

**ZONING BOARD OF APPEALS  
EXECUTIVE SESSION OF AUGUST 2, 2012**

The Zoning Board of Appeals Commission of the Town of Fairfield held the Zoning Board of Appeals Public Hearing Meeting on August 2, 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:** James Hamilton, Acting Chairman, Donald Caferro, Secretary, Duncan Keith, James Baldwin Daphne Dixon, Alternate, Margaret McKay, Alternate.

**ABSENT:** Kevin Coyne

1. **Minutes of July 5, 2012:** Duncan Keith *moved* and Margaret McKay *seconded* to approve the proposed minutes as submitted. *Motion passed unanimously.*
  
3. **Approval of Secretary's Fee:** Duncan Keith *moved* and James Baldwin *seconded* to approve the proposed Secretary's Fee. *Motion passed unanimously.*

This portion of the Executive Session adjourned at 1:56.

---

Donald Caferro, Secretary

---

Josephine M. Keogh, Clerk

**ZONING BOARD OF APPEALS  
MINUTES OF AUGUST 2, 2012**

The Zoning Board of Appeals Commission of the Town of Fairfield held the Zoning Board of Appeals Public Hearing Meeting on August 2, 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:** James Hamilton, Acting Chairman, Donald Caferro, Secretary, Duncan Keith, James Baldwin Daphne Dixon, Alternate, Margaret McKay, Alternate.

**ABSENT:** Kevin Coyne

**1. 1573 Fairfield Beach Road, Map 234, Parcel 17 and 111. Petition of Kevin Coles for a variance of the Zoning Regulations; Section 11.10 to increase the maximum allowable lot coverage from 20%, currently 30.2%, proposing 33.5%. Permission to legitimize a covered patio. Premises: BD**

Kevin Coles, owner, presented the application for a variance of the zoning Regulations. He is requesting a variance of the maximum coverage requirements to allow a minor violation of the coverage requirements that existed when this home was remodeled. He noted, no other construction or alteration is proposed. When this home was remodeled in 1993, a covered porch was added to the street side. It covered a concrete walkway, approximately 2' x 20' or 40 square feet. Overall, the porch roof caused the structure to exceed the coverage requirements by a small amount. To remedy the violation the town has requested that I remove 110 square feet of concrete from an area next to my garage. The area is used for parking and boat storage. The concrete in question is well over a foot deep and was done in the 1930's.

Mr. Coles also noted he is requesting a variance because his neighbor constructed a one bedroom apartment over a two car garage in 2002. I think that substantial jack hammering would be necessary and that would damage her structure. I also seek the variance because the jack hammer would certainly affect the much thinner walls of his garage, a structure that precedes the purchase of the property in 1964.

This variance would not change the character of the neighborhood in any way. The immediate area is all single family homes on 50' lots. The concrete in question has been there for over 70 years without any distortion and minimal cracking.

James Baldwin recused himself of the proposed application. Margaret McKay sat in for James Baldwin.

**DENIED:** Duncan Keith *moved* and Daphne Dixon *seconded* to approve the proposed application. *Motion denied unanimously.*

**2. 345 Governors Lane,** Map 225, parcel 13. Petition of Craig and Line Dean for a variance of the Zoning Regulations; Section 5.2.4.3 to reduce the street line setback for an accessory structure greater than 100 square feet and taller than 15 feet; from 60 feet; proposing 30 feet. **Permission to construct a tennis court with fence and lights.**  
**Premises: AAA Zone**

Gregory Paluski, Engineer, presented the application for a variance of the Zoning Regulations. The applicant is requesting a variance to construct a 60 x 120 asphalt tennis court. The property has three street lines. Even within a corner lot, they could add 30 feet from the side property line. Due to the location of the neighbors, they feel this is the best location for the tennis court.

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

**DENIED:** Duncan Keith *moved* and Daphne Dixon *seconded* to approve the proposed application. *Motion denied unanimously.*

**3. 173 Crestwood Road,** Map 128, Parcel 351. Petition of Anthony and Lissette Chiaverini for a variance of the Zoning Regulations; Section 5.2.5 to increase the maximum lot coverage from 20%, currently 19.99%; proposing 21.05%. **Permission to construct a second floor addition that partially projects over driveway. Premises: A Zone**

Anthony and Lissette Chiaverini, owners, presented the application for a variance of the Zoning Regulations. They are expanding the existing second floor bedroom, partially over existing first floor & partially over the existing driveway. The existing lot is 17% smaller than the size required in an A zone. They are requesting a variance to construct 43 square foot of additional coverage which is less than what would be allowed on a conforming lot in this zone.

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

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

**4. 328 Woodrow Avenue (Lot B),** Map 243, Parcel 94. Petition of Paul Barimas for a variance of the Zoning Regulations; Section 5.1.1 to reduce the minimum required lot size and square from 6,000 square feet and 60 square feet, proposing 5,200 square feet and 52 square feet. **Permission to establish a building lot for a single family dwelling.**  
**Premises: B Zone**

Attorney Kevin Gumper presented the application for a variance of the Zoning Regulations. He Noted the applicant is seeking to divide the existing property at 328 Woodrow Avenue into two lots, namely Lot A and Lot B. The existing property has an area of 11,337 square feet. Proposed Lot A will be fully conforming and will require no variances. It will have an area of 6,137 square feet, and the required minimum square of 60 feet. Proposed Lot B

will require two variances. It will require a reduction in the minimum lot size from 6,000 square feet to 5,200 square feet, and a reduction in the minimum square from 60 feet to 52 feet.

Attorney Gumper noted, the proposed division will be a "first cut" and therefore no subdivision approval is required from the Town Plan and Zoning Commission. The property could be developed with a two-family house without any variances. The great majority of the houses on Woodrow Avenue are single family houses, most of which are on 50' by 100' lots, so a two-family house would not seem to be in character with the neighborhood.

The property was laid out as Lots 49, 50, 51 and 52 on the Map of "Oak Park", which was filed October 24, 1916, nine years prior to the adoption of the zoning regulations. Most of the lots on the Oak Park map are 25' x 100'. Lots 49 to 52 are somewhat longer than the others although they are still 25' wide. Lots 51 and 52 were purchased by the current owner's mother in 1925 when she was 14 or 15 years old. This was prior to the adoption of the zoning regulations. Lots 49 and 50 were purchased by Bertha (by then, Bertha Barimas) and her husband, Joseph Barimas, in 1936. Bertha deeded one-half of her interest in Lots 51 and 52 to Joseph in 1949, at which time Bertha and Joseph built their home on the property. Joseph died in 1983 and his interest in the four lots passed to Bertha. Bertha in turn conveyed the four lots to her son William in 2000.

William died in 2003 and the four lots passed to his brother Paul. Paul Barinias remains the current owner of the premises. He has entered into a contract to sell the four lots to the applicant. In each conveyance, or passage of title, the property has always been described as two pieces, with one piece being Lots 51 and 52 and the other piece being Lots 49 and 50.

The hardship is that the adoption of zoning regulations after the first piece was acquired by Bertha Krasansky now effectively prevents her son from using the property as the family has always contemplated namely as two building lots.

Attorney Gumper further noted Woodrow Avenue has historically been developed and used for single family homes, most of which are located on 50' by 100' lots. The use of this property for one, two family dwelling, rather than for two, one-family dwellings, would be out of character for the neighborhood. The ZBA recognized this as recently as January, 2011 when it granted the variances to allow a 150' by 100' parcel at 160 Woodrow Avenue to be divided into three 50' by 100' lots.

The granting of the requested variances would allow the property to be used in a manner in keeping with the established neighborhood and in accordance with the historic intent of the current owners.

**In Favor:** William Burke, 298 Woodrow Avenue, spoke in favor of the proposed application.

**GRANTED:** Daphne Dixon *moved* and James Baldwin *seconded* to approve the proposed application. *Motion passed 4-1. Duncan Keith was opposed.*

**5. 186 Henry Street, Map 179, Parcel 136.** Petition of Amy Vischio and Christopher Cahill for a variance of the Zoning Regulations; Section 5.2.5 to increase the maximum lot coverage from 20%; currently 19.8%; proposing 25.3% and Section 5.2.4 to reduce the minimum required rear setback from 30 feet; currently 31.3 feet; proposing 6.3 feet. **Permission to remove existing detached garage and construct a new attached two (2) car two (2) story garage additions. Premises: A Zone**

Neil Hauck, Architect, presented the application for a variance of the Zoning Regulations. The applicants are proposing to demolish an existing one-story detached garage, and to construct a new attached garage with an artist's studio above. The proposed addition will contain an entry vestibule with stair and a two car garage on the ground floor and an artist's studio and bathroom on the second floor. The existing property is undersized and does not conform to the minimum lot area requirement for a residence A district. In addition it has an unusual lot configuration with frontage on Henry Street along both its southern and western boundaries.

Mr. Hawk noted these factors create hardships on the ability to develop the property to its fullest potential. When the house was constructed, the western boundary was designated as the front yard, and the house was sited as far back from the street as possible. This was done to maintain the fabric of the existing neighborhood. The existing one-car detached garage is a conforming accessory structure and therefore requires only a minimal four foot setback from property lines. The proposed project expands the size of the garage so that two cars can be parked inside, and it provides an enclosed link to the main house, in keeping with many other houses in the neighborhood. However, by attaching the new garage to the main house, it must now conform to the stricter setback requirements for the main house. Because of the location of the existing house on the property, it is not possible to conform to the rear yard setback requirement. Given the fact that the proposed addition is nestled into a corner of the site well screened from neighboring properties by existing plantings and given the fact that the proposed addition will not have an adverse effect on the neighboring properties, they respectfully ask that the ZBA grant these requests.

**DENIED:** Duncan Keith *moved* and Daphne Dixon *seconded* to approve the proposed application. *Motion denied 3-2 Duncan Keith and Daphne Dixon were opposed.*

**6. 25 Dunhill Drive, Map 238, Parcel 92.** Petition of Dunhill 25 LLC for a variance of the Zoning Regulations; Section 5.2.5 to increase the maximum lot coverage from 15%; currently 17.4%; proposing 19.2%. **Permission to construct a rear deck and stairs. Premises: R-2/FPD**

Camelot Development, owner, presented the application for a variance of the Zoning Regulations. He noted he would like to add an 8' x 12' deck with stairs to grade. Existing structure has pre existing non conforming maximum building lot coverage as a percentage of lot area. As well as being in a side yard set back. There was an existing deck which was recently removed by a contractor. Which was of similar size to proposed.

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

7. **484 Tunxis Hill Road**, Map 42, Parcel 241. Petition of 484 Tunxis LLC for a variance of the Zoning Regulations; Section 2.8.1.1 to expand an existing non-conforming use and Section 12.7.6.2 to reduce the side setback from 10 feet; currently 11.1 feet; proposing 9.2 feet. **Permission to construct an 18'x21' carport to the rear of the building. Premises NDBD**

Attorney James Miller presented the application for a variance of the Zoning Regulations. He noted the applicant owns and operates the carwash. The premises consists of a single building which contains carports and drive thru carwash. The carwash is located on the north side of the road, in a location it currently occupies, adjacent to the other businesses. The principal of the Applicant is Robert Grant. Mr. Grant is a long-term area resident and has owned or operated this business for several years in Fairfield. Mr. Grant's proposed addition, with its new waiting room, will create a "warm and welcoming" area for patrons while their vehicles are washed or detailed.

This additional ambiance reflects Mr. Grant's desire to service the community with the friendliest, most up to date facility. This existing business provides the highest quality in car care and appearance, and the proposed reconfiguration will add a new carport waiting room that will further enhance its patron services. The trend in vehicle appearance maintenance is full service, exterior wash and wax, interior detailing. Patrons desire a warm, welcoming area in which to wait for their vehicles. The variances here will allow this facility to create a full service, hospitable facility to satisfy their needs.

The Applicant is seeking a variance of Section 2.8.1.1 and Section 12.7.6.2 Section 2.8.1.1. The current use, a car wash, is non-conforming, and any alteration to the structure requires a variance since it would be deemed an "expansion" of a pre-existing, non-conforming use. In actual fact, the existing footprint will not change, as the proposed addition replaces an existing drive through canopy that is not a permanent structure. The replacement is necessary and important due to a new waiting room contained within it.

A setback variance is required based on the current interpretation and application of Section 12.7.6.2. That Section has a side yard setback of zero (0') on one side and not less than ten (10') feet on the other. That setback is interpreted to mean either zero or not less than ten feet on either side. In order to replace the existing, temporary carport, with the new interior waiting room, a variance is required. The current carport, as well as the proposed carport, are 9.2' from the side yard. The carport requires a certain minimum width to accommodate vehicles while providing safe, adequate workspace for employees. The proposed internal layout of this facility was mandated by the constraints of the interior space and the placement of the existing building on the site. It will clearly operate, as a practical matter, as it always has with the exception that customers will be seated in a waiting room while their vehicles are serviced.

The erection of a permanent canopy in place of the existing temporary canopy and the reconfiguration of the carwash, all based on the non-conformity of the use and placement of the building on the site mandate that an application for a variance must be made.

In this case the fact that the use is pre-existing but non-conforming and the location of the existing building on the lot with the constraints imposed thereby technically requires that,

due to the floor plan for the renovation, it be characterized as a non-conformity with a hardship. This fact gives rise to the need for the variance of Sections 2.8.1.1 and 12.7.6.2 based upon the current provisions. As a pre-existing use, the creation of a Neighborhood Designed Business District made it non-conforming. The side setback regulations established in a Neighborhood Designed Business District make it necessary to have a variance to replace the existing temporary carport. Also, it is the application of Sections 2.8.1.1 and 12.7.6.2 of the Zoning Regulations to conditions arising from the location of the building and the nature of the use that peculiarly impacts the applicant and prevents the Applicant from using the premises as the regulations otherwise permit and intend unless the subject variance is granted. These factual circumstances satisfy the hardship requirement of the statute as interpreted by the case law above referenced. The fact that the premises are already in operation as a carwash but will require a variance merely by installing a "permanent" drive thru canopy emphasizes the point.

The Applicant's proposed reconstruction of its carwash is an exciting, unique and positive addition to our business community. It will provide Fairfield residents with an upgrade in its unique and attractive service option. This business will continue to contribute to the energization, revitalization and excitement in our business community benefiting the interests of all residents of the Town of Fairfield. The variance requested of Sections 2.8.1.1 and 12.7.6.2 is very technical in nature and arises solely due to the location of the building on the site and the ability of the applicant to create a floor plan satisfying customer needs and safety requirements. The granting of the variance will have no negative impact whatsoever, in that the carwash will operate as it always has, consistent with the continued use of a carwash in the neighborhood Designed Business District.

In summary, the Applicant's carwash will continue to be a friendly, comfortable, community oriented business offering a unique and exciting concept in vehicle service. It will continue to provide a stimulating economic hub to Fairfield's economic base in these difficult economic times. The application meets the technical requirements of Connecticut General Statutes 8-6, is consistent with the precedents of past decisions of this Board and the Town Plan & Zoning Commission and the goals and policies adopted in the Town Plan of Conservation and Development. For all the above referenced reasons, it is respectfully requested that the application be granted.

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

**8. 59 Cedar Wood Lane, Map 28, Parcel 418. Petition of David and Jennifer Giudice for a variance of the Zoning Regulations; Section 5.2.5 to increase the maximum lot coverage from 15%; currently 16.40%; proposing 17.85%. Permission to construct a rear screen porch. Premises R-2 Zone**

David Giudice presented the application for a variance of the Zoning Regulations. He is requesting a variance to add an un-heated screened porch, approximately 20' x 17.5' on back of his existing house. The existing structure is a ranch style home which is indicative of the neighborhood. The owners feel strongly about staying within the texture of this neighborhood by not adding to the home with a second story. So they wish to expand slightly for their growing family. The existing house currently is pre existing no conforming as pertaining to the west side yard set back as well as the building lot coverage

as a percentage of lot area. The proposed unheated screened porch will be built over an existing concrete slab patio, so there is no real impact to rain water run off.

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

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

**9. 347 Lalley Boulevard, Map 138, Parcel 185.** Petition of Laurie Stefanowicz for a variance of the Zoning Regulations; Section 5.2.4 to reduce the minimum required sum of the side setbacks from the two side property lines and street line from 25 feet and 30 feet; currently 17.9 feet and 29.7 feet; proposing 17.9 feet and 29.7 feet. **Permission to remove 2<sup>nd</sup> floor and build a new 1<sup>st</sup> floor addition and a 1 ½ story addition over existing first floor. Premises A Zone**

Laurie Stefanowicz, owner, presented the application for a variance of the Zoning Regulations. She is requesting a variance to construct a one and a half story addition to existing first floor footprint of existing home. The first floor will consist of dining room; proposed second floor to consist of two bedrooms; third floor to consist of master bedroom and bath.

Having a long narrow lot makes it harder to construct and maintain required setback. The lot is also smaller than required with the lot being only 9,000 square feet in a minimum 9,375 square feet zone. All other regulations will be reached as we are still under our lot coverage allowed and our FAR. Basement will be filled to meet FEMA CODE. M.B. July 11, 2012

**DENIED:** Daphne Dixon *moved* and James Baldwin *seconded* to approve the proposed application. *Motion denied 3-2. James Baldwin and Donald Caferro were in favor.*

**10. 2527 Bronson Road, Map 225, Parcel 24.** Petition of Charles Zylstra for a variance of the Zoning Regulations; Section 5.2.4 to reduce the minimum required side yard setback from 30 feet; currently 14.9 feet; proposing 11.2 feet on north property line and 12 feet on south property line, and to increase maximum allowable lot coverage and total floor area from 10 % and 15%; currently 8.61% and 15.04%; proposing 10.80% and 17.26%. **Permission to construct a two (2) car two (2) story detached garage and additions. Premises: AA Zone**

Attorney John Fallon presented the application for a variance of the Zoning Regulations. The noted the applicant makes this application for permission to make certain alterations to the existing house located on the property and to construct a new garage.

The property is located in the Residence District AAA. It is a preexisting and legally protected nonconforming lot as to both lot area and shape. The present provisions of the Regulations regarding the Residence AAA Zone establish that the minimum lot area in the zone is two acres and the lot contains only approximately one-half acre, 24,230 sq. ft. Similarly, the minimum square requirement presently in effect requires a square of 200 feet and the subject property has a square of only 65 ft. The lot is oddly shaped being

extremely narrow in its dimensions. In order to facilitate the proposed modest alterations and additions to the existing dwelling the applicant seeks a variance of Section 5.2.4 to reduce the required setback from a side property line from 30 feet, presently 14.9 feet to 11.2 feet at the northerly property line and 12' on the southerly property line. Pursuant to Section 5.2.5 it is also requested to increase the allowable lot coverage from 10% to 10.8% and to increase the total floor area allowed from its existing 15.04% to 17.26%. As noted on the survey the current nonconforming setback to the street line will be made conforming at 61.5 feet and the framed shed presently nonconforming to the side setback requirement at 2.7 feet will be removed. An additional proper basis for granting the variances in this case is found in the holding of *Hyatt v. Zoning- Board of Appeals of Norwalk*, 163 Conn. 379 (1972). In *Hyatt*, the State Supreme Court held that a goal of zoning is the elimination or reduction of nonconformities and that, therefore when an application for variance involves a proposal that will actually reduce or eliminate an existing nonconformity this fact provides an additional and proper legal basis for a Zoning Board of Appeals to grant the variances requested. Such is the case with this application where the existing street line setback nonconformity will be eliminated as will the setback from the side property line nonconformity occasioned by the existence of the shed which is to be removed.

Attorney Fallon noted the alterations and additions as proposed by the applicant and designed by Mr. Franzen are attractive in design and harmonize with the character of the neighborhood. They will represent a significant architectural enhancement to the property. Legal hardship is established based upon the analysis referenced above pertaining to the standards established by Connecticut General States 8-6 due to the unique characteristics arising from the shape of the lot and also the lot's legally protected preexisting nonconforming status as it relates to both lot area and shape. Finally, the elimination of certain existing nonconformities provides a proper independent basis for the granting of the variances pursuant to the *Hyatt* decision. For all of the above referenced reasons it is respectfully requested that this application be granted.

**In Opposition:** Richard Boucher, 2505 Bronson Road and James Swaffield, 2569 Bronson Road, spoke in opposition of the proposed application.

After discussion, the Commission decided to continue the proposed application to October 5, 2012.

**11. 479 Catamount Road, Map 217, Parcel 214. Petition of Karen Crape for a variance of the Zoning Regulations; Section 5.2.4 to reduce the minimum required street line setback from 60 feet; currently 0.3 feet; proposing 4.3 feet and rear setback from 45 feet; currently 44.7 feet; proposing 44.4 feet. Permission to construct two (2) dormers and a rear second floor deck. Premises: AAA Zone**

Neil Hauck, Architect, presented the application for a variance of the Zoning Regulations. The proposed project entails the demolition of a small shed, the construction of a one story artist studio, and renovations to the existing single family residence. The new artist studio has been sited so that it conforms to all zoning regulations, and is not the subject of application. The proposed renovations to the main house will not expand the current footprint, nor will they add floor area. In order to increase ceiling height in the kitchen and the bedroom over the dining room, we are proposing to raise the roof over the kitchen and to add a shed dormer over the stair leading up to the bedroom. Because most of the house

is located within the front yard setback, we will require a variance to undertake this work in addition, we are proposing to demolish an existing deck and to reconstruct it. The existing house was constructed in the 1800's and therefore predates the establishment of zoning regulations. In addition, the lot is undersized and has an irregular shape, which causes portions of the existing attached garage to encroach into the required rear yard setback.

These factors create hardships on the ability to renovate the house for a 21<sup>st</sup> century lifestyle. The proposed shed dormer is necessary to provide proper head height when walking up the existing stair to the bedrooms over the dining room. The proposed raising of the roof over the existing kitchen is necessary to provide adequate ceiling height in the kitchen. Neither of these items will increase the floor area of the existing structure, but both will improve the function ability of the house. Both will require. Bedroom shed dormer 4.3' in lieu of 60' Raised kitchen roof 18.0' in lieu of 60'.. The reconstruction of the deck off the bedrooms over the garage is necessary because the existing deck does not conform to code, and is in disrepair. We are proposing to replace the curved structure with a rectangular one, for ease of construction. This will require a rear yard of 44.4' in lieu of 50'

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

**12. 1073 North Benson, Map 145, Parcel 160.** Petition of Fairfield University for a variance of the Zoning Regulations; Section 5.0 to increase the allowable height of a stanchion from 40 feet, proposing 75 feet. **Permission to install four (4) new light poles. Premises A/AA Zone**

Attorney John Fallon presented the application for a variance of the Zoning Regulations. He noted Fairfield University seeks a variance of Section 5.2.2 of the Zoning Regulations in order to increase the maximum height of a structure from forty (40) feet to seventy-five (75) feet so as to allow the installation of new light poles adjacent to Alumni Field at the Fairfield University Campus. Alumni Field has served as a primary venue for University and Fairfield Prep athletics for over fifty (50) years. During that period it has been equipped with outdoor lighting in order to facilitate evening athletic events involving both Fairfield University and Fairfield Prep. Those existing lights are old and do not function efficiently or properly with regard to energy conservation, light containment and providing optimal safety conditions for the student athletes participating in these sporting events.

The University has made a commitment to upgrade the facilities at Alumni Field and insure that it becomes a superior facility in terms of playability, comfort for spectators and safety. The University is proposing the installation of four (4) seventy-five (75) foot high light poles to be located adjacent to Alumni Field as depicted on the Survey accompanying this application. The specific request is to vary the provisions of Section 5.2.2 regarding the height limitations of forty (40) feet for "structures" in order to permit installation of these seventy-five (75) foot light poles. The proposed lighting once installed will produce a safer more effective and more efficient environment during times of athletic usage. This will provide safer conditions for student athletes and also reduce any off site trespass associated with the field lighting. In essence, the decrease in the field angle of light when the light poles are increased from the present-forty (40) feet to the proposed seventy-five (75) feet has a very beneficial impact with regard to both considerations of playability on the field and elimination from any impacts from the lighting off site. In addition, the installation of

the new lighting will involve state of the art fixtures that are designed to direct the light effectively while minimizing any light spillage. Depictions of the proposed light fixtures are also included in this application.

Attorney Fallon also noted Fairfield University has met with its College Park neighbors to discuss and review this proposal. As a result of these discussions, the University and its neighbors have agreed to numerous provisions (which are attached hereto as Schedule C). The University as applicant and in accordance with the commitment made to the neighbors respectfully asks that these provisions be adopted as conditions of approval with respect to the requested granting of the variance by the Board.

The hardship which justifies granting of this variance is the same as was found to exist by this Board in those earlier applications above referenced. The imposition of the height requirement found in Section 5.2.2 has unique and adverse effect with regard to installation of light poles to support the illumination of an athletic field. The proposed lighting has been designed to maximize luminescence and efficiency while accommodating a maximum pole height that does not exceed the previously approved seventy five (75) feet. As was the case in the earlier applications above referenced, the proposed height of the light poles is the minimum height which is compatible with insuring an efficient and effective lighting system design. The proposed system will provide appropriate lighting for players and spectators, thus enhancing the safety of members of the general public and players. A reduction in the height of the light poles below seventy-five (75) feet would significantly decrease the efficiency of the proposed lighting system which would have adverse effects with regard to the safety of athletic participants and spectators.

It is important to note that the location of the lights and the nature of the fixtures is such that the installation of the lights in question will not have impact on any surrounding residential property. Indeed, the new lights at the proposed height will provide superior light containment on the field area.

The experiences at Fairfield Ludlowe, Fairfield Warde and Sacred Heart University demonstrate that such field lighting can be utilized for evening competition without having any adverse impact upon surrounding areas. This will be equally true with regard to the upgrade of the lighting system at Alumni Field where lights and evening athletic events have been ongoing for over six (6) decades.

Fairfield University has grown in reputation and success by emphasizing a commitment to quality with regard to all of its facilities and programs. The upgrading of the facilities at Alumni Field is part of and consistent with this commitment. The upgrading of the Alumni Field Athletic Facility with inclusion for the installation of a state of the art field -- lighting system replacing the aged system presently in use will benefit student athletes, spectators and the general neighborhood by providing safer conditions for participants, more environmentally efficient lighting and a lighting design using modern technology that will reduce any off site impact associated with the lights.

**In Favor:** Charles Rudy, 430 College Park Drive spoke in favor of the proposed application. Kevin Gumper, 315 Carroll Road was also in favor of

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

**Condition: Conditioned upon approval, as set forth in Schedule C.**

**13. 21 Wareham Road, Map 147, Parcel 349.** Petition of 21 Wareham Street. LLC for a variance of the Zoning Regulations; Section 5.2.4 to reduce the sum of two side yard setbacks and the street line setback from 25 feet and 30 feet, currently 14.8 feet and 26.8 feet, proposing 14.7 feet and 25.1 feet. **Permission to construct to construct a two (2) story front addition and second floor addition. Premises: A Zone**

Attorney William Fitzpatrick presented the application for a variance of the Zoning Regulations. He noted the intent of the applicant is to add a first floor addition, comprised primarily of a family room, to the rear of the existing home and to construct a new second floor. The proposed second floor will consist of four bedrooms and two baths. The applicant is requesting a variance of Section 5.2.4 of the Zoning Regulations to permit a reduction in the sum of sideyard setbacks from 25 feet, presently 14.8 feet, to 14.7 feet, and a reduction in the street line setback from 30 feet presently 26.8 feet, to 25.1 feet.

The initial variance request, the reduction in the existing sum of sideyard setbacks from 14.8 feet to 14.7 feet, is due to the fact that the side property lines are not perpendicular to the street. As a result, when the house is extended to the rear, even the minimal distance proposed here, the home becomes closer to the northwesterly (right hand side when viewed from the street) side property line. The extension of the house of less than two feet to the rear results in the additional reduction in the sum of sideyard setbacks. It is important to note that the reduction in the sum of sideyard setbacks proposed is one-tenth of a foot. The second variance request pertains to the reduction in street line setback from 30 feet, presently 26.8 feet, to 25.1 feet. This proposed reduction in the street setback relates to the replacement of the existing unenclosed front porch and stairs with a small enclosed entryway, front porch and stairs. The small enclosed entryway permits residents and guests to enter into a small heated entry area rather than entering the home immediately in front of the stairs.

Attorney Fitzpatrick also noted in evaluating this variance request, it is important to realize that the size of the additional intrusion into the street setback area is very limited in size, being 1.7 feet in depth and approximately 9 feet in width. In addition, Wareham Road is a very short street, with no other homes on Wareham Road facing the street. Therefore, the minor proposed reduction in the street setback, a reduction of 1.7 feet from the present home location, is not out of rhythm with the homes on either side of this home, since the homes on both sides face different streets. The approval of this variance application will permit the comprehensive renovation to this home in a fashion which has virtually no impact on any neighboring properties but rather improves this property and has a positive effect on the surrounding area.

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

There being no further business to come before the Commission, James Hamilton, adjourned the meeting at: 6:32 p.m.

---

Donald Caferro, Secretary

---

Josephine M. Keogh, Clerk

**JAMES HAMILTON, ACTING CHAIRMAN**

**DONALD CAFERRO, SECRETARY**

**JOSEPHINE M. KEOGH, CLERK**