

**CITY OF NORWALK
ZONING BOARD OF APPEALS
DECEMBER 3, 2009 (approved February 4, 2010)**

I. CALL TO ORDER

Mr. Strubinger called the meeting to order at 7:43 pm.

II. ROLL CALL

Ms. Rochefort took the roll call.

PRESENT: Taylor Strubinger, Chair; Dawn DelGreco; Tony Lopez; Joe Santo;
Gordon Tully

STAFF: Aline Rochefort

OTHERS: Ron Kellogg; George Tangarife; Ed Reed; Hera Bellara; Chris Miller

III. PUBLIC HEARING

**A. 09-1203-01 Roundtree Development, LLC—Variances for
construction of a new 6 unit multi-family development in Business
No. 2 Zone. Property located at 39 Lois St.**

Mr. Strubinger opened the public hearing and read the ground rules.

Mr. Tully described the proposal involving variances for lot width, driveway, and building length. The applicant agreed to waive the lengthy reading.

Ms. Rochefort stated that the green cards had been submitted.

Mr. Tully read the memo and gave background concerning the property, stating that the application involved a hardship with regard to the unique shape of the lot.

Mr. Tully read a memo from Mr. Mike Greene addressing the shape of the lot and explaining that the goal in rewriting the regulations was to make developments more compatible with the streets on which they are located and that regulations cannot be written to cover all unusual circumstances.

Mr. Tully read a memo from Mr. Richard Linnartz of DPW, stating that the entrance of the driveway required a width of twelve feet at the road.

Mr. Ron Kellogg, the owner of Roundtree Development, showed the property on an aerial map and indicated the adjacent properties. He submitted a photograph and explained that the building had 2½ stories and six units. He added that the

regulations allowed 31 units, as far as density was concerned. He reiterated that the property was legally non-conforming and that the proposal was for only six units.

Mr. Kellogg discussed the background of the property, outlining zone changes in 1976, 1987, and 1991. He said that in 2001, the lot was recognized as a separate and distinct non-conforming property, adding that it was appropriate for multi-residential development. He described the uses on adjacent properties, including a large industrial site, an intense residential use, an intense commercial use, and a B-residential zone.

Mr. Kellogg explained that the lot width required 80 feet, but that the property was only 20 feet at the street, where the lot width is measured. He said that the property was connected by an access road with only one way in and out. He compared the lot to another property at issue in *Fiorella vs. Norwalk ZBA* in 1976. Mr. Kellogg reiterated that the bulk of the property, including the area where construction would occur, was 160 feet wide. He said that the hardship involved the fact that the width was measured at the street line, at which point this property was only 20 feet.

Mr. Kellogg discussed traffic at the site, pointing out that a study had indicated that eighteen units would involve ten trips at peak hours and therefore the six units proposed here would necessarily generate considerably fewer trips than that.

Mr. Kellogg discussed the driveway width with relation to Mr. Linnartz's letter. He pointed out the discrepancy with regard to driveway widths, wherein Zoning regulations required a minimum of ten feet and DPW required twelve or more feet. Mr. Kellogg said that the reduction in the number of proposed units reduced the variances required in the previous application.

Mr. Strubinger asked about the five-foot buffer indicated in the plans. Mr. Kellogg said that it was an error in the architect's drawing.

Mr. Strubinger read the recently revised D Zone regulations concerning multifamily projects. He asked if the parking area faced the entrance. Mr. Kellogg said no. Mr. Tully said that the D zone revisions aimed to create a street-front with parking behind it. He indicated a document showing a sketch of a typical layout and stated that he had worked with Mr. Greene on it.

Mr. Strubinger asked about the drainage ditch. Mr. Kellogg said that the Conservation Commission had given a permit for a more intensive use. He discussed drainage at the site.

Mr. Santo asked what the applicant could theoretically build on the site, if he were to approach the building department without coming to the ZBA. Mr.

Kellogg said that nothing could be built there in those circumstances, due to the need for variances for the buffer and the driveway width. He added that the property was zoned commercially.

Mr. Santo asked if Airpot could extend its property onto the lot, if it were to purchase it. Ms. Rochefort said yes, adding that Airpot would then need to meet B-2 setbacks.

Mr. Tully asked whether a single-family residence could be built on the property, according to the DPW regulations regarding the driveway width. Ms. Rochefort said that only DPW could determine that. Mr. Kellogg pointed out that DPW considered the factor of minor use and major use.

Ms. Rochefort reiterated that the city standard as quoted in the letter from the DPW required a twelve-foot driveway width at the street-line only.

Mr. Tully asked if neighbors were objecting to the buffer. Mr. Kellogg said that the complaints had involved density, adding that the minutes from the hearings would indicate such concerns.

Mr. Tully pointed out that it was within the Board's power to implement conditions regarding the ten-foot driveway.

Mr. Strubinger opened the hearing to public comment.

Mr. George Tangarife, 43 Lois Street, said that he was a neighbor at the Correa property and that he was concerned about noise and safety at the site. He said that there were blind spots and that the gate seemed too narrow. He said that he did not anticipate such a development when he purchased his property.

Mr. Tully asked whether the neighbor believed that Mr. Kellogg should be prevented from developing the property at all.

Mr. Tangarife reiterated that the access-way was his biggest concern and that it seemed hazardous.

Mr. Tully said that the property was a buildable lot. He asked if there were a fence between the two properties. Mr. Tangarife said yes.

Mr. Ed Reed, 9 Fuller Road, said that as a neighbor, he was concerned about the safety of the entryway. He presented photographs of the entryway and stated that "boxing" of cars would be a problem in the driveway. Mr. Reed explained that shadowbox fencing would help the buffer to feel bigger. He asked if the proposal still needed to go through Zoning, if the variance were approved by ZBA. Mr. Strubinger said yes.

Mr. Santo explained that the Plan Review Committee addressed those sorts of specifics. Mr. Tully added that landscape conditions were sometimes made at ZBA.

Ms. Hera Bellara, an adjacent neighbor, stated that she was concerned about safety and that neighbors wanted to see a plan by a professional landscape architect.

Mr. Strubinger asked what screening existed at the property currently. Mrs. Bellara said that there were shrubs, which she believed would need to be removed.

Mr. Kellogg confirmed that the shrubs would remain there.

Mr. Lopez asked what the maintenance of those shrubs would accomplish. Ms. Bellara said that it would create more privacy between her property and the multi-family residence.

Mr. Chris Miller, 3 Fullen Court, stated that zoning variances did not always account for surrounding properties, pointing out that the road was a common cut-through to Route 1. He said that sidewalks would improve the safety of the area and should be included as a condition. Mr. Miller also said that there was a bus-stop nearby and that on-street parking would be aggravated by the development.

Mr. Kellogg reiterated that he did have the right to develop his property. He added that he could not do anything about the city streets themselves. Mr. Kellogg also said that he would work with the Plan Review Committee in terms of landscaping, pointing out that improved landscaping would enhance his own property as well.

Mr. Lopez asked the applicant to address concerns about safety.

Mr. Kellogg said that the safety issues at this site were no different than safety issues elsewhere. He gave the details of the traffic study cited in his earlier comments.

Mr. Strubinger asked about the shadowbox fencing. Mr. Kellogg said that he had no objections to it.

Mr. Strubinger asked about the six-foot fence and also about the retaining wall. Mr. Kellogg said that the fence would be installed and that the existing retaining wall was there because the property sloped.

Mr. Strubinger added that conditions would be implemented with regard to landscaping to buffer neighboring properties.

Mr. Strubinger closed the public hearing.

IV. BOARD ACTION ON ITEM A

Mr. Strubinger discussed the number of units in the development, adding that two units would eliminate safety and driveway concerns.

Ms. DelGreco addressed concerns about the access-way and landscaping, pointing out that the driveway itself did not present a serious problem. The Board discussed the practical considerations of the driveway. Mr. Tully emphasized that the Board was not approving the driveway as it was drawn.

**** MR. STRUBINGER MADE A MOTION TO APPROVE the variance because the applicant demonstrated a hardship due to the unique shape of the lot; and also because regulations cannot be made for every lot; and because the applicant has minimized the number of units in the development. The variance is approved with the following conditions:**

- 1. That additional landscaping is put in at the driveway and the parking area**
- 2. That screening fences be installed between the property and its residential neighbors along the ROW to the north**
- 3. That proper jurisdiction is given to Zoning, taking full account of safety and screening concerns**
- 4. That the adjacent screening be extended to the rear of the property, through the parking lot**
- 5. That a minimum seven (7) foot buffer be maintained to the north side of the ROW**

**** MR. SANTO SECONDED.**

**** MOTION PASSED UNANIMOUSLY. (DelGreco, Lopez, Tully)**

V. ACTION ON HEARING MINUTES, November 5, 2009

**** MR. STRUBINGER MADE A MOTION TO APPROVE THE MINUTES.**

**** MR. LOPEZ SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

VI. ADJOURNMENT

**** MR. STRUBINGER MADE A MOTION TO ADJOURN.**

**** MR. SANTO SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 9:12 pm.

Respectfully submitted by Charlene Smith.

