214 Fairfield Woods Road, Map 46, Parcel 152. Petition of Sheila H. Marmion for a variance of the Zoning Regulations Section 5.2.4 to reduce the minimum required street line setback From 40', Currently 21.3', Proposing 37.2'. Permission to construct a rear dormer. Premises: R-3 Zone.

Sheila Marmion, owner, presented the application for a variance of the Zoning Regulations. She wishes to construct a dormer, which will include a bathroom. Their home is located in an R-3 zone, on a corner lot, and is a legally, nonconforming structure. They purchased the house in 1999 and now have three children. The bathroom would be located directly over the existing bathroom. The addition of a second bathroom would allow her family of five to remain comfortably in their home.

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

12. 223 Middlebrook Drive, Map 147, Parcel 258. Petition of Susan Theis-Constantino for a variance of the Zoning Regulations Section 5.2.4 to reduce the street line setback From 30', Currently 29.1', Proposing 29.1'. Permission to construct a second floor with attic above. Premises: A Zone

Susan Echert, owner, presented the application for a variance of the Zoning Regulations. She is requesting a variance to renovate the second floor of her home from a cape style to colonial style building. Doing this would enable her to enlarge bedrooms, bathrooms and increase storage space by adding an attic. The front of her home is 29' 2" from the road. The set back is 30'. In order to do the renovation without a variance she will have to move the house back 10 inches.

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

13. 59 Sanford Street, Map 180, Parcel 257. Petition of Sanford KAP LLC for a variance of the Zoning Regulations Section 28.6.12 to reduce the minimum required total number of off-street parking spaces by 25. Permission to expand an existing restaurant. Premises CDBD.

Attorney David Quatrella presented the application for a variance of the Zoning Regulations. The applicant proposes to convert the existing residential apartment located on the second floor of the existing building into a restaurant use, to be used in connection with the first floor of the existing building presently being used for restaurant use. The first and second floors would be used, together, in connection with the operation of one restaurant containing approximately 1,500 square feet of patron area.

The hardship upon which the applicant is basing its request for a variance is that the existing two story building is located upon an irregularly shaped and sized parcel which prevents the creation of additional off-street parking spaces on site. The applicant does not intend to enlarge or expand the existing building located on the site.

DENIED: Donald Caferro *moved* and James Hamilton *seconded* to approve the proposed application. *Motion denied 3-2* Duncan Keith and James Hamilton were opposed.

14. 329 Greenfield Hill Road, Map 173, Parcel 34. Petition of Amy Ruggiero for a variance of the Zoning Regulations Section 5.2.4.3 to reduce the side yard setback for an accessory structure From 30', Proposing 10' and Section 5.2.5 to increase the maximum

allowable lot coverage From 10%, Currently 10.13%, Proposing 11.25%. Permission to remove existing garage and build new garage with balcony. Premises: AAA zone.

Amy Ruggiero, owner, presented the application for a variance of the Zoning Regulations. She would like to knock down the existing garage & build a new one to the left of the house, straight off the street, rather than behind home & right off neighbors' property. The current garage is located behind home and is extremely dangerous. She noted it is hard to see her children when pulling into her driveway. She has two children, one daughter is seven (7) and her son is two (2). Showing on her plot plan, there is a 100% blind spot to get into garage. In addition, the 3rd garage bay is unusable. The garage is approximately 3 feet off her neighbors line and is hard to pull out of the garage and turn the car around, which means she has to back out and make sharp turn going backwards, which is also dangerous.

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

In Opposition: Patricia Dowling, 179 Verna Hill Road, spoke in opposition to the proposed application.

There being no further business to come before the Commission, Kevin Coyne, adjourned the meeting at: 6:30 p.m.

Donald A. Cafero, Secretary

Josephine M. Keogh

KEVIN COYNE, CHAIRMAN

DONALD CAFERO, SECRETARY

JOSEPHINE M. KEOGH, CLERK