

**ZONING BOARD OF APPEALS
EXECUTIVE SESSION OF APRIL 4, 2013**

The Zoning Board of Appeals Commission of the Town of Fairfield held the Zoning Board of Appeals Public Hearing Meeting on April 4, 2013 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, Duncan Keith, James Baldwin, Daphne Dixon, Alternate and Ed Cheffetz, Alternate

ABSENT: Donald Cafero

1. Minutes of March 7, 2013: Duncan Keith moved and Ed Cheffetz seconded to approve the proposed minutes as submitted. *Motion passed unanimously.*
2. Approval of Secretary's Fee: Duncan Keith moved and Ed Cheffetz seconded to approve the proposed Secretary's Fee. *Motion passed unanimously.*

This portion of the Executive Session adjourned at 2:55 p.m.

Daphne Dixon, Acting Secretary

Josephine M. Keogh, Clerk

**ZONING BORD OF APPEALS
MINUTES OF APRIL 4, 2013**

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PRESENT: Kevin Coyne, Chairman, James Hamilton, Vice Chairman, Duncan Keith, James Baldwin, Daphne Dixon, Alternate and Ed Cheffetz, Alternate

ABSENT: Donald Cafero

CONTINUED DOCKET:

4. 345 Governors Lane, Map 225, Parcel 13. Petition of Craig Dean for a variance of the Zoning Regulations; Section 5.2.4.3 to reduce the street line setback for an accessory structure from 60 feet, proposing 33.5 feet. Permission to construct twenty-three foot high pole lights. Premises: AAA Zone

Craig Dean presented the application for a variance of the Zoning Regulations. Tom Hindler, builder, was also present. They are requesting a variance to install eight lights, twenty three feet high on their tennis court. They will be planting green arborvitae on the east and west side of the tennis court. This will make it less intrusive to the neighbors.

GRANTED: Edward Cheffetz *moved* and Daphne *seconded* to approve the proposed application. *Motion passed 4-1.* Duncan Keith was not in favor.

9. 178 Pine Creek Avenue, Map 238, Parcel 34, Petition of Coastal Construction Group for a variance of the Zoning Regulations; Section 11.3 to reduce the minimum lot area from 8,972 square feet, proposing 7,602 square feet, and Section 11.7 to increase the allowable height of a structure from 30 feet, proposing 32.4 feet, and Section 11.10 to increase the allowable lot coverage from 20%, currently 37.03%, proposing 29.19%, and Section 11.12 to reduce the minimum setback from Long Island sound from 90.7 feet, currently 103 feet, proposing 75.5 feet, and section 11.13 to reduce the minimum setback from Pine Creek avenue from 45 feet, currently 9.2 feet, proposing 25.1 feet. Permission to construct a two story single family dwelling. Premises: BD

10. 186 Pine Creek Avenue, Map 238, Parcel 33. Petition of Coastal Construction Group for a variance of the Zoning Regulations; Section 11.7 to increase the allowable height from 30 feet, proposing 32.4 feet, and section 11.10 to increase the allowable lot coverage from 20%, currently 25.24%, proposing 30.2%, and Section 11.12 to reduce the minimum setback from Long Island Sound from 90.7 feet, currently 104 feet, proposing 84.3 feet, and Section 11.13 to reduce the minimum setback from Pine Creek Avenue from 45 feet, currently 14.9 feet, proposing 25.9 feet. Permission to construct a new single family dwelling. Premises: BD

Attorney John Fallon presented the application for a variance of the Zoning Regulations. Ryan Muran with Coastal Construction was also present. The applicant is the owner of the subject property and the adjacent parcel located at 186 Pine Creek Avenue. Each lot is located in the beach district and is bounded by Pine Creek Avenue on the street side and Long Island Sound to the rear. The parcel located at 178 Pine Creek Avenue includes a main house with double garage and also a second nonconforming dwelling consisting of a rental cottage with little or no insulation that recently sustained significant hurricane and water damage.

The applicant proposes to revise the central lot line to create two equally sized parcels and to construct a new single family residence on each parcel. The new homes to be constructed will be completely FEMA compliant. The nonconforming second dwelling located on the property at 178 Pine Creek Avenue will be eliminated.

The proposal for 178 Pine Creek Avenue will eliminate the existing side property line nonconformity which is presently 5.7 ft. After construction the side yard setback will be compliant at 10.8 ft. The current setback from one side property line which is zero will become conforming at homes will have a positive aesthetic impact on the surrounding area and represents a significant improvement to the property. Also, bringing the property and the structures into FEMA compliance benefits consideration of the Comprehensive Zoning Plan as does the elimination of the second nonconforming dwelling on the property at 178 Pine Creek Avenue.

With regard to the hardship, the fact that the lot is a preexisting and nonconforming lot with respect to lot area and is long and rectangular in shape from a proper technical basis for the granting of the variances requested.

In Opposition: Kevin Coyner, Ms. Evens and Attorney Diane Lord, spoke in opposition of the proposed application.

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

GENERAL DOCKET:

1. 605 Penfield Road, Map 138, Parcel 136. Petition of Jeffrey and Julie Hopkins for a variance of the Zoning Regulations; Section 5.2.4 to reduce the street line setback from 30 feet; currently 27.7 feet, proposing 26.2 feet, and reduce from 20 feet, proposing 18.6 feet, and the sum of two side property lines from 25 feet, currently 21.3 feet, proposing 19.6 feet and Section 5.2.5 to increase the maximum allowable lot coverage from 20%, currently 21.4%, proposing 23.9%. Permission to construct additions and decks to an elevated FEMA compliant dwelling. Premises: A Zone

Jeffrey and Julie Hopkins, owners, presented the application for a variance of the Zoning Regulations. They are requesting a variance to construct additions and decks to an elevated FEMA compliant dwelling.

Due to the hardship, a significant amount of damage was sustained during Super Storm Sandy. The variance requested is due to the hardship created as a direct result of having raised the house. The new proposal will be in keeping with the character of the neighborhood.

GRANTED: Edward Cheffetz moved and Daphne Dixon seconded to approve the proposed application. Motion passed unanimously.

2. 377 Meadowbrook Road, Map 143, Parcel 3. Petition of Alexis and Timothy Yates for a variance of the Zoning Regulations; Section 5.2.5 to increase the maximum lot coverage from 20%, currently 23.2%, proposing 24.3%. Permission to construct a 2nd floor addition over an existing deck. Premises: A Zone

Alexis and Timothy Yates, owners, presented the application for a variance of the Zoning Regulations. They are requesting a variance to construct a second floor addition over the existing deck. They have lived in their home for eight years. Their family is growing and it's becoming an issue of privacy and inconvenience. The house is legally non-conforming.

GRANTED: Edward Cheffetz moved and Daphne Dixon seconded to approve the proposed application. Motion passed unanimously.

3. 742 Kings Highway West, Map 243, Parcel 148C. Petition of Southport Business Center, LLC for a variance of the Zoning Regulations; Section 12.7.6.4 to reduce the rear setback from a residence district from 30 feet, proposing 10 feet. Permission to construct a two story structure with a two car garage and office space on second floor. Premises: DCD

Max Sopar, agent, presented the application for a variance of the Zoning Regulations The owner is requesting a variance to construct a garage with office above. With respect to the hardship, there is a drainage concern.

James Baldwin recused himself from the proposed application. Daphne Dixon sat in for Mr. Baldwin.

GRANTED: Edward Cheffetz moved and Daphne Dixon seconded to approve the proposed application. Motion passed unanimously.

4. 496 Beach Road, Map 139, Parcel 170. Petition of Kenneth Murphy for a variance of the Zoning Regulations; Section 5.2.4.3 to reduce the street line setback for an accessory structure from 30 feet, proposing 14 feet, and Section 5.2.5 to increase the maximum allowable lot coverage from 20%, currently 16.8%, proposing 22%. Permission to construct a detached one story two car garage. Premises: A Zone

Kenneth Murphy, owner, presented the application for a variance of the Zoning Regulations. They are requesting a variance to construct a detached one story two car garage.

Mr. Murphy noted the existing garage was built in the 1930's and is not large enough to accommodate their two vehicles. The garage will be remodeled into living space. They previously applied for a variance, which was granted. At this time, they are proposing to

build a larger building in a new location. The new location will enable them to turn around in their driveway instead of backing out into the street. This has become a safety issue.

GRANTED: Edward Cheffetz moved and Daphne Dixon seconded to approve the proposed application. Motion passed unanimously.

5. 74 Middlebrook Road, Map 147, Parcel 240. Petition of Michael and Diane Bourque for a variance of the Zoning Regulations; Section 5.2.4 to reduce the setback from one side from 7 feet currently 17.6 feet, proposing 3.3 feet, and Section 5.2.5 to increase the maximum allowable lot coverage from 20%, currently 19.92%, proposing 22.3%. Permission to remove a screen porch and construct a one story addition with rear deck and attach existing detached garage. Premises: A Zone

The proposed application was postponed to May 2, 2013

6. 36 South Street, Map 231. Parcel 161. Petition of Thomas and Robin Charron for a variance of the Zoning Regulations; Section 5.2.4.3 to reduce the side setback for an accessory structure from 10 feet, currently 4.22 feet, proposing 4.22 feet, and Section 5.2.5 to increase the maximum allowable lot coverage from 20%, currently 19.95, proposing 20.5%. Permission to construct a 2nd floor to an existing detached garage with landing an exterior stairs. Premises: A Zone

Attorney Peter Ambrose presented the application for a variance of the Zoning Regulations. The lot is a pre-existing legal non-conforming lot which was related as part of a 13 lot subdivision in 1936. It is the applicant's intention to use the second floor for a home office storage area and a play room for their children. This space will not be used for an accessory dwelling and no sleeping or cooking will take place.

The granting of this variance results from the fact that the lot is a legally protected nonconforming lot.

GRANTED: Edward Cheffetz moved and Daphne Dixon seconded to approve the proposed application. Motion passed unanimously.

7. 1175 Bronson Road, Map 177, Parcel 191A. Petition of Scott Jamson for a variance of the Zoning Regulations; Section 5.1.1 to reduce the minimum required lot size from 43,560 square feet, proposing 21, 986 square feet and to reduce the minimum required lot square from 135 square feet, proposing 121.73 square feet, and Section 5.2.5 to increase the maximum allowable floor area from 20%, proposing 20.5%. Permission to convey portion of existing property to an adjoining owner. Premises: AA Zone

Attorney John Fallon presented the application for a variance of the Zoning Regulations. The applicant, Scott Jamison, is the owner of Oliver Nurseries located at 1159 Bronson Road. Adjacent to that parcel is 1175 Bronson Road.

The properties were originally established for nursery use in the mid 1960's. Mr. Jamison began working at Oliver Nurseries while in high school in 1974. He purchased the business and the properties in 1986. For over fifty (50) years the rear portion of 1175 Bronson Road has been used by and in conjunction with the nursery at 1159 Bronson Road. The existing

single family home at 1175 Bronson Road which has been located on the property for many decades has also been continuously utilized as a single family residence during that period.

The purpose of this application is to obtain the necessary variances in order to revise the lot lines between 1159 and 1175 Bronson Road so as to accomplish a merger of the rear portion of 1175 Bronson Road in title and use with the primary nursery parcel at 1159 Bronson Road. The rear portion of 1175 Bronson Road being merged will be made subject to a restriction that will run with the land and provide that this portion of 1175 Bronson Road will be used solely in conjunction with and as part of the ongoing business of Oliver Nurseries.

The proposal will insure that the historic status quo with regard to the utilization of the property that has been ongoing and uninterrupted for many, many decades will remain unchanged. There will be no increase in residential density associated with the granting of the variances requested in that the existing single family home will be maintained and no additional residential lot created. In addition, as an inspection of the property confirms, existing topography as a functional matter assures that the portion of the property associated with the use of the single family residential dwelling will be unchanged. In addition, the lot on which the dwelling will continue to be located will be consistent in size with the residential lot directly adjacent thereto.

With regard to hardship, as the Board is aware, a hardship condition must originate and arise directly out of the application of the Zoning Regulations to circumstances or conditions unique to the property. Archambault v. Wadlow, 25 Conn.App. 375 (1991). The applicant must show that because of some peculiar characteristics involving the property the strict application of the Zoning Regulations results in unusual hardship. Bloom v. Zoning Board of Appeals of the City of Norwalk, 233 Conn. 198 (1995). In the present instance, the hardship does in fact arise directly from the application of the current Residence AA regulations to this property and its unique historic use as both a single family residence and part of the adjacent nursery. This is a most unique situation impacting the property and the current application simply seeks to preserve this historic status quo by adjusting the lot line in a manner consistent with the actual use of the property for so many decades. Without the ability to do so, the conveyance of the parcel at 1175 Bronson Road could negate the continued use of the rear portion of that parcel in conjunction with the nursery at 1159 Bronson Road. This loss of the use of that portion of the property for the continued purpose of the nursery activity is a unique factor that establishes sufficient hardship to allow the Zoning Board of Appeals to grant the variance requested. Archambault v. Wadlow, supra. Stankiewicz v. Zoning Board of Appeals of the Town of Montville, 15 Conn.App. 729, affirmed 211 Conn. 76 (1989).

In summary, the proposal for the lot line revision will insure that the historic utilization of the property that has been ongoing for many, many decades will remain unchanged. No increase in density is associated with the granting of the variances requested and the reconfigured lot at 1175 Bronson Road will be consistent in its use and size with other residential properties in the neighborhood.

Condition: Conditioned upon approval that the portion split off will only be used for Oliver's Nursery and not to be used for any additional building lot or future subdivision as a building lot.

8. 1262 Post Road, Map 180, Parcel 224. Petition of 1262 Post Road, Holdings, LLC for a variance of the Zoning Regulations; Section 28.6.7 and 28.6.12 to reduce the required parking for a retail/restaurant use from 73 spaces, proposing 59 parking spaces. Permission to establish a new restaurant and retail space. Premises: CDD

Attorney William Fitzpatrick presented the application for a variance of the Zoning Regulations. It is the applicant's intent to renovate and expand the former Post Office building. The new architectural design maintains the center façade of the original Post Office building. The Post Office business operations have moved to the building directly to the west, 1300 Post Road.

The property owner intends to utilize this renovated, expanded building for restaurant and retail uses. The front of the building adjacent to the Post Road will house a restaurant. The remainder of the building to the north (rear) is anticipated to consist of four separate retail uses, extending the entire width of the building.

The proposed retail space consists of gross square footage of 10,400 square feet, with a net square footage of 8,250 square feet. This net retail square footage generates a parking demand of 28 parking spaces.

The proposed restaurant consists of 4,600 square feet, with a patron floor area of 1,800 square feet. The patron floor area of 1,800 square feet results in a parking requirement of 45 spaces.

The restaurant will also include an outdoor patio at the southwesterly corner of the building (left hand corner when viewed from the Post Road). The proposed outdoor seating area will encompass 150 square feet, which will generate, pursuant to revised Section 28.6.12, of the Zoning Regulations, no requirement for parking.

The site will contain a total of 59 parking spaces.

The applicant is requesting a variance of Section 28 of the Zoning Regulations (Section 28.6.7 and Section 28.6.12) to reduce the required parking for the proposed retail/restaurant use, with seasonal outdoor dining, from 73 parking spaces to 59 parking spaces.

This property was the subject of a prior variance application which was heard by the Zoning Board of Appeals at its February 7, 2013 meeting. That application requested both a side yard setback variance to reduce the easterly side yard setback from 10 or zero feet to 5.3 feet, and a parking variance to reduce the required parking of 97 parking spaces to 59 parking spaces.

This application to the Zoning Board of Appeals has been substantially modified by eliminating the side yard setback variance request in its entirety.

In addition, the parking variance request has been significantly modified by a reduction in the number of spaces sought to be varied from 32 parking spaces to 14 parking spaces, a reduction of over 50%.

The proposed parking variance request is supported by a practical analysis of the parking demand generated by the uses on site at various times of the day.

The proposed retail uses will present a parking demand, per the Zoning Regulations, of 28 spaces. The proposed parking on site of 59 spaces is clearly more than adequate to accommodate the daytime retail parking need of 28 spaces. There will be some daytime parking demand associated with the restaurant lunch patronage but this is anticipated to be primarily walk-in retail customers as well as local business patrons and employees. The available parking of 31 spaces, after the retail requirement is deducted, is certainly sufficient for the restaurant lunch clientele.

In the evening, the proposed restaurant will generate its most significant parking demand, but at a time when the retail uses are generally closed. The restaurant parking demand in the evening, including the outdoor seating, is 45 spaces. There will be parking available of 59 spaces. Again, clearly the available parking is sufficient to address the parking need for the proposed restaurant.

Condition: Conditioned upon at least fifteen off-site parking spaces through the Town of Fairfield for employees

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

9. 247 Puritan Road, Map 138, Parcel 84. Petition of John and Donna Colavito for a variance of the Zoning Regulations; Section 5.2.5 to increase the maximum lot coverage from 20%, currently 20.10%, proposing 22.95%. Permission to elevate dwelling due to new FEMA regulations and to construct a new porch and rear deck with stairs. Premises: A Zone

Donna Colavito, owner, presented the application for a variance of the Zoning Regulations. He is requesting a variance to elevate dwelling due to new FEMA regulations and to construct a new porch and rear deck with stairs.

The variance requested is to allow the new home to be at 22.95% of total lot coverage. The new construction will accommodate a first floor bedroom and bath for their elderly Mom. They are including a small porch and deck so their Mom can have mobility without having to navigate stairs.

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

10. 243 Verna Hill Road, Map 173, Parcel 30. Petition of Erik Swenson for a variance of the Zoning Regulations; Section 5.2.4 to reduce the street setback from 60 feet, currently 37.1 feet, proposing 32.4 feet and two (2) side yard setbacks from 30 feet, currently 24.6 feet, proposing 26.0 feet and 29.5 feet, and Section 5.2.5 to increase the maximum total floor area from 15%, currently 11.6%, proposing 16.4%. Petition to construct a two story and second floor additions. Premises: AAA Zone

Erik Swenson, owner, presented the application for a variance of the Zoning Regulations. He wishes to construct a two story and second floor additions. The property is a legal non-

conforming lot having an area of .47 acres in the AAA Zone, which requires a minimum lot size of two acres. Mr. Swenson noted unfortunately, at the time of purchase, the house had fallen in disrepair and requires significant investment to bring it to current standards.

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

11. 608 Harbor Road, Map 241, Parcel 43. Petition of William Douglass III for a variance of the Zoning Regulations; Section 5.2.4 to reduce the minimum required side line setback from 15 feet, currently 10.1 feet, proposing 12.8 feet. Permission to construct a one story sunroom. Premises: R-3 Zone

Attorney John Fallon presented the application for a variance of the Zoning Regulations. The applicant wishes to replace an existing patio at the Applicant's property at 608 Harbor Road. The property is located in the Residence District R-3.

The patio to be replaced by the sun room currently has a footprint slightly larger than the proposed sun room. The current lot coverage will actually be reduced from 16.7% to 16.6%. In order to facilitate the construction of the sun room a variance of Section 5.2.4 is requested to reduce the setback from the side property line from 15 ft. to 12.8 ft. It should be noted, that the current structure is more nonconforming to the side yard setback at 10.1 ft.

With regard to the hardship requirement, a hardship which justifies a zoning board of appeals to grant a variance is one that originates in the zoning ordinance and arises directly out of the application of the ordinance to unique circumstances pertaining to the property in question. Archambault v. Wadlow, 25 Conn.App. 375 (1991). In essence the applicant must demonstrate that because of some peculiar characteristics of the property strict application of the zoning regulations results in unusual hardship. Archambault, supra. Dolan v. Zoning Board of Appeals of the Town of Fairfield, 156 Conn. 426 (1968).

It has long been held by our Connecticut courts the location of a preexisting nonconforming structure on the lot can create a proper basis for a finding of hardship. Kelly v. Zoning Board of Appeals of Town of Hamden, 21 Conn.App. 594 (1990); Miclon v. Zoning Board of Appeals of Town of Windsor Locks, 173 Conn. 420 (1977); O'Neill v. Madison Zoning Board of Appeals, 24 Conn.L.Rptr. 176 (1979). These cases are relevant to the current situation where the Applicant seeks permission to construct a sun room over an area that is already the location of the existing patio.

An additional proper basis for granting of the variance requested in this case is found in the holdings 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 an existing nonconformity this fact provides an additional proper basis for the Zoning Board of Appeals to grant the variance requested. Such is the case with this application where the replacement of the patio with the sun room will actually reduce the existing non-conforming lot coverage.

For all of the above referenced reasons it is respectfully requested that the application for variance be granted in accordance with the authority provided pursuant to the provisions of Connecticut General Statutes 8-6(3) and the case law cited herein.

GRANTED: Edward Cheffetz moved and Daphne Dixon seconded to approve the proposed application. Motion passed unanimously.

12. 114 Eunice Avenue, Map 138, Parcel 92. Petition of Robert and Cathleen O'Boyle for a variance of the Zoning Regulations; Section 5.2.4.1 to reduce the side yard setback for unenclosed porch from 5 feet currently 7.1 feet, proposing 4.3 feet and Section 5.2.4.2 to reduce the street line setback for an open porch and stairs from 20 feet, currently 31.7 feet proposing 19.4 feet, and Section 5.2.5 to increase the maximum allowable lot coverage and total floor area from 20% and 40%, currently 23% and 41.4%, proposing 25% and 41.4%. Permission to elevate an existing dwelling, add new front side and rear porches and to legitimize a rear mudroom addition that did not have a permit. Premises: A Zone

Cathleen O'Boyle, owner, presented the application for a variance of the Zoning Regulations. She wishes to elevate an existing dwelling, add new front side and rear porches and to legitimize a rear mudroom addition that did not have a permit. Due to Super Storm Sandy, they were required to elevate their home an additional five feet above grade. In doing so, this has created a problem in accessing their home to meet building codes.

GRANTED: Edward Cheffetz moved and Daphne Dixon seconded to approve the proposed application. Motion passed unanimously.

13. 54 Melville Avenue, Map 33, Parcel 163. Petition of 54 Melville Associates, LLC for a variance of the Zoning Regulations; Section 5.2.4 to reduce the minimum required rear property line setback from 20 feet, currently 2.7 feet, proposing 8.8 feet. Permission to construct a rear dormer. The property is a legal non-conforming lot.

Stanley Hercun, 54 Melville Avenue Associates, LLC, presented the application for a variance of the Zoning Regulations. He is requesting a variance to construct a rear dormer. The lot is a legally protected nonconforming lot.

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

14A. 157 Woodrow Avenue, Map 243, Parcel 110. Petition of Theresa Demattia for a variance of the Zoning Regulations; Section 5.1.1 to reduce the minimum required lot size from 6,000 square feet, currently 10,000 square feet, proposing 5,000 square feet and to reduce the minimum required lot square from 60 square feet, currently 100 square feet, proposing 50 square feet. Permission to remove a detached garage and establish an existing single family dwelling. Premises: B Zone

14B. 155 Woodrow Avenue, Map 243, Parcel 110. Petition of Theresa Demattia for a variance of the Zoning Regulations; Section 5.1.1 to reduce the minimum required lot size from 6,000 square feet, currently 10,000 square feet, proposing 5,000 square feet and to reduce the minimum required lot square from 60 square feet, currently 100 square feet,

proposing 50 square feet. Permission to create a single family building lot. Premises: B Zone

Attorney John Fallon presented the application for a variance of the Zoning Regulations. The applicant seeks variances in order to reduce the minimum required lot square from 60 ft. to 5,000 sq. ft. and to establish two single family lots on the property. The existing detached garage will be removed. The house located at 157 Woodrow Avenue will remain a single family residence and the new lot 155 Woodrow Avenue will be a single family building lot.

The oversized lot in the Residence B Zone could easily accommodate a much larger two family duplex. Based upon the provisions of the Regulations it legally can accommodate two dwelling unit. After consideration, the applicant strongly believes that the proposed plan to create two single family homes on the property rather than two family duplex is superior and will be in character with the surrounding neighborhood and have a far more positive impact with respect to the aesthetics of the neighborhood and property values.

With regard to the property, the hardship requirement is satisfied based upon several factors. The property is an oversized lot consisting of 10,000 sq. ft. The assessors map also confirms that most of the lots in the area also have minimum squares of 50 ft. or less and lot areas of 5,000 sq. ft. or less. The division of the property into two single family homes having a square footage on each lot of 5,000 sq. ft. and of 50 ft. will not be out of character with the neighborhood.

GRANTED: Edward Cheffetz moved and Daphne Dixon seconded to approve the proposed application. Motion passed unanimously.

15. 36 Rifle Road, Map 147, Parcel 281K. Petition of Christos and Kathryn Lazarides for a variance of the Zoning Regulations; Section 5.2.5 to increase the maximum lot coverage from 20%, currently 17.59 %, proposing 21.85%. Permission to construct a one story rear addition and deck. Premises: A Zone

Christos Lazarides, owner, presented the application for a variance of the Zoning Regulations. He is requesting a variance construct a one story rear addition and deck. Two of their children have special needs and require therapists, who are at their home on a daily basis. Two of their children share one bedroom, which has proven quite challenging. Having an additional bedroom will be a huge benefit.

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

There being no further business to come before the Commission, Kevin Coyne, Chairman, adjourned the meeting at approximately 6:00 p.m.

Daphne Dixon, Acting Secretary

Josephine M. Keogh, Clerk

KEVIN COYNE, CHAIRMAN

DAPHNE DIXON, ACTING SECRETARY

JOSEPHINE M. KEOGH, CLERK