

**ZONING BOARD OF APPEALS  
EXECUTIVE SESSION OF NOVEMBER 7, 2013**

The Zoning Board of Appeals Commission of the Town of Fairfield held the Zoning Board of Appeals Public Hearing Meeting on November 7, 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.

**MEMBERS PRESENT:** Kevin Coyne, Chairman, James Hamilton, Vice Chairman, Donald Cafero, Secretary, Duncan Keith, Daphne Dixon, Alternate (sat in for Mr. Baldwin).

**MEMBERS ABSENT:** James Baldwin

1. Minutes of October 10, 2013: James Hamilton *moved* and Daphne Dixon *seconded* to approve the proposed minutes as submitted. *Motion passed unanimously.*
2. Approval of Secretary's Fee: Duncan Keith *moved* and Daphne Dixon *seconded* to approve the proposed Secretary's Fee. *Motion passed unanimously.*

This portion of the Executive Session adjourned at 2:57 p.m.

---

Donald Cafero, Secretary

---

Josephine M. Keogh, Clerk

**ZONING BORD OF APPEALS  
MINUTES OF NOVEMBER 7, 2013**

The Zoning Board of Appeals Commission of the Town of Fairfield held the Zoning Board of Appeals Public Hearing Meeting on November 7, 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.

**MEMBERS PRESENT:** Kevin Coyne, Chairman, James Hamilton, Vice Chairman, Donald Cafero, Secretary, Duncan Keith, Daphne Dixon, Alternate (sat in for Mr. Baldwin).

**MEMBERS ABSENT:** James Baldwin

**CONTINUED DOCKET:**

**10. 589 Fairfield Beach Road, Map 184, Parcel 4. Petition of Megan McNamara for a variance of the Zoning Regulations; Section 11.1.1 to increase the numbers of dwellings on one lot from one, proposing two. Permission to remove the existing dwelling and rebuild to meet the new FEMA regulations. Premises: BD Zone**

The proposed application was withdrawn.

**15. 95 Chester Place, Map 241, Parcel 111. Petition of Walter Buck for a variance of the Zoning Regulations; Section 31.2.21 to allow a portion of the minimum square of a lot to contain wetlands. Permission to allow the square for a building lot to contain an area of wetlands. Premises R-3 Zone**

The proposed application was withdrawn.

**GENERAL DOCKET:**

**1. 604 Hillside Road, Map 174, Parcel 30. Petition of John Borgia for a variance of the Zoning Regulations; Section 5.2.4 to reduce the street line setback from 60 feet, currently 22.2 feet, proposing 23.7 feet, and Section 5.2.4.3 to reduce the street line setback for an accessory structure greater than 100 square feet, from 60 feet, currently 5.1 feet, proposing 37.8 feet. Permission to construct a one story addition to the single family dwelling and to remove the existing garage and rebuild a new two car garage. Premises: AAA Zone**

John Borgia, owner, presented the application for a variance of the Zoning Regulations. He is requesting a variance to remove the existing garage and rebuild a new two car garage. The home was built in 1933. It is a legal home on a nonconforming corner lot.

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

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

**2. 478 Round Hill Road, Map 143, Parcel 83. Petition of Jack and Diane Lederer for a variance of the Zoning Regulations; Section 5.2.4 to reduce the minimum required side line setback from 7 feet, currently 9.6 feet, proposing 3.7 feet and the sum of two side yard setbacks from 20 feet, currently 23.3 feet, proposing 17.4 feet. Permission to construct an open car port. Premises A Zone**

Jack Lederer, owner, presented the application for a variance of the Zoning Regulations. He is requesting a variance to construct an open two-carport.

The hardship is the reduction on the sum of side yard setbacks due to the fact that the side property lines are extended to the rear back corner of the garage. Approval of the variance application will permit a renovation which won't impact the neighbors.

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

**3. 608 Mill Hill Terrace, Map 228, Parcel 59. Petition of Deborah Garavel for a variance of the Zoning Regulations; Section 5.2.5 to increase the maximum lot coverage from 15%, proposing 17.34%. Permission to legitimize a construction error. Premises: R-3 Zone**

Deborah Garavel, owner, presented the application for a variance of the Zoning Regulations. She is requesting a variance to legitimize a construction error. After the recent death of her husband, who was the general constructor for the project, he decided to make sure he had obtained the CO for the house. During the process of finding a CO, she realized he never applied for it.

In order to obtain a CO, she needs to get an updated survey. At that point, it was found that they had decided the over lot coverage allowance is due to a calculation error.

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. 50 Sunnie Holme Drive, Map 139, Parcel 382. Petition of Joseph Draper for a variance of the Zoning Regulations; Section 5.2.5 to increase the maximum lot coverage from 15%, currently 21.1%, proposing 24.4%. Permission to construct an open front porch. Premises: R-3 Zone**

Ben Richard, architect, presented the application for a variance of the Zoning Regulations. The owner wishes to construct an open front porch. The lot is undersized for this zone.

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

**5. 104 Glover Street, Map 179, Parcel 166. Petition of Eric and Debra Reich for a variance of the Zoning Regulations; Section 5.2 4 to reduce the sum of two side yard setbacks from 25 feet, currently 19.7 feet, proposing 21.8 feet, and Section 5.2.5 to increase lot coverage from 20%, currently 21.9%, proposing 23.5%. Permission to construct a rear one story addition and second floor dormer. Premises: A Zone**

Eric Reich, owner, presented the application for a variance of the Zoning Regulations. He wishes to construct a rear dormer one story addition and second floor dormer. The property is a legal non-conforming lot. The lot is 5,000 square feet and has a 50 foot square when conforming lot in the residential A zone has 9,375 square feet and a 75 foot square.

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

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

**6. 116 Reid Street, Map 125, Parcel 355. Petition of Darren Wagner for a variance of the Zoning Regulations; Section 5.2.4 to reduce the street line setbacks on a corner lot from 30 feet, currently 13.3 feet, proposing 15 feet. Permission to construct a new open front porch and one story foyer. Premises: A Zone**

Darren Wagner, owner, presented the application for a variance of the Zoning Regulations. He is requesting a variance to construct a new open front porch and one story foyer. The lot is pre-existing and legally nonconforming.

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

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

**7. 2070 Post Road, Map 231, Parcel 378. Petition of PFS Associates Partnership for a variance of the Zoning Regulations; Section 12.7.6.1 to reduce the minimum required street line setback from 25 feet, currently 0.2 feet, proposing 0.2 feet. Permission to construct a one story addition. Premises: DCD**

Joe Bergin, architect, presented the application for a variance of the Zoning Regulations. The applicant wishes to construct a one story addition. The proposed restaurant use of the building is a continuation of previous uses as a restaurant. Previous restaurant uses had stored their kitchen dry goods in an area of the existing basement.

There is no existing non-patron area other than the basement to create dry storage. Devoting patron area to a non-patron area use would present a hardship to the restaurant.

Furthermore, the placement of the addition on any other area of the parcel would diminish parking and complicate existing from the existing building.

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

**8. 67Craig Court, Map 139, Parcel 3. Petition of John Figlar for a variance of the Zoning Regulations; Section 5.2.4 to reduce the street line setbacks from 30 feet, currently 21 feet, proposing 20.9 feet, and the side setbacks from 7 feet, currently 9.31 feet, proposing 5.9 feet, and the sum of two side lines from 25 feet, currently 19.41 feet, proposing 13.9 feet, and the rear property line setback from 30 feet, currently 34.16 feet, proposing 13.5 feet and Section 5.2.5 to increase the lot coverage from 20% currently 24.9%, proposing 34% and the total floor area from 40%, currently 20.3%, proposing 58.2%. Permission to construct a new FEMA compliant single family dwelling. Premises: A Zone**

Attorney Kevin Gumper presented the application for a variance of the Zoning Regulation. The premises at 67 Craig Court consist of a very small (765 sq. foot) functionally obsolescent, non-FEMA compliant house built in 1932 on a non-conforming lot laid out in 1930. The lot has an area of 3,767 square feet, which is less than the 9,375 square feet required in the A Zone, and less than the minimum required in any residential zone. The lot is 40 feet wide and therefore does not meet the 75 foot minimum square requirement in the A Zone nor does it meet the minimum square requirement for any residential zone.

The applicant is the contract purchaser and plans to demolish the existing house and construct a new two-story, two-bedroom, FEMA compliant single family house with an area of 2,192 square feet.

The hardship is due to the small size of the non-conforming lot and the FEMA regulations. The house is functionally obsolescent. Any expansion or remodeling of the house would cost more than one-half of the assessed value of the house (which is only \$24,200) and therefore, under FEMA regulations, the house would need to be raised to the 11 foot elevation. It is economically unfeasible to do this with the existing house. The lot is 93 feet deep and 40 feet wide. Strict application of the 30' front and rear setbacks, and the 25' sum of the side setbacks would leave a building envelope of only 15 feet wide by 33 feet deep, or 495 square feet, which is less than the minimum size required in any Fairfield residential zone. Strict application of the coverage and floor area requirements would limit the lot coverage to 753.4 feet and the floor area to 1, 506.8 feet, which is simply not adequate for a modern home given that there is no basement for storage.

Attorney Gumper noted the applicant is proposing to build a home with 1,281 square feet of coverage and a total floor area of 2,192 square feet. By way of comparison, a house on a minimum conforming lot in the A Zone would be allowed coverage of 1,875 square feet and total floor area of 3,750 square feet. For another comparison, a house on a minimum conforming lot in the C Zone would be allowed coverage of 1, 500 square feet and floor area of 2,500 square feet the house which the applicant proposes to build will be in keeping with the newer houses in the immediate neighborhood and particularly with the house next door.

In order for a zoning board to grant a variance, it must find that two conditions have been met. First, the variance will not substantially affect the comprehensive zoning plan, and second, adherence to the strict letter of the zoning ordinance will cause unusual hardship unnecessary to the carrying out of the general purposes of the zoning plan. The subject premises are located within a single family residence zone and the applicant proposes to build a single family dwelling, and therefore the variances will not substantially affect the comprehensive zoning plan. As noted above, adherence to the strict letter of the zoning regulations would cause unusual hardship and prevent the property from being put to a practical use. The requested variances should therefore be granted.

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

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

**9. 15 Renchy Street, Map 79, Parcel 720. Petition of Richard and Sally Santella for a variance of the zoning Regulations; Section 5.2.4.3 to reduce the street line setback from 30' proposing 17 feet and the side and rear setbacks from 10 feet, proposing 4.3 feet for an accessory structure. Permission to construct an in ground pool on a corner lot. Premises: B Zone**

Rick Santella, owner, presented the application for a variance of the Zoning Regulations. He wishes to construct an in ground pool on a corner lot. The property is pre-existing and is a legally nonconforming.

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

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

**10. 772 Rowland Road, Map 184, Parcel 105. Petition of Samuel and Helen Bliman for a variance of the Zoning Regulations; Section 5.2.5 to increase the maximum lot coverage from 20%, currently 44.05%, proposing 54.86%, and to increase the maximum total floor area from 40%, currently 44.35%, proposing 44.53%, Section 5.2.4 to reduce the street line setback from 30 feet, currently 13.9 feet, proposing 13.3 feet, and the sum of two side lines from 20 feet, currently 19.6 feet, proposing 16.1 feet. Permission to construct a new open porch and side porch for a recently lifted FEMA compliant dwelling. Premises: A Zone**

Steven Keedle, agent, presented the application for a variance of the Zoning Regulations. He noted the owner is requesting a variance to construct a new open porch and side porch for a recently lifted FEMA compliant dwelling.

The lot is non-conforming and the existing house is also in non-conformance and establishes the hardship. The owners are residents of Fairfield since 1984. Their three children and two young grand children spend every summer with them. As grandparents, they want to ensure the safety and enjoyment for their young grandchildren.

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

**11. 100 Fogg Wood Road, Map 163, Parcel 14. Petition of 100 Fogg Wood Road, LLC for a variance of the Zoning Regulations; Section 5.2.4 to reduce the minimum required street line setback from 60 feet, currently 48.7 feet, proposing 48 feet. Permission to construct a one story addition. Premises: AAA Zone**

Attorney William Fitzpatrick presented the application for a variance of the Zoning Regulations. He noted the applicant is the owner of property which contains a single family home located at 100 Fogg Wood Road, at the northeasterly quadrant of the intersection of Fogg Wood Road and Fogg Wood Circle. This property is identified in the Assessor's Records as Parcel 14 on Map 163. The property is located in the Residence AAA zone which requires a minimum lot area of 87,120 square feet. The property which contains 94,881 square feet in excess of the minimum lot area requirement. The property was recently damaged by fire, virtually destroying the attached garage. The intent of the applicant is to rebuild the garage in place, and construct a one story addition to the rear of the garage. The proposed addition contains 538 square feet and includes a master bedroom, bath and walk in closet. The intent is to provide a bedroom on the first floor, thereby reducing the use of stairs to the second floor for elderly occupants or those whose knees have seen better days.

The applicant is requesting a variance of Section 5.2.4 of the Zoning Regulations to reduce the street line setback for a corner lot from the required 60 feet, presently 48.7 feet, to 48.0 feet, in conjunction with the repair of a fire-damaged garage and construction of a one story addition. There are several factors for the Board to consider in evaluating this variance request.

First, the variance is necessitated by the fact that Fogg Wood Circle was constructed several decades after the home here was constructed. In essence, the side yard of this property was transformed into a street setback, changing the setback required under the regulations from 30 feet to 60 feet, through no action of the owner/applicant here. This is a prime example of a classic legal hardship.

Secondly, the required variance here, from the preexisting side yard setback of 48.7 feet to the proposed setback of 48.0 feet, variance is minimal, being some 9 inches. Further, this is not a case where the property is being overbuilt, since the building coverage on-site, with the proposed addition in place, is 4.1%, less than one-half of the permitted 10% building coverage for this zone.

Similarly, the floor area ratio, with the proposed addition in place, will be 4.6%, less than one-third of the 15% floor area ratio permitted in this zone. Approval of this variance request will permit the construction of a modest addition in conjunction with the repair of a fire damaged garage, thereby addressing the needs of the owner without any perceptible negative impact on surrounding owners or their neighborhood.

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.*

**12. 1146 Valley Road, Map 28, Parcel 141. Petition of Erik Golden for a variance of the Zoning Regulations; Section 5.2.4 to reduce the street line setback on a corner lot from 30 feet, currently 12.9 feet, proposing 17.7 feet, and the side yard setback from 7 feet, currently 5.1 feet, proposing 5.3 feet, and Section 5.2.5 to increase the total floor area from 40%, currently 37.3%, proposing 40.3%. Permission to construct a two story addition and attic and to make the dwelling FEMA compliant. Premises: A Zone**

Erik Golden, owner, presented the application for a variance of the Zoning Regulations. She wishes to construct a two story addition and attic and make the dwelling FEMA compliant.

The lot is pre-existing and legally nonconforming. The basement will be filled in order to become FEMA compliant. Also, she is looking to add additional space for storage and mechanicals.

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

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

**13. 130 Eunice Avenue, Map 138, Parcel 93. Petition of Joseph and Maureen Rog for a variance of the Zoning Regulations; Section 5.2.5 to increase the maximum lot coverage from 20%, currently 24.08%, proposing 26.03%, and to increase the maximum total floor area from 40%, currently 25.75%, proposing 42.85%, and Section 5.2.4 to reduce the sum of two side yard setbacks from 25 feet, currently 20.1 feet, proposing 20.1 feet. Permission to elevate the existing dwelling to FEMA compliant and to construct a second story addition and a front porch and rear deck. Premises: A Zone**

Steven Keedle, architect, presented the proposed application for a variance of the Zoning Regulations. The owners wish to construct a second story addition and a front porch and rear deck. As a result of Storm Sandy, the owners are lifting their home to become FEMA compliant and at the same time bring the house as close as they can to current building code.

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

**14 (a) 57 Lindbergh Street, Map 231, Parcel 330 South. Petition of John J. Fodor for a variance of the Zoning Regulations; Section 5.1.1 to reduce the minimum required lot size from 6,000 square feet, proposing 5,228 square feet and to reduce the minimum required lot square from 60 feet, proposing 54 square feet, and section 5.2.1 to reduce the minimum lot frontage from 60 feet, proposing 59.5 feet. Permission to create a single family building lot. Premises: B Zone**

The proposed application was continued to December 5, 2013

**14 (b) 57 Lindbergh Street, Map 231, Parcel 330 North. Petition of John J. Fodor for a variance of the Zoning Regulations; Section 5.1.1 to reduce the minimum required lot size from 9,375 square feet, proposing 8,148 square feet and to reduce the minimum required lot square from 75 feet, proposing 56 square feet, and Section 5.2.1 to reduce the lot frontage from 75 feet, proposing 56 feet and Section 5.2.4 to reduce the street line setback from 30 feet, proposing 23 feet. Permission to create a single family building lot. Premises: A Zone**

The proposed application was continued to December 5, 2013

**14 (c) 62 Lindbergh Court, Map 231, Parcel 329. Petition of John J. Fodor for a variance of the Zoning Regulations; Section 5.1.1 to reduce the minimum required lot size from 9,375 square feet, currently 9,715 square feet, proposing 8,151square feet. Permission to realignment of property lines to create an additional single family building lot. Premises: A Zone**

The proposed application was continued to December 5, 2013

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

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

There being no further business to come before the Commission, Chairman Coyne, adjourned the meeting at approximately 6:20 p.m.

---

Donald Cafero, Secretary

---

Josephine M. Keogh, Clerk

**KEVIN COYNE, CHAIRMAN**

**DONALD CAFERO, SECRETARY**

**JOSEPHINE M. KEOGH, CLERK**