



## Zoning Board of Appeals

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# MEMORANDUM

TO: Zoning Board of Appeals  
FROM: Michelle Perillie, AICP CFM, Deputy P&Z Director  
DATE: September 19, 2024

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**ADDRESS:** 7 Fairfield Avenue  
**ZBA #:** ZBA-24-00478  
**ZONE:** Residence A district  
**PID #:** D03097000  
**OWNER:** Ken Shubin-Stein  
**APPLICANT:** Don Fairbanks



*Date of Photo per Google: June 2023*

**Proposal:** To raise the existing home from El 12.1 to El 13.5 and over allowable height, remove existing front porch, enlarge the side and rear staircases and construct a roof deck over allowable Building and Total Coverage.

### History

- According to the Tax Assessors Card the single-family residence was constructed in 1920.
- Variance #4405 granted on 1/8/91 for setback, coverage and flood zone.
- ZP #40916 issued on 3/7/16 for raising the house with first floor to be at El 12, expanded front, rear and side stairs and landing for access, raised a/c and generator and construct stair and platform to access electrical panel.

### Variances Needed

- §6-2.1.2, Relocation of non-conforming Building Coverage
- §6-2.1.7, Expansion of Structure within Setback
- §13-5, Building Height
- §13-6, Building and Total Coverage

### Hardship Offered by Applicant

- As stated by the applicant on the Variance application dated 8/16/24, “Existing non-conforming lot; existing non-conforming coverage and setbacks; 100 year floodplain”.

### Flood Zone Data

Is the property in a Flood Zone?	YES <input checked="" type="checkbox"/> AE 11 NO <input type="checkbox"/>
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### Additional Requirements

Excavation & Fill Application Required?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
P&Z Site Plan/Special Permit Required?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Is this Application eligible for a Site Plan Waiver per §43-5.2?	N/A
Is ARB Review Required?	N/A
CAM? YES <input checked="" type="checkbox"/> <u>Exempt per Sec. 31-10.6.4</u> NO <input type="checkbox"/>	

### Additional Information

7 Fairfield Avenue is a single-family dwelling within the Residence A district. According to the tax assessor’s card, the existing dwelling was constructed in 1920. The lot does not contain any wetlands or steep slopes but is located within the flood hazard zone AE 11 and within the Coastal Area Management boundary and is serviced by town sanitary sewer and public water.

The application proposes to elevate the existing home which is already floodplain compliant, enlarge the side and rear staircases over allowable Building and Total Coverage limits, with a reduction in Building and Total Coverage.

ZP #40916 was issued on 3/7/16 to raise the house so the first finished floor was El. 12.1. The applicant was permitted to raise the first finished floor higher than El. 12.1 since §6-3.3, see language below, permits up to an additional 5’ of building height, which is calculated by determining the difference between the average grade and Base Flood Elevation (11’ BFE- avg grade 6.4’) which in this case was 4.6’. By taking the permitted height of 26’ and adding 4.6’, a midpoint height of 30.6 was permitted when the zoning permit was issued. The proposal instead raised the midpoint of the roof to 29.3’ from average grade.

*“Building Height for principal buildings may be increased by up to an additional five feet; (Maximum of 31’) for an existing or new [structure](#) located within the [Special Flood Hazard Area](#) specifically, when such structure is proposed have its first finished [floor](#) elevated to at least the [Base Flood Elevation](#) has no [basement](#) or [cellar](#) below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 ([Elevated Buildings](#)). Structures in the VE zone shall comply with all the requirements in §31-11.3.5. One additional foot of Building Height as measured from average grade shall be permitted for each foot that the average grade is below the Base Flood Elevation up to a maximum of five feet. Wet [flood proofed](#) enclosed spaces below the first floor with a head room of five feet or less shall not be considered a [story](#)*

This is a standard requirement the Town Engineer will review prior to the issuance of a Zoning Permit.

#### DATA TABLE **Variances requested in Red**

	Existing	Proposed	Required/Allowed
<b>Gross Lot Area:</b>	5,000 SF Non-conforming Lot	Same	21,780 sf
<b>Building Coverage:</b>	1,987 sf (39.74%)	1,975 SF (39.5%) Decrease of 12 SF	750 SF (15%)
<b>Total Coverage:</b>	2,885 SF (57.7%)	2,873 SF (57.456%) Decrease of 12 SF	1,250 SF (25%)
<b>Setbacks:</b>			
<b>Front:</b>	5’	15.2’	20’
<b>Sides:</b>	3.7’ & 7.8’	3.7’ & 7.8’	7.5’
<b>Rear:</b>	18’	18’	25’
<b>Height and Stories:</b>	2- Stories 29.3’ Height [*When raised house would have been permitted 26’ + 4.6’ (11’ BFE- avg grade 6.4’ ) = 30.6”]	2- Stories 30.375’ Height	2 -Stories, 29.3’ Height
<b>Flood Zone Standards:</b> AE 11	First floor at El. 12.1’ with enclosed area below with flood openings	First floor proposed at 13.5’. Enclosed lower level at 10’ and garage at 9.7’ with adequate flood openings	First floor located at El. 11’ + 1’ freeboard = 12’ with flood openings below