

**CITY OF NORWALK
ZONING BOARD OF APPEALS
OCTOBER 15, 2020
VIA VIDEOCONFERENCE AND TELECONFERENCE**

ATTENDANCE: Lee Levey, Chair; Marilyn Altman; Andrew Conroy; Tad Diesel;
Keith Lyon

STAFF: Tammy Maldonado, Acting Zoning Inspector

I. CALL TO ORDER

Mr. Levey called the meeting to order at 7:31 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 and 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.

**A. 20-0716-03 Scott & Dana Mattson – Variances for replacement single family residence.
Property located at 4 Buttonball Trail**

Mr. Conroy read the staff report.

Attorney Liz Suchy represented the applicants, Scott and Dana Mattson. She said she wanted to thank Ms. Rochefort for her service to the City of Norwalk and to her clients. She said she looks forward to working with Ms. Maldonado.

Ms. Suchy said the neighbors were notified and there are letters of support in the file.

Ms. Suchy explained that 4 Buttonball Trail is a 1953 structure and is similar to other homes in the neighborhood. There is a significant amount of ledge in the property. She presented photos of the property.

The elevation changes dramatically on the property and the dwelling is in significant disrepair and can't be repaired. The interior has significant problems and the clients need to re-construct the dwelling. The existing foundation cannot support the proposed 2 ½ story structure. The front setback will remain. Ms. Suchy said that the staff indicated that a variance for parking will be required. When the home was built, only one parking space was required.

Currently there is an outcropping in the basement. Ms. Suchy drew the Board's attention to the front and rear elevations. She said that the challenge is getting the parking space somewhere compliant. The existing garage will remain.

The grading plan was presented. They plan to bring in fill to raise the grade 1 ½ feet. It is a minimal amount of grading and this will match the other homes in the neighborhood. With the proposed grading, the number of stories proposed will comply with the requirements.

Ms. Suchy said that due to existing conditions, it would be reasonable to grant a variance.

Mr. Levey asked if anyone from the public wished to speak in favor. Hearing none, he asked if anyone from the public wished to speak in opposition. Hearing none, he asked the Board members if they had any comments. A Board member asked about parking. Ms. Suchy explained that parking regulations became effective in 1951 and at that time only one parking space was required. She said it would be a hardship to create an additional parking space.

Ms. Suchy said there should be six letters of support from surrounding property owners.

Mr. Conroy read a letter of support into the record.

Mr. Conroy read another letter of support; however, that neighbor had concerns about the removal of a tree. Ms. Suchy said that issue has been resolved and the tree will remain.

Ms. Suchy had no further comments and the public hearing was closed.

B. 20-1015-01 DGR Enterprises, LLC – Variance for additional dwelling on site in existing rear building. Property located at 1 North Ave

Mr. Conroy read the staff report.

Attorney Liz Suchy represented the applicant, DGR Enterprises, LLC. She said the certified letters were mailed to the adjoining residents and she did not receive any inquiries from the neighbors.

Ms. Suchy described the property and said that it is located in a Business #2 zone. She said she has a history with this property. In 1999, Mr. Russell approached this Board to convert the front building to 10 residential units. There are two buildings on the site and both pre-date Zoning. The structure in the rear is the subject of this application. Ms. Suchy said they believe it was a

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barn at one point. Over the years, Mr. Russel used it as office space, but the commercial mixed use with the residential use, did not work well.

There was a deficiency in parking and they looked at how to best accommodate the additional parking. There is enough space between the structures to add four parking spaces for a total of 14 parking spaces. The variance request is for the additional parking spaces and the recreation area. This site will be a resource for affordable housing. Ms. Suchy said that Mr. Russell did a good job of maintaining the historical structure. If this application is approved, they will add one more apartment to the site.

Ms. Suchy presented a survey of the property. She said the front building has 10 residential units and will continue to have 10 residential units. If deemed appropriate, the rear structure will be used for one dwelling. The existing recreation area is to the right of the main structure. It was approved in 1999 and exists today. The office use is not conducive for the building.

Mr. Levey asked if any members of the public wished to speak in favor. Hearing none, he asked if any members of the public wished to speak in opposition. Hearing none, Mr. Russell, the property owner said that because he was unable to put up a commercial sign, the office unit has been empty for three years.

Ms. Suchy had no further comments, but said they are requesting relief so they can use the rear building for a residential unit.

The public hearing was closed.

**C. 20-1015-02 Roderick & Melora Johnson – Variance for proposed detached garage.
Property located at 67 Bluff Ave**

Mr. Conroy read the staff report.

Attorney Liz Suchy represented the clients Roderick and Melora Johnson. She said the neighbors were notified. She said the applicant is within a CAM boundary. The lot is under the 12,500 sq. ft. required for this Zone. Currently there is a three-story home on the property. There is also a one story non-conforming shed on the property. The shed is non -conforming due to parking.

The lot functions in reverse. This proposal is to demolish the shed and replace it with a garage. This is similar to nearby structures.

Mr. Chris Pagliaro, architect presented the proposal. He said the proposal is to demolish an existing shed, that is useless and replace it with a two car garage. Currently there are two non-conforming parking spaces. The alternative is to use the easement. At one point, the he communicated with the owner's architect at 69 Bluff Avenue and talked about sharing a motor court, but they were not comfortable with that.

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The front of the existing house has developed landscaping. This is a consistent situation with similar lots.

Mr. Pagliaro presented photographs of the property and showed the home next door, which is under construction. He said the plans being presented are consistent with the streetscape.

Mr. Levey said he would like to see landscaping. He asked what the second story of the garage would be used for. Mr. Pagliaro said it would be used for storage. He said they are seeking to make the structures in line with the new home next door.

Mr. Levey asked if any members of the public wished to speak in support.

Mr. Conroy read letters of support from surrounding neighbors.

Mr. Levey asked if any members of the public wished to speak in opposition. Hearing none, Ms. Suchy summarized the application request. The public hearing was closed.

D. 20-1015-03 Ryan Smith – Variance to amend design of structure and dormer ridge lines of single family residence previously granted by variances. Property located at 21 South Beach

Mr. Conroy read the staff report.

Attorney Robert Maslan represented the applicant, Mr. Ryan Smith. He said he submitted the proof of mailings.

Mr. Maslan explained that the property was the subject of a variance in March 2019. The proposal tonight is to raise the ridge height to allow more head room in an office space. The proposed modification will not change the height or footprint of the home. The gable will go up about three feet to match the ridge height.

Mr. Maslan presented various views of the home. He said this was a minor modification and will not involve any changes to the setback.

Mr. Levey said he had no questions on this application. He said it was very straightforward and does not represent a considerable change from what was already approved.

Mr. Levey asked the Board members if they had any questions. They did not.

Mr. Levey asked if any members of the public wished to speak in favor. Hearing none, he asked if any members of the public wished to speak in opposition. Hearing none, Mr. Maslan said had no further comments, but wanted to extend his best wishes to Ms. Rochefort on her retirement.

The public hearing was closed.

IV. BOARD ACTION ON: A – D

D. 20-1015-03 Ryan Smith – Variance to amend design of structure and dormer ridge lines of single family residence previously granted by variances. Property located at 21 South Beach

Mr. Levey said he has no major issues with this request.

**** MR. LYON MOVED TO APPROVE VARIANCE TO AMEND DESIGN OF
STRUCTURE AND DORMER RIDGE LINES OF SINGLE FAMILY
RESIDENCE PREVIOUSLY GRANTED BY VARIANCES. PROPERTY
LOCATED AT 21 SOUTH BEACH
** MS. ALTMAN SECONDED
** MOTION PASSED UNANIMOUSLY**

C. 20-1015-02 Roderick & Melora Johnson – Variance for proposed detached garage. Property located at 67 Bluff Ave

Ms. Altman said it was a good idea to be able to park safely. If the neighbors are happy with what they are doing, then it is a good idea. Mr. Levey said it is a matter of public safety.

**** MR. LEVEY MOVED TO APPROVE VARIANCE FOR PROPOSED
DETACHED GARAGE. PROPERTY LOCATED AT 67 BLUFF AVE
** MS. ALTMAN SECONDED
** MOTION PASSED UNANIMOUSLY**

B. 20-1015-01 DGR Enterprises, LLC – Variance for additional dwelling on site in existing rear building. Property located at 1 North Ave

Mr. Diesel said this will improve the property and does it in a way that preserves the structure. Mr. Levey said this puts one more affordable apartment on the market. He added that this takes a commercial use from a property where it was not suited for a commercial use.

**** MR. DIESEL MOVED TO APPROVE A VARIANCE FOR ADDITIONAL
DWELLING ON SITE IN EXISTING REAR BUILDING. PROPERTY LOCATED
AT 1 NORTH AVE
** MS. ALTMAN SECONDED
** MOTION PASSED UNANIMOUSLY**

A. 20-0716-03 Scott & Dana Mattson – Variances for replacement single family residence. Property located at 4 Buttonball Trail

Mr. Conroy noted that there is not a lot they can do given the amount of ledge on the property. Mr. Levey said the topography presents a major hardship. He said he was pleased they managed to change the grade to go back to the 2 ½ story structure.

- ** MR. LEVEY MOVED TO APPROVE THE VARIANCES FOR REPLACEMENT SINGLE FAMILY RESIDENCE. PROPERTY LOCATED AT 4 BUTTONBALL TRAIL**
- ** MR. CONROY SECONDED**
- ** MOTION PASSED UNANIMOUSLY**

V. ACTION ON HEARING MINUTES – August 20, 2020 & September 17, 2020

The minutes of August 20, 2020 were tabled pending the inclusion of comments from Mr. Conroy.

- ** MR. CONROY MOVED TO APPROVE THE MINUTES OF SEPTEMBER 17, 2020 AS CORRECTED**
- ** MR. LEVEY SECONDED**
- ** MOTION DID NOT CARRY DUE TO TWO (2) ABSTENTIONS (MR. LYON AND MS. ALTMAN) & ONLY 3 AFFIRMATIVES (MR. CONROY, MR. LEVEY, MR. DIESEL)**

VI. ADJOURNMENT

Mr. Conroy acknowledged Ms. Rochefort's long service and said she would be missed.

- ** MR. LYON MOVED TO ADJOURN**
- ** MR. CONROY SECONDED**
- ** MOTION PASSED UNANIMOUSLY**

There was no further business and the meeting was unanimously adjourned at 9:15 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services