

**CITY OF NORWALK
ZONING BOARD OF APPEALS
NOVEMBER 19, 2020
VIA TELECONFERENCE**

ATTENDANCE: Lee Levey, Chair; Andrew Conroy, Secretary; Marilyn Altman;
Tad Diesel; Chris Gavrielidis;

STAFF: Tammy Maldonado, Acting Zoning Inspector

I. CALL TO ORDER

Mr. Levey called the meeting to order at 7:30 p.m.

II. ROLL CALL

Mr. Levey called the Roll as indicated above.

III. PUBLIC HEARINGS

Mr. Levey provided an overview of the how the meeting will be conducted. He said that for the first two hours there will be a public hearing on the applications that were listed in *The Norwalk Hour*, and after the applicant and or his or her representative has spoken, those against the application will have the opportunity to state their opposition for the record. After that has concluded, the applicant and only the applicant, will have the opportunity to rebut and respond to the issues that were raised. The hearing will then be closed, and the Board will discuss and act upon the applications and no further public input will be accepted. Should an applicant decide to leave they may contact the Zoning office tomorrow to learn about the decision.

Public hearing comments are not verbatim and represent a summarization of statements unless otherwise noted.

Mr. Conroy read the following application:

A. 20-1119-01 Michael Lockwood – Variance for front yard setback and number of stories (2 ½ existing to 3 ½ proposed) to elevate existing single family residence previously granted by variance. Property located at 33 Pine Point Rd

Mr. Chris Hull, represented the applicant, Mr. Lockwood. He explained that they are requesting a variance for the story count, which will make the home compliant with current flood requirements. The height of the structure will be compliant with Zoning regulations. Parking will be located beneath the home.

Mr. Levey said this was a straightforward application and noted this Board has heard many other requests to elevate structures out of the flood plain. He confirmed that nothing will be below the flood plain.

Ms. Altman said she drove by the property and asked about comments from neighbors. Mr. Hull, Mr. Conroy and Ms. Maldonado said they did not receive letters from the neighbors. Ms. Maldonado said she received the proof of mailing.

Mr. Hull did not have any closing statements. Mr. Lockwood said that he spoke with his neighbors and they all seemed to be ok with this proposal.

There were no further comments and the public hearing was closed.

Mr. Conroy read the following application:

B. 20-1119-02 277 Rowayton Avenue, LLC – Special exception to change one nonconforming use (architect’s office) to another nonconforming use (construction company office). Property located at 277 Rowayton Ave

Attorney Liz Suchy represented the applicant. She noted that certified letters were sent to the neighbors on November 16, 2020 and the return cards were delivered to the Zoning office this morning.

Ms. Suchy shared an annotated site plan. She said this location has been used for commercial uses for as long as anyone can remember. In 2005, the owner received a special exception. The use is non-conforming because an office use is not permitted in this Zone.

The applicant is requesting to change the use from an architectural office to a non-conforming construction office. No construction equipment or materials will be stored on the site and the number of parking spaces will remain unchanged. Ms. Suchy submitted, that she believed a construction headquarters is as an appropriate use for this Zone as the architectural office space. She said the construction headquarters will be used the same way as the architectural office has been.

The interior square footage will remain unchanged. Ms. Suchy said that a few neighbors had questions for the applicant. The applicant spoke with the neighbors and feels their concerns have been addressed.

Ms. Suchy said the conditions suggested by staff are acceptable: exterior storage of equipment would be prohibited on the site, parking would be only for personal vehicles and a pick up truck and no construction materials will be stored on site.

Mr. Levey asked if the Board had any comments or questions. Ms. Altman asked if anyone needed to know if they were open on the weekend. Mr. Levey said he did not believe so. He said he did not see the general public going in and out of the office.

Mr. Levey asked if any members of the public wished to comment. Ms. Angela Nelson asked if 4 McKinley Court would remain a residential home. Ms. Suchy said it would remain a residential dwelling. Ms. Nelson said this would be fine if the proposed use is similar to the existing office.

Mr. Conroy read a letter of support from a neighbor, but they asked the Board to consider limiting the usage to desk employees.

Ms. Erika Muraski asked what would happen if the property is sold. She said that it should remain a corporate office. Mr. Levey said that presumably, if the use of the space changes, because it is legally non-conforming, that change would have to go before the Zoning Board of Appeals as it has in the past.

Mr. Conroy said that this site is a few hundred feet from the railroad station. He said he did not know how it would work if they had construction vehicles. Ms. Natasha Tomai, one of the applicants, said this is a construction management office and no construction vehicles would be driven to the site. She said this is all commercial construction and the superintendents go to the sites. Ms. Suchy noted that any future purchasers of the property would be well aware of any restrictions on the property.

There were no further comments and the public hearing was closed.

Mr. Conroy read the following application:

C. 20-1119-04 Ian & Carla Beazley – Variance for rear yard setback for proposed addition. Property located at 31 Honeysuckle Dr

Mr. Jake Vandercamp, contractor for the applicant explained that they would like to add an addition to the back of the home. The issue is the utility easement that slashes through the middle of the property. The only place they can put the addition is in the back. He said they were advised that they cannot touch the easement.

Mr. Levey pointed out that the document submitted states that the applicant was going to obtain a permit from the Town of Westport. He said that needs to be corrected. Ms. Maldonado said that she did not give advice to the applicant regarding the easement.

Mr. Levey said the design is rather odd, but it responds to the easement. He said he presumed that Mr. Vandercamp spoke to the former Zoning Inspector about the possibility of a design that does not require a variance. Mr. Vandercamp said their understanding was that they could not do anything in an easement. Due to the cost, they

got creative in the footprint and designed the master bedroom working backward from the furniture. Mr. Levey told Mr. Vandercamp that the Zoning Board of Appeals can not grant a variance for economic reasons. He added that it is a State statute.

Ms. Altman said she did not see letters from the neighbors. Ms. Maldonado said she received a call from a neighbor asking about the location of the addition. Ms. Altman said that setbacks are important and neighbors should weigh in. Ms. Maldonado said she received the proof of mailings. Mr. Levey reiterated that the Board can not grant a variance for economic reasons.

Mr. Levey asked if the Board had any comments or questions. Mr. Diesel asked Mr. Vandercamp if he might consider making a presentation that explains the appropriate family and neighborhood design and not based on economics. Mr. Vandercamp described the design of the house and said that if he designs the addition differently, the door to the master bedroom will be in the middle of the living room. He said that it is an unusual house with an unusual lot.

Mr. Levey told Mr. Vandercamp that it is troubling because he said the reason for the request was for economic reasons. Mr. Conroy asked Mr. Vandercamp to show the location of the easement. Mr. Vandercamp shared his screen showing the proposed addition and the encroachment.

There were no further comments and the public hearing was closed.

Mr. Conroy read the following application:

D. 20-1119-05 TR South Water Street, LLC – Variance of sign regulations for proposed wall signs at mixed use structure under construction. Property located at 123 Water St.

Attorney Liz Suchy represented the applicant, Thomas Rich. She said the notification was sent to the neighbors on November 6th and the green cards were returned to the staff today.

Ms. Suchy reviewed the application and shared her screen showing a rendering of the structure that is under construction. She showed the rendering of the proposed signs: Harborside Sono on the top of the building and SONO reset on the façade. The variance request relates to the Harborside Sono on the top of the building and the SONO sign. She said that the number of the letters proposed on the Harborside Sono are compliant.

Ms. Suchy said that as you travel down Water Street, the structure cannot be seen and the Harborside Sono sign at the top of the building is more visible. The signage provides the visible landmark they are hoping to achieve. The SONO vertical sign is a mural, like the one below the train trestle on Washington Street. As long as there are no advertisements,

it is the same as a mural. Ms. Suchy said she believes the SONO sign is a symbiotic sign of the area and should be considered a mural, much like the SONO mural under the train trestle. She presented a Wall Street mural and noted that it identifies a product.

Ms. Suchy requested that if the Zoning Board of Appeals deemed the SONO letters to be a mural that a variance would not be required. If not, they are requesting a variance. The signage serves as a direction and is tasteful. She said that this request addresses the changing uses in the area.

Ms. Suchy said there were seven letter of support from surrounding neighbors for the mural and the letters on top of the façade.

Mr. Conroy read letters of support from SoNo Fine Art, Rex Marine, Residence Inn, Donovan's SoNo Baking Company, Spinnaker Real Estate Partners and SoNo Square Associates.

Mr. Levey asked if the Board had any comments or questions. Mr. Conroy said the SONO is something else, but the sign on top of the building is a sign. Mr. Levey said this calls to mind what was proposed and approved for the Marriott on South Main Street. In the end they came up with a viable solution. Ms. Suchy said that for the Marriott, much of the same issues emerged for that. She said that they do not dispute the sign on the top of the building is a sign. For South Norwalk to see a resurrection, it is important to be visible. Signage is important to the resurrection and future development.

Ms. Altman noted that the sign for the Marriott is advertisement. The Harborside Sono is an address. She said she loves what the applicant has done. She asked if everyone would be able to put up a sign. Mr. Levey asked if the SONO sign will be illuminated and asked how that will be for the apartments. Mr. Rich said the sign will be dimly lit. Mr. Levey expressed concern about the occupants in the apartments staring into the letters. Mr. Rich said they rented all five of the apartments and every tenant has been made aware of the sign. If it becomes an issue, they will turn off the lights earlier. He noted that it is not a bright neon sign. Mr. Rich said it is an iconic art piece. He said he saw this as an opportunity to decorate the blank wall, at great expense. He said the Harborside SoNo sign will be lit. He said that the corner sign is an identification sign for the project. This building has 500 feet of frontage which give availability for these signs. Mr. Rich said they tried to create a high quality design.

Mr. Diesel asked if the five units looking at the SONO sign would be allowed to have drapes in their living room. He added that regardless of how the residents feel about the sign being lit, he asked if the applicant would pledge to keep the sign lit. Mr. Diesel said he wanted assurance the icon would be visible as many hours as possible. Mr. Rich said they would have to turn off it off at a reasonable hour, such as 10:00 p.m. He added that the size of the sign is important to be sure it is visible.

There were no further comments and the public hearing was closed.

IV. BOARD ACTION ON: A – D

D. 20-1119-05 TR SOUTH WATER STREET, LLC – VARIANCE OF SIGN REGULATIONS FOR PROPOSED WALL SIGNS AT MIXED USE STRUCTURE UNDER CONSTRUCTION. PROPERTY LOCATED AT 123 WATER ST.

Mr. Conroy said that with regard to the light, the time it can be illuminated should be limited. Mr. Levey said he had no objection to having it lit for a longer period of time. He added that they should look at this as a sign and will have to grant a variance for the sign and stipulate the hours it can be illuminated.

Ms. Altman said the SONO facing north is beautiful and the sign above the building seems fine. She said she wondered if every building will have its location put on it. She said she loves what they did to that area. She said she does not know the plans for the greater area. Ms. Altman said that this is not a harmful thing; they changed the area so profoundly. The sign is beautiful and establishes the neighborhood.

Ms. Altman said the owner of the building will need to shut down the lights if the residents are bothered by it. Mr. Levey said that would be part of the approval. He said to call it a sign and not call it artwork.

Mr. Gavrielidis said he did not feel they needed to put any restrictions on this, because it is between him and his clients. Mr. Conroy said it is between the owner and the public. He said he likes the sign, but there is no reason to see it at 3:00 a.m.

Mr. Diesel asked if it was too late to consider this a piece of art rather than a sign. It is not an advertisement for Rich Industries. It is a location of a neighborhood that is trying to establish its identity. He said that the developer offered a gift to our City with this structure. Mr. Diesel said that the idea of calling this art is not unreasonable.

Mr. Levey said that even Mr. Rich called it a sign. He said the Board needs to recognize it is a sign and approve a variance and place some conditions on it by limiting the hours of operation. Mr. Gavrielidis asked if the mall signs are lit at 2:00 a.m. Mr. Levey said they are off at that time.

**** MR. CONROY MOVED TO APPROVE THE ITEM ABOVE WITH THE CONDITIONS THAT THE SONO VERTICAL SIGN ILLUMINATION WILL HAVE A LIMIT OF 12 MIDNIGHT AND THE HOURS OF ILLUMINATION FOR THE HARBORSIDE SONO SIGN WILL BE UP TO THE OWNER**

**** MR. DIESEL SECONDED**

**** MOTION PASSED UNANIMOUSLY FOR HARBOURSIDE SONO SIGN AND 4 IN FAVOR AND 1 OPPOSED (GAVRIELIDIS) FOR SONO VERTICAL SIGN**

C. 20-1119-04 IAN & CARLA BEAZLEY – VARIANCE FOR REAR YARD SETBACK FOR PROPOSED ADDITION. PROPERTY LOCATED AT 31 HONEYSUCKLE DR

**** MR. CONROY MOVED TO APPROVE THE ITEM ABOVE.**

**** MR. GAVRIELIDIS SECONDED**

**** MS. ALTMAN AND MR. LEVEY OPPOSED**

Mr. Levey explained that the Board could deny the application without prejudice. He said he sees the hardship, but the applicant stated there was an economic reason they were asking for the variance.

Ms. Altman said that in this case, she feels at odds that the neighbors did not weigh in on his. She said she gets the necessity of this and asked why no one said anything. Mr. Levey said there are a number of things about this application that bother him.

**** MR. CONROY WITHDREW HIS MOTION**

**** MS. ALTMAN SECONDED**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE**

**** MR. LEVEY MOVED TO DENY THE APPLICATION WITHOUT PREJUDICE AND STATED THE APPLICANT COULD COME BACK WITH AN ALTERNATIVE PLAN AND WITH COMMENTS FROM THE NEIGHBORS**

**** MS. ALTMAN SECONDED**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE**

B. 20-1119-02 277 ROWAYTON AVENUE, LLC – SPECIAL EXCEPTION TO CHANGE ONE NONCONFORMING USE (ARCHITECT'S OFFICE) TO ANOTHER NONCONFORMING USE (CONSTRUCTION COMPANY OFFICE). PROPERTY LOCATED AT 277 ROWAYTON AVE

Ms. Altman said this sounds like this would be fine as a business office.

**** MR. LEVEY MOVED TO APPROVE THE ITEM ABOVE SUBJECT TO THE CONDITION THAT THERE WILL BE NO STORAGE OF CONSTRUCTION MATERIALS AND SUPPLIES ON THE SITE AND THAT NO CONSTRUCTION VEHICLES WILL BE PERMITTED TO**

PARK AT THE SITE. IN ADDITION, VISITORS MAY NOT PARK ON THE STREET

**** MS. ALTMAN SECONDED**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE**

A. 20-1119-01 MICHAEL LOCKWOOD – VARIANCE FOR FRONT YARD SETBACK AND NUMBER OF STORIES (2 ½ EXISTING TO 3 ½ PROPOSED) TO ELEVATE EXISTING SINGLE FAMILY RESIDENCE PREVIOUSLY GRANTED BY VARIANCE. PROPERTY LOCATED AT 33 PINE POINT RD

Mr. Levey said he had no objection to the application.

**** MR. LEVEY MOVED TO APPROVE THE APPLICATION ABOVE AS THE REQUEST TO RAISE THE BUILDING IN A FLOOD PLAIN IS A NECESSARY PART OF LIVING IN A FLOOD ZONE**

**** MS. ALTMAN SECONDED**

**** MOTION PASSED UNANIMOUSLY**

V. ACTION ON HEARING MINUTES

**** MR. CONROY MOVED TO APPROVE THE MINUTES FOR THE FOLLOWING MEETINGS AS PRESENTED**

AUGUST 20, 2020

SEPTEMBER 17, 2020

OCTOBER 15, 2020

**** MR. DIESEL SECONDED**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE**

VI. ANNUAL ELECTION

**** MR. CONROY NOMINATED MR. LEVEY AS CHAIR**

Mr. Levey said he took that as a great compliment, because he knows what a great job Mr. Conroy did over the years.

Mr. Conroy noted that he, Mr. Levey and Mr. Gavrielidis are permanent members of the Board; Ms. Altman and Mr. Diesel are alternates. He said that only permanent members of the Board could vote.

**** MR. GAVRIELIDIS SECONDED**
**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE (MR. CONROY;**
MR. GAVRIELIDIS AND MR. LEVEY)

**** MR. LEVEY NOMINATED MR. CONROY AS SECRETARY**
**** MS. ALTMAN SECONDED**

Mr. Conroy noted that according to CT Statute, all can second a motion.

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE (MR. CONROY;**
MR. GAVRIELIDIS AND MR. LEVEY)

Mr. Levey welcomed Mr. Conroy back and said he looked forward to another year working with him.

Mr. Conroy offered to send pertinent parts of the CT State Statute to members of the Board. Ms. Altman said she goes to all of the locations and would like to be more educated. She thanked Ms. Maldonado.

VII. ADJOURNMENT

**** MS. ALTMAN MOVED TO ADJOURN**
**** MR. LEVEY SECONDED**
**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE**

There was no further business and the meeting was unanimously adjourned at 9:48 p.m.