CITY OF NORWALK
ZONING BOARD OF APPEALS
December 5, 2019 *DRAFT*

PRESENT: Lee Levey, Chair; Taylor Strubinger; Andrew Conroy; Keith Lyon

STAFF: Aline Rochefort; Tammy Maldonado

OTHERS: Jennifer Butler; Colin Grotheer; Carolyn Nally; Paolo Magnone; David LaPierre; Atty Liz Suchy;

I. CALL TO ORDER

Mr. Levey called the meeting to order at 7:30 p.m. and then went over the rules of the public hearings. He also noted that since there were only 4 commissioners their decision had to be unanimous. He advised applicants that they could postpone and return to the Zoning Board of Appeals in January. No additional fees would be charged.

II. ROLL CALL

Ms. Rochefort called the roll.

III. PUBLIC HEARINGS

A. 19-1205-01 - Jennifer Butler - Variance to legalize the relocation of front door/portico approved by variance in 2004, permit not obtained. Property located at 15 Park Lane.

Mr. Levey opened the public hearing and Mr. Conroy read the legal memo into the record. Mr. Levey asked whether the applicant would begin and she said that she would. Ms. Butler then handed in the certified, return receipt cards, evidencing notification of the public hearing to the abutting neighbors.

Ms. Butler then began by explaining how she had notified her neighbors in 2004 about the work done then. She explained how she had not realized that an additional permit was needed at the time. She had not applied for a building permit for the current work until she received this variance to legalize the relocation of the front door and portico in 2004.

The commissioners did not have any questions. No members of the public spoke for or against the application. Mr. Levey closed the public hearing.

B. 19-1205-02 – Kevin & Carolyn Nally – Variance to elevate single family residence previously granted by variance. Additional new variances; legalization of parking in the front setback and legalization of AC units side setback. Property located at 18 Pine Point Rd.

Mr. Levey opened the public hearing and Mr. Conroy read the legal memo into the record.

Colin Grotheer began the presentation. Mr. Levey asked whether he wished to proceed and he did. Mr. Grotheer handed in the certified, return receipt cards, evidencing notification of the public hearing to the abutting neighbors. He also handed them a survey from 1996 which showed that the Zoning Department staff had signed off on the driveway at that time, although erroneous. He then showed them a picture of the current house which would be elevated to comply with FEMA regulations. He showed them pictures of river rocks that were used in Rowayton when houses were raised. There had been a discrepancy on the air conditioning unit. Ms. Rochefort noted that the applicant was applying to elevate the existing house. They would make the air conditioning units comply so that they would not need a variance for that. They would be raising above the FEMA requirements.

The commissioners did not have any questions.

Carolyn Nally, the owner of the property, spoke in favor of the application.

No members of the public spoke against the application. Mr. Levey closed the public hearing.

C. 19-1205-03- Paolo Magnone & Suzanne Henrick- Variance to legalize shed within the wrong quadrant on a corner lot. Property located at 16 Half Mile Rd.

Mr. Levey opened the public hearing and Mr. Conroy read the legal memo into the record. Mr. Levey asked whether the applicant wished to proceed and he did.

Paolo Magnone began the presentation. Mr. Magnone handed in the certified, return receipt cards, evidencing notification of the public hearing to the abutting neighbors. He said that he had done a remodel of the house and had been advised by the builder that the shed did not require a permit. He noted that this was ill-advised. He also explained that the location where it could go is not as tucked away as the current location. The builder's foreman was no longer working for the construction company. Mr. Magnone said that it had been there for about 1 year. The commissioners asked for a description of the shed. Mr. Magnone said it was under the height requirement for a shed. He also noted that it would be landscaped where it is now. There are a lot of rocks that would have to be removed if he moved it to the recommended spot. Neighbors have complimented the color of it. The commissioners then discussed pictures of the shed that they had reviewed. It was noted that a neighbor also had a non-conforming shed.

No members of the public spoke for or against the application. Mr. Levey closed the public hearing.

IV. BOARD ACTION ON: A – C and request for extension of time in which to get building permits on; 8 St James Place - 19-0425-03 & 21 South Beach Drive - 19-0321-03.

i. 21 South Beach Drive - 19-0321-03 - Request for extension of time in which to get building permits

Mr. Levey opened the item and Mr. Conroy read the memo into the record. Mr. Levey asked whether the applicant wished to proceed and he did.

David LaPierre, who spoke on behalf of the applicant, noted that the processes had taken longer than expected and thanked Ms. Rochefort for noticing that they needed an extension. He did not foresee any other hold-ups.

**** MR. LEVEY MOVED to APPROVE the request for an extension of time.**

Mr. Lyon seconded.
Lee Levey; Taylor Strubinger; Andrew Conroy; Keith Lyon voted in favor.
No one opposed.
No one abstained.

ii. 8 St James Place - 19-0425-03 - Request for extension of time in which to get building permits

Mr. Levey opened the item and Mr. Conroy read the memo into the record. There was a discussion about the time for the extension.

Atty Suchy, who spoke on behalf of the applicant, explained that bids had come in higher than anticipated. There were other problems with the neighbors. They wanted to work with them and not have any issues. There was a discussion about whether the applicant would be able to work with a 6 month extension, rather than a 1 year extension.

**** MR. LEVEY MOVED to APPROVE the request for an extension of time of 6 months.**

Mr. Lyon seconded.
Lee Levey; Taylor Strubinger; Andrew Conroy; Keith Lyon voted in favor.
No one opposed.
No one abstained.

iii. 19-1205-03- Paolo Magnone & Suzanne Henrick- Variance to legalize shed within the wrong quadrant on a corner lot. Property located at 16 Half Mile Rd.

There was a discussion amongst the commissioners about the topography as well as whether it was a hardship to move the shed. The application does not state that the hardship is the topography. There was also a discussion about taking a lawn mower or snow blower out of the shed if it was moved.

**** MR. STRUBINGER MOVED to APPROVE the application.**

Mr. Levey seconded.
Lee Levey; Taylor Strubinger voted in favor.
Andrew Conroy; Keith Lyon opposed.
No one abstained.

The motion did not carry, therefore it is denied.

iv. 19-1205-02 – Kevin & Carolyn Nally – Variance to elevate single family residence previously granted by variance. Property located at 18 Pine Point Rd.

There was a discussion about the information that they received during the public hearing and that they should be compliant with all regulations. The only variance requested was to elevate, the other issues will be resolved without the need for a variance.

**** MR. LEVEY MOVED to APPROVE the application.**

Mr. Strubinger seconded.
Lee Levey; Taylor Strubinger; Andrew Conroy; Keith Lyon voted in favor.
No one opposed.
No one abstained.

v. 19-1205-01 - Jennifer Butler - Variance to legalize the relocation of front door/portico approved by variance in 2004, permit not obtained. Property located at 15 Park Lane.

**** MR. LEVEY MOVED to APPROVE the application.**

Mr. Strubinger seconded.
Lee Levey; Taylor Strubinger; Andrew Conroy; Keith Lyon voted in favor.
No one opposed.
No one abstained.

V. ACTION ON HEARING MINUTES- November 21, 2019

Mr. Levey suggested that the minutes be held over to the January meeting. There may have been an omission in that Mr. Levey may not have actually been nominated for the chairmanship position. Ms. Rochefort would review the tape.

VI. ADJOURNMENT

Mr. Strubinger made a Motion to Adjourn.
Mr. Levey seconded.
Lee Levey; Taylor Strubinger; Andrew Conroy; Keith Lyon voted in favor.
No one opposed.
No one abstained.

The meeting was adjourned at 8:19 p.m.

Respectfully submitted,

Diana Palmentiero

CITY OF NORWALK
ZONING BOARD OF APPEALS
December 5, 2019 (APPROVED JULY 16, 2020)

PRESENT: Lee Levey, Chair; Taylor Strubinger; Andrew Conroy; Keith Lyon

STAFF: Aline Rochefort; Tammy Maldonado

OTHERS: Jennifer Butler; Colin Grotheer; Carolyn Nally; Paolo Magnone; David LaPierre; Atty Liz Suchy;

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The commissioners did not have any questions. No members of the public spoke for or against the application. Mr. Levey closed the public hearing.

B. 19-1205-02 – Kevin & Carolyn Nally – Variance to elevate single family residence previously granted by variance. Additional new variances; legalization of parking in the front setback and legalization of AC units side setback. Property located at 18 Pine Point Rd.

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Colin Grotheer began the presentation. Mr. Levey asked whether he wished to proceed and he did. Mr. Grotheer handed in the certified, return receipt cards, evidencing notification of the public hearing to the abutting neighbors. He also handed them a survey from 1996 which showed that the Zoning Department staff had signed off on the driveway at that time, although erroneous. He then showed them a picture of the current house which would be elevated to comply with FEMA regulations. He showed them pictures of river rocks that were used in Rowayton when houses were raised. There had been a discrepancy on the air conditioning unit. Ms. Rochefort noted that the applicant was applying to elevate the existing house. They would make the air conditioning units comply so that they would not need a variance for that. They would be raising above the FEMA requirements.

The commissioners did not have any questions.

Carolyn Nally, the owner of the property, spoke in favor of the application.

No members of the public spoke against the application. Mr. Levey closed the public hearing.

C. 19-1205-03- Paolo Magnone & Suzanne Henrick- Variance to legalize shed within the wrong quadrant on a corner lot. Property located at 16 Half Mile Rd.

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i. 21 South Beach Drive - 19-0321-03 - Request for extension of time in which to get building permits

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David LaPierre, who spoke on behalf of the applicant, noted that the processes had taken longer than expected and thanked Ms. Rochefort for noticing that they needed an extension. He did not foresee any other hold-ups.

**** MR. LEVEY MOVED to APPROVE the request for an extension of time.**

Mr. Lyon seconded.
Lee Levey; Taylor Strubinger; Andrew Conroy; Keith Lyon voted in favor.
No one opposed.
No one abstained.

ii. 8 St James Place - 19-0425-03 - Request for extension of time in which to get building permits

Mr. Levey opened the item and Mr. Conroy read the memo into the record. There was a discussion about the time for the extension.

Atty Suchy, who spoke on behalf of the applicant, explained that bids had come in higher than anticipated. There were other problems with the neighbors. They wanted to work with them and not have any issues. There was a discussion about whether the applicant would be able to work with a 6 month extension, rather than a 1 year extension.

**** MR. LEVEY MOVED to APPROVE the request for an extension of time of 6 months.**

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Lee Levey; Taylor Strubinger; Andrew Conroy; Keith Lyon voted in favor.
No one opposed.
No one abstained.

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There was a discussion amongst the commissioners about the topography as well as whether it was a hardship to move the shed. The application does not state that the hardship is the topography. There was also a discussion about taking a lawn mower or snow blower out of the shed if it was moved.

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The motion did not carry, therefore it is denied.

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The meeting was adjourned at 8:19 p.m.

Respectfully submitted,

Diana Palmentiero