

**ZONING BOARD OF APPEALS  
EXECUTIVE SESSION OF DECEMBER 6, 2012**

The Zoning Board of Appeals Commission of the Town of Fairfield held the Zoning Board of Appeals Public Hearing Meeting on December 6, 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 Cafero Secretary, Duncan Keith, James Baldwin, Daphne Dixon, Alternate.

1. **Minutes of November 1, 2012:** Duncan Keith *moved* and James Baldwin *seconded* to approve the proposed minutes as submitted. *Motion passed unanimously.*
2. **Approval of Secretary's Fee:** Daphne Dixon *moved* and Duncan Keith *seconded* to approve the proposed Secretary's Fee. *Motion passed unanimously.*
3. **Election of Officers, pursuant to Town Character:** James Hamilton *moved* and Donald Cafero *seconded* to nominate Kevin Coyne as Chairman of the Zoning Board of Appeals. *Motion passed unanimously.*

Kevin Coyne *moved* and Donald Cafero *seconded* to nominate James Hamilton as Vice Chairman of the Zoning Board of Appeals. *Motion passed unanimously.*

James Hamilton *moved* and Duncan Keith *seconded* to nominate Donald Cafero as Secretary of the Zoning Board of Appeals. *Motion passed unanimously.*

4. **Public Hearing Dates and Submission Closing Dates for 2013:** James Hamilton *moved* and Kevin Coyne *seconded* to approve the proposed Public Hearing Dates and Submission Closing Dates for 2012. *Motion passed unanimously.*
5. **Discussion of Notice of Revisions.**

The Commission discussed Mr. Wendt's recommendations regarding the Notice of Revisions as follows:

- Stamped envelopes addressed to owners of property within 500 feet in the AA and AAA Zones and within 250 feet on all other Zones. This is for a 200, 250 and 500 foot radius.

- There was discussion about posting a placard on the properties. Expanding the direct mailing of notice to the properties would accomplish the same objective of providing notice to those in the general area while at the same time providing them the actual hearing notice so they know what the application is for. A placard would only give notice of the meeting without specific reference to what everything is being applied for.

This portion of the Executive Session adjourned at 3:05.

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Donald Cafero, Secretary

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Josephine M. Keogh, Clerk

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

**GENERAL DOCKET**

**1. 779 High Street, Map 77, Parcel 598.** Petition of The Estate of Mary Ostrofsky for a variance of the Zoning Regulations; Section 5.1.1 to reduce the minimum required lot size for a single family dwelling from 9,375 square feet, currently 7,700 square feet, proposing 8,400 square feet, and to reduce the minimum square required on a lot from 75 square feet, currently 55 square feet, proposing 60 square feet. **Permission to establish a single family building lot. Premises: A Zone**

Attorney Charles Willinger presented the application for a variance of the Zoning Regulations. He noted the property is a vacant lot, one identified as a building lot on a plan entitled "Forest Heights".

Attorney Willinger noted, At the time that the plan was filed on the Fairfield Town land records, the lots shown on the plan were fully in conformity with the Fairfield Zoning Regulations. A substantial number of the lots shown on the plan were developed with single family homes on lots with frontages of 55 feet. 779 High Street abuts 797 High Street, also a property owned by the Applicant. 797 High Street has property substantially in excess of that required in this Residence A zone and has a street frontage of 80 feet. The proposal would encompass the demolition of the existing improvement at 797 High Street, which is in a state of disrepair, and reduce the size of the 797 High Street parcel to a 75-foot frontage. The 797 High Street parcel would remain fully zoning Compliant with an area still in excess of the lot area requirement for a Residence A zone. The transfer of an additional 700 square feet of area to 779 High Street would decrease its nonconformity with the current Zoning Regulations and provide the lot with a sixty foot square and 60 feet of frontage. This lot line revision would increase the total square footage of 779 High Street from 7700 to 8400, an area which results in an additional 9% greater amount of property than the majority of the neighbors in the immediate area who reside on properties of 7700 square feet in area. If the requested variances are granted, a modest single family home can be developed on the property fully in compliance with all other aspects of the current Zoning Regulations.

The hardship that is related to the property is that in the absence of the granting of these variances, the property located at 779 High Street is rendered effectively useless, inversely condemned by the application of the current Zoning Regulations. It is residentially zoned

but not permitted to be anyone's residence due to a size, which is fully conforming to the neighborhood but not in conformity with the current Zoning Regulations. It is the application of the Zoning Regulations to this property that results in the hardship.

**GRANTED:** Donald Cafero *move* and James Hamilton *seconded* to approve the proposed application. *Motion passed 4-1. Duncan Keith was in opposition.*

**2. 518 Penfield Road, Map 138, Parcel 205.** Petition of Neal Fishchbach and Amy Gates for a variance of the Zoning Regulations; Section 5.2.5 to increase the maximum lot coverage from 20%, currently 19.91%, proposing 24% and to increase the maximum total floor area from 40%, currently 37.8%, proposing 45.1%, . **Permission to construct a one-story one-car garage and a two storey addition. Premises: A Zone**

Neil Fishchbach, owner, presented the application for a variance of the Zoning Regulations. He wishes to construct a two story addition to extend the family room on the first floor and the master bedroom on the second floor. He would also like to add a first floor addition to enlarge breakfast room in location of existing side porch under the existing second floor closet.

The minimum lot area requirement for zone A is 9,375 square feet. The lot area for this property is 9,000 square feet. This property does not meet the minimum lot area requirement. This creates a hardship in that the 20% maximum building lot coverage and 40% maximum building floor area for zone A is based on the lot area..

Petitions of support from the neighbors were submitted.

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

**3. 2428 Easton Turnpike, Map 24, Parcel 2.** Petition of Cambridge Manor Realty, LLC for a variance of the Zoning Regulations; Section 5.2.5 to increase the maximum lot coverage from 15%, currently 15.13%, proposing 15.45% and to increase the maximum total floor area from 30%, currently 30.42%, proposing 30.74%. **Permission to construct a ten (10) bedroom addition. Premises: R-3 Zone**

**The proposed application was continued to 1-4-12**

**4. 3115 Redding Road, Map 167, Parcel 24 (a).** Petition of Nancy and Noah Hendler for a variance of the Zoning Regulations; Section 5.2.4 to reduce the minimum required street line setback and side yard setback from 60 feet and 30 feet, currently 34 feet and 10.9 feet, proposing 34 feet and 14.5 feet. **Permission to rebuild an existing detached garage with new tool shed. Premises: AAA**

Nancy and Noah Hendler, owners, presented the application for a variance of the Zoning Regulations.

Duncan Keith recused himself of the proposed application. Edward Cheffetz sat in for Mr. Keith.

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

**5. 171 Birch Road, Map 139, Parcel 155.** Petition of Thomas and Elisabeth Schneider for a variance of the Zoning Regulations; Section 5.2.5 to increase the maximum lot coverage from 20%, Proposing 21.2%. **Permission to legitimize rear masonry steps. Premises: A Zone**

Attorney William Fitzpatrick presented the application for a variance of the Zoning Regulations. The applicants here are the new purchasers of a single family home located at 171 Birch Road. This property is located in the Residence A Zone and contains 11,327 square feet. The premises are identified as Parcel 155 on Map 139 in the Town Assessor's records.

The applicants have become aware of the fact that the prior owner constructed a set of stone steps to the rear of the premises, apparently without the benefit of a proper building permit. The construction of the stone steps has resulted in a coverage overage of 1.2%.

As a result, the applicants are requesting a variance of Section 5.2.5 of the Zoning Regulations to allow an increase in coverage from the permitted 20% to 21.2% in order to legalize the existing stone steps to the rear of the residence.

In evaluating this application it is important to recognize several factors. First, the stone steps in question were not contracted by the applicants here, but rather by the prior owners. Secondly, the stone steps here do not expand the living area of the home but rather serve as an architectural amenity and provide a functional access from the home to the slate patio in the rear yard. Thirdly, the location of the stone steps in the rear yard of the premises minimizes any negative impact on the neighborhood. The rear yard is enclosed by an existing stockade fence.

Approval of this application legalizes the stone steps which, while improvidently constructed, do exist and have virtually no impact on the surrounding neighbors or neighborhood in general.

Petitions of support from the neighbors were submitted.

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

**6. 1359 Unquowa Road, Map 179, Parcel 254.** Petition of Karl and Jennifer Elias for a variance of the Zoning Regulations; Section 5.2.5 to increase the maximum lot coverage from 15%, currently 15.77%, proposing 16.54%. **Permission to construct a one (1) story addition. Premises: R-2 Zone**

Karl Elias, owner, presented the application for a variance of the Zoning Regulations. This modification was previously submitted and approved by the board on July 7, 2011. He is reducing the scope of the project relative to the previous submission and wishes to demolish an existing one story three season room and replace it with a new one story living room and mud room addition. During design of this project it was discovered that the lot

size is significantly smaller than all records indicated at the time they purchased the house. At the time of purchase and since their lot size has been represented as 0.44 acres by numerous sources including the Assessor's office, the actual lot size was determined to be 0.32 acres by a licensed surveyed 27% smaller than indicated by town and other records. This was confirmed in 2011 by the assessor's office and was noted as an error in area computation by the Assessor's office sometime in the past. At the time the house was purchased, we intended to perform renovations in the future and expected no coverage issues given the represented lot size of 0.44 acres. Irregularly shaped lot, with house set unusually close to the property line, with 2 street front yards.

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

**7. 2005 Fairfield Beach Road, Map 234, Parcel 62 and 156.** Petition of Rebecca and Douglas Bunnell for a variance of the Zoning Regulations; Section 11.11.2 to reduce the minimum required side and sum of side yard setbacks from 5 feet and 10 feet, currently 4.21 feet and 8.6 feet, proposing 4.21 feet and 8.6 feet and Section 11.12 to reduce the setback from Long Island Sound from 151.6 feet, currently 129.3 feet, proposing 129.3 feet and Section 11.13 to reduce the required setback from Fairfield Beach Road on a lot bounded by Long Island Sound, from 45 feet, currently 43.42 feet, proposing 38.9 feet (to house) and 34.9 feet (to steps) and to reduce the setback from Fairfield Beach Road on a lot bounded by Pine Creek, from 25 feet, currently 27.9 feet, proposing 18.5 feet. **Permission to construct a new detached garage, two story addition and raise the existing dwelling to be FEMA compliant. Premised: BD**

**The proposed application was continued to 1-4-12**

**8. 50 Sunnie Holme Drive, Map 139, Parcel 382.** Petition of Joseph Draper for a variance of the Zoning Regulations; Section 5.2.4 to reduce the street line and rear line setbacks from 40 feet and 30 feet, Currently 29 feet and 22.6 feet Proposing 32 feet and 26 feet and Section 5.2.5 to increase the maximum allowable total floor area from 30 %, currently 27.7%, proposing 34.3%. **Permission to construct a second floor addition. Premises: R-3**

Ben Pichard, agent, presented the application for a variance of the Zoning Regulations. He wishes to construct a second floor addition consisting of a master bedroom suite and reworked bedroom.

Petitions of support from the neighbors were submitted.

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

**9. 2821 Congress Street, Map 152, Parcel 5A.** Petition of Ward and Alexa Horton for a variance of the Zoning Regulations; Section 5.2.4 to reduce the minimum required street line setback from 60 feet, currently 25.8 feet, proposing 22.3 feet. **Permission to construct a one story addition. Premises: AAA Zone**

Alexa Horton, owner, presented the application for a variance of the Zoning Regulations.

She wishes to bump out the northern facade of her home in order to have an eat-in kitchen. The home was built in 1835, which predates the zoning regulations adopted by the zoning commission in 1925. They wish to add seventy seven square feet to the first floor, which would allow her to modernize and expand her kitchen plan, to allow for a kitchen island. With her growing family, she would like to have another location to eat besides the dining room. Moving the north wall of the kitchen 3.5 feet is the least amount of space needed to add a kitchen island and maintain adequate circulation.

Petitions of support from the neighbors were submitted.

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

**10. 55 Oyster Road, Map 139, Parcel 220G.** Petition of Michael and Anna Kedersha for a variance of the Zoning Regulations; Section 5.2.5 to increase the maximum lot coverage from 20%, currently 20.14%, proposing 20.82%. **Permission to construct an unenclosed set of stairs and landing. Premises: A Zone**

Mike Butler, owner, presented the application for a variance of the Zoning Regulations. He wishes to construct a 12'-6" x 3'-6" side entry exterior stair and landing to an existing raise ranch style one family home, to accommodate access to new heated space convert from existing garage. The new space contains one bathroom, one bedroom and one family room. The stair is designed to be located on the left side of the house and will add 0.68 % to existing 20.14% lot coverage, where maximum lot coverage for "A" zone is 20.00%. It's a small increase request in lot coverage. We was attempting to avoid the side stair lot coverage increase by installing the new floor deck low that would require only one step and an landing, that could have been position below 12" of ground and would not count in lot coverage. But the low ground around the house didn't allow us to do so duo to flood zone. The new floor area is located 12.35' above sea level where ground around it its only 6.0' above sea level.

all grounds of this appeal. State the exceptional or unusual hardship that is claimed: Because of the the existing house been located in a flood zone the new floor area is on elevation 12.37" 1.37' above require min. elevation 11'. The newly constructed floor area is 6' above existing grade that require 7 steps and 1 landing to create additional means of egress. As - I mention in article 10, if the house would.be located in none flood zone area we could of - design the floor in a way that wouldn't require increase in lot coverage, with fewer steps that - would fall under 12" above the existing grade and wouldn't count in lot coverage. Therefor we -

- feel that a strict application of the lot coverage requirement in this instance result in an unusual -
- hardship that constitutes the grounds for variance request. Thank you for your consideration in -
- this variance request matter.

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. 655 Warner Hill Road, Map 228, Parcel 43G.** Petition of Laura Whitman and David Downie for a variance of the Zoning Regulations; Section 5.2.4.3 to reduce the rear setback for an accessory structure from 40 feet, proposing 15 feet. **Permission to construct a two car detached garage. Premises: AA Zone**

Attorney James Miller presented the application for a variance of the Zoning Regulations. The property is currently improved with a large Victorian style home with an adjacent patio and in ground swimming pool area. The property slopes west to east. The owners would like to create a new two-car garage on the property located in the northeast corner of the premises. The property has been examined extensively by an architect and builder to ascertain and determine the best location for the garage taking into consideration the topography of the lot, existing mature trees, and the location of the house and other improvements of the property.

Attorney Miller noted, after taking all of the elements of the property into consideration, the-only feasible location for the new two-car garage is where it is currently proposed, lying 15 feet from the rear property line. The property is in a AA Zone which would require a 40 foot setback from the rear property. There is no location on this property that is feasible to create a two-car garage and comply with the setback requirements of the zoning regulations.

Attorney Miller further noted, the Connecticut General Statutes, Section 8-6, authorizes the Zoning Board of Appeals the right to grant a variance when the strict application of or zoning regulations to a property will create exceptional difficulty or unusual hardship on the property owner. It is clear and apparent from a physical inspection of the property, and the review of the variance application, that a strict application of the zoning regulations with regard to the placement of a garage on these premises is not possible, and the strict application of those regulations to these premises creates a hardship in that it would prevent the use of the premises in a logical and consistent way that is in harmony with the neighborhood and its surrounding developments. In light of the foregoing reasons, the applicants respectfully request that the Zoning Board of Appeals grant this application.

Petitions of support from the neighbors were submitted.

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

**12. 140 Woods End Road, Map 145, Parcel 59.** Petition of Lisa and Brian Cronin for a variance of the Zoning Regulations; Section 5.2.5 to increase the maximum log coverage from 20%, currently 17.8%, proposing 20.99%. **Permission to construct a front porch. Premises: A Zone**

Brian Cronin, owner, presented the application for a variance of the Zoning Regulations. He and his wife is requesting a variance to expand their living space by building the kitchen from the rear of the home to allow for an eating area and mudroom entry. They also wish to expand the second floor via a dormer over existing footprint and over the

proposed ground floor kitchen extension. This would enable them to add a master bedroom to the second floor, as well as an additional bathroom, to accommodate their growing family of five. They would also like to add an open porch in front of the house to add character to the home, while maintaining the aesthetics of a cape and to stay consistent with the neighborhood. When they moved into their home fourteen years ago, they thought it would be a five year house. Since moving in they have had three children into the equation, plus a number of very close relationships with our woods end road neighbors.

The primary hardship is space. Their children continue to grow and their living space has become very tight. They have three small bedrooms and one and a half baths. In order to stay, they must expand our living space accordingly. By expanding the upstairs over the current footprint and the proposed 8' x 10' ground floor kitchen extension, they can create to modest extra space needed to remain in their home.

Petitions of support from the neighbors were submitted.

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

**13. 244-246 Old Post Road, Map 243 Parcel 19.** Petition of Anne Patten for a variance of the Zoning Regulations; Section 28.6.12 to reduce the minimum required total number of off-street parking spaces by 8. **Permission to establish seasonal outdoor seating waiting area. Premises: DI**

Attorney James Walsh presented the application for a variance of the Zoning Regulations. The Applicant, Southport Tavern, LLC, operating at 244-246 Old Post Road, Southport, requests a variance of Section 28.6.12 of the Zoning Regulations in order for permission to have an existing attractive flagstone landing located in front of its restaurant to be treated as patron floor area. The Applicant is seeking a variance of Section 28.6.12 to reduce the minimum required total number of off street parking spaces by eight (8) parking spaces.

The Gray Goose was conceived by Thomas Febbraio and Kevin McHugh and has proven to be a most exciting and popular restaurant that provides high quality casual dining with an emphasis upon convenience and reasonable prices. This combination of quality food, ambiance and value has made The Gray Goose extremely successful and a welcome addition in our Southport Village area where it has had a major role in the Village's continued energetic revitalization.

The response of patrons to The Gray Goose has been so positive that the Applicant in the past had had trouble with numerous patrons having to wait outside the restaurant for a table because the seating area and bar areas were completely filled. This created a dangerous situation since at the time there was only a narrow landing that ran in front of restaurant and four (4) parking spots that patrons pulled into that were at an incline from Old Post Road to the restaurant. This created a very dangerous situation, especially in the evening, as some waiting patrons would sometimes be standing in an empty parking space at the same time an arriving patron was trying to pull blindly into a the same parking space. Further, this dangerous condition was also causing patrons to slip and fall as they stepped off the landing onto the slope of the parking spaces. As a result, the Applicant worked with Town

of Fairfield officials to try curing this dangerous condition. The Applicant decided to redesign the front entrance and landing area to make it safer for their patrons and to increase the waiting area in front of the restaurant with a larger landing area. They removed the four (4) parking spaces that were located in the Town right of way and installed a larger level landing area with entrances on each side for increased safety of all patrons frequenting the restaurant. At great expense to the Applicant, they made the new landing area of flagstone that is bordered by a low wall to define the landing area. This new design was in keeping with the beautiful neighborhood that the Premises are in. The Town of Fairfield reviewed these plans and entered into an Encroachment Agreement with the Applicant, which allowed the Applicant to encroach onto the Town of Fairfield right of way with certain conditions that protected the Town of Fairfield. This redesign has been a tremendous success to the public, the Applicant and Town of Fairfield. The interior area of this waiting area is 320 sq. ft., being a dimension of 28.05 feet by 11.4 feet (hereinafter "Patron Area"), as shown on the plans.

Following construction of this new landing, the Applicant placed an attractive awning over it in order to protect its waiting patrons from inclement weather. It should be noted that the Applicant has never put any seating in this waiting area, nor has it ever served any food or beverages in this waiting area. Some patrons have gone into the restaurant and ordered a beverage and brought it out to the waiting while they are waiting.

Recently, the Applicant has been contacted by the State of Connecticut Department of Consumer Protection Liquor Control Division and advised that if alcoholic beverages are brought by patrons out of the restaurant onto the landing that they need to make an application for a Patio Permit. This application requires the Zoning Official to execute the Patio Request Form as granting a Municipal Approval. After speaking with the Town Plan and Zoning Staff, it was decided that they would require this area to be considered patron floor area in order for them to execute this application.

With respect to the variance sought pursuant to Section 28.6.12, the additional patron floor area of the proposed expanded landing area establishes a requirement of eight (8) parking spaces that the Applicant does not have available in its current parking lot. The Applicant would request that the Board place the following conditions on approval of its Application, if it is granted: 1. that no food or beverage is to be served on the waiting area landing; and, 2. that no seating is permitted on the waiting area landing. The Applicant wants to be clear that they are not trying to increase the size of their restaurant in any way. This property has ample parking spaces for the restaurant and the landing at issue. First, there are 22 spot parking lots that are located directly on the property, that are shared between The Gray Goose and a retail glass business that is closed in the evenings. In addition to this ample parking on-site parking, the Applicant has for years has had a written agreement with Southport Racquet Club to allow patrons of The Gray Goose to park in a parking lot directly across the street that is owned by The Southport Racquet Club, which provides for an additional 93 parking spaces for The Gray Goose patrons.

The Applicant pays for these parking spaces and also has an on-site paid monitor, to ensure only patrons of The Gray Goose and The Southport Racquet Club utilize the parking lot. Based on these two facts, the Applicant has ample parking to provide for the parking spaces necessary for this variance, however, since the additional spaces

necessary are leased and not on-site, this variance is legally required. The application before the Board is consistent with prior approvals and precedents established with regard to the granting of parking variances for increased patron floor areas for restaurant uses throughout Town and in the Designed Industrial District. This important economic area in Southport Village, our community and the entire Town of Fairfield have benefited substantially due to the vibrancy and activity created by these various restaurants, which now operate successfully in both Southport Village and Fairfield. The influx and success of quality restaurants in our downtown, and throughout our Town, has been the single biggest driver of economic development in both Southport Village and our Town, even in the current recession. Fairfield has become the destination for restaurants from the surrounding communities. Our Town has become the envy of the surrounding towns because of this and much of the credit for this has to go to the Zoning Board of Appeals for granting of similar parking reduction variances for increased patron floor areas.

The Applicant's expansion of their waiting area and use of it as patron floor area will allow more of the customers of the Applicant to comfortably wait and enjoy a beverage while waiting for entrance and seating to the Applicant's popular restaurant. The restaurant will continue to contribute to the continued energization, revitalization and excitement in Southport Village benefiting the interests of all Southport Village merchants and residents of the Town of Fairfield. The granting of the variance will have no negative impact whatsoever, in that the proposed restaurant will operate consistent with the permitted use of a restaurant in the Designed Industrial District.

In summary, the Applicant's expansion of their waiting area landing will be a wonderful use of the Owner's buildings. It will not interfere with the public's access to the premises and has actually made said access much safer to the public. It has continued the beautiful facelift to the premises and will continue to support the Applicant's restaurant which adds to Southport Village's and Fairfield's economic base in these difficult economic times. The expansion of the waiting area landing has only complimented the restaurant and brought vibrancy to Southport Village in the evening. The Applicant's restaurant continues to support the economic and social interests of our Southport Village and our town. 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 with the conditions requested.

Petitions of support from the neighbors were submitted.

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

**Condition: (1) that no food or beverage is to be served on the waiting area landing; and, (2) that no seating is permitted on the waiting area landing.**

**14. 84 Oldfield Road, Map 182, Parcel 613.** Petition of David Rabideau for a variance of the Zoning Regulations; Section 5.2.4 to reduce the minimum required side and sum of side yard setbacks from 7 feet and 25 feet, currently 6.5 feet and 32 feet, proposing

5 feet and 18 feet and Section 5.2.5 to increase the maximum allowable lot coverage from 20 %, currently 20 %, proposing 23.6% . **Permission to construct a one (1) car two (2) story garage and kitchen and bedroom addition. Premised: A Zone**

David Rabideau, owner, presented the application for a variance of the Zoning Regulations. He wishes to construct a one (1) car two (2) story garage and kitchen and bedroom addition.

He is requesting a variance in order to allow for a five feet side yard setback where fifteen feet would have been required to meet the twenty-five feet combined requirement. The hardship occurs because the property is not a standard seventy-five wide lot.

Petitions of support from the neighbors were submitted.

Donald Cafero recused himself of the proposed application. Edward Cheffetz sat in for Mr. Cafero.

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

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

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Donald Cafero Secretary

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Josephine M. Keogh, Clerk

**KEVIN COYNE, CHAIRMAN**

**DON CAFERO, SECRETARY**

**JOSEPHINE M. KEOGH, CLERK**