

CITY OF NORWALK ZONING BOARD OF APPEALS
REGULAR MEETING VIA TELECONFERENCE
SEPTEMBER 21, 2023 MINUTES

ATTENDANCE: Andy Conroy, Chair; Lee Levey, Marilyn Altman,
Thomas Farkas, Steve Ferguson
STAFF: Tammy Maldonado, Planning & Zoning

OTHERS: Michal Butler, Clever Garcia, Atty. Wilder Gleason, Atty. Jay Klein, Charlie Mason, Abby Fedus, Robert Stowers, Ken Hughes, Joshua Watkins, Maarten Eenkema Van Dijk, David Gagnon, David Kumani, Atty. Liz Suchy, Elaine Monchak, Susan Fisher Plotner

This meeting was held via Zoom teleconferencing.

CALL TO ORDER

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

ROLL CALL

Mr. Conroy announced the Board Members who were seated. He read the instructions for the meeting procedures, submitting email comments, verbally comment and/or how to view the Board meeting.

PUBLIC HEARINGS

Mr. Levey read the information for the application from the staff memorandum.

A. (Continued) 23-0720-01 Clever Garcia - Variance of front setback for a proposed 2 story addition and front porch at existing single family residence. Property located at 2 Cedar Crest Pl.

Mr. Butler presented the item and reviewed the proposed revised changes to the previous application the Board had commented on at the last meeting. He highlighted and explained the structural problems that existed because the porch had been built without permits. He has reduced the scope of the request based on the Board's comments.

Ms. Maldonado shared the schematic drawings of the construction plans to show the proposed floor plans and the downsizing of the porch. Mr. Levey noted an error with the elevation drawings depicting the proposed second story at the front façade. Mr. Butler explained that it was a depiction mistake and that the second story wall would line up with the wall directly below. The roof overhang would not have a solid space below as shown in the elevation drawing. He detailed the finishing and showed the first-floor framing height and structural details of existing conditions that they want to rebuild.

Mr. Clever Garcia also noted that it was not very well built and the application is to make it structurally sound and complete repairs for safety.

Mr. Farkas suggested that the necessary repairs be done and recommended to secure the required variance.

Mr. Ferguson asked how the neighboring homes line up with the setbacks and how it would look in comparison.

Mr. Butler stated that it would be similar to the neighboring houses.

B. (Continued) 23-0720-02 Robert Counihan & Maura Bonanni -
Variance of front setback for a proposed 2 story addition at existing single family residence. Property located at 1 Cudlipp St.

Mr. Levey presented the details of the item from the staff memorandum.

Mr. Wilder Gleason representing the applicant, reviewed the continuance of the hearing and client response to address concerns of the variance request. He noted that the client's purchase of the property and changes to the family following the adoption of four children that are or when they are older will attend Norwalk Public Schools. He explained the homeowners both now work from home and the need for additional space is the reason for the variance request. He explained that the homeowners are willing to merge the two lots they own as one is a vacant buildable lot. He outlined the schematic drawings of the proposed changes to the plans and the revised distances to the front property line and coastal jurisdiction line. Supporting information was presented regarding the ability to build a home on the vacant lot. The changes to the original application were further reviewed.

Questions and comments were fielded including number of bedrooms at the home and the proposed bathroom next to the home offices. Mr. Levey suggested that the bathroom be changed to a powder room. Mr. Conroy noted that the applicant has addressed the Board's concerns and the requested modifications.

Mr. Farkas commented that this office space could be excessive in today's work from home laptop standards.

There was further discussion on the next steps, and the possible condition of approval based on merger of the two lots. It was noted that CAM approval would be required as well.

There were no comments from the public.

C. 23-0817-01 11 Ingalls Avenue City of Norwalk - Variance of height for a proposed seasonal bubble structure at existing tennis courts. Property located at 11 Ingalls Ave.

Mr. Levey presented the details of the item from the staff memorandum.

Ms. Valadares, Chief of Operations, Dept. Public Works, provided the introduction and site orientation for the proposed bubble. Mr. Stowers, Director of Recreation & Parks expanded upon the youth program that this would serve. Joshua Watkins, Executive Director of Grass Roots Tennis also spoke to the need for all weather tennis facility and the community service the program provides. Mr. Stowers outlined a summary of the background of Grassroots program and the agreement with the City of Norwalk.

Mr. Farkas asked about comments from neighbors and Ms. Maldonado noted that there were no concerns or objections raised from area residents.

Mr. Ferguson questioned the limited parking and expressed his wish that the application would include plans for adequate parking for safe entry and access along Ingalls Ave. for drop off/pick up.

Mr. Watkins clarified that there will not be tournaments and will be used by students and residents. Mr. Stowers noted that the final agreement with the City will have all of the safety and legal requirements per building codes.

There was discussion on yard and distance limitations, and Ms. Valadares explained the variance was for height only.

Public Comment:

Vivian Hernandez, parent of a student in the program, spoke about her son's participation in the educational program and the impact with so many other children and young people and success stories with families in need that don't have means for sports participation has had such a positive impact.

Sean Cahill co-chair Grassroots Tennis Education thanked the Board for their review and support. He echoed other comments and added that the structure is adjacent to commercial buildings with similar height guidelines.

There was discussion about the support letters from students and parents.

**** MR. LEVEY MOVED TO INCLUDE APPROXIMATELY 30 LETTERS IN SUPPORT OF THE ITEM AS PART OF THE MINUTES.**

**** MS. ALTMAN SECONDED THE MOTION.**

**** MOTION PASSED UNIMOUSLY.**

ITEM 3D. 23-0817-02 Sackett Norwalk 490 LLC

– Variance of setbacks for two paddle ball courts under construction previously granted by variance. Property located at 490 Westport Ave.

Mr. Levey presented the details of the item from the staff memorandum.

Mr. Jay Klein representing the applicant and reviewed the prior variance applications granted. He noted during pandemic the difficulty with construction. He explained due to a mistake by the installers it was discovered that the platforms were actually constructed a few feet to the east of area approved. Therefore, this application is to seek a grant to authorize the location shift rather than a tear down and re-construct.

Mr. Levey asked about a warming hut that was part of the original approval. Mr. Mason replied that it is on hold pending this application and will be delivered and installed in the observation area following this approval. There is one letter of support to be included in the record. No members of the public for comment.

E. 23-0921-01 Susan Fisher Plotner – Variance of rear and side setback for proposed addition to single family dwelling and parking in front setback. Property located at 8 Cudlipp St.

Ms. Maldonado read the details of the application from the staff memo and referenced the staff memorandum included by the Land Use Planner.

Atty. Liz Suchy reported that proof of certified letters to abutting property owners were provided for the record. She gave a presentation about the existing home and proposed addition.

Ms. Maldonado shared photos of the front of the house and other views and a schematic of the elevation plans and survey of the proposed addition and parking spaces.

Ms. Susan Fisher Plotner indicated she had lived in the home for four years and noted her neighbors were in support of the proposal and they had provided letters to the Board.

Four letters of support from the neighbors were read by Ms. Maldonado to be included in the record.

There was further questions and discussion from the Board.

IV. BOARD ACTION ON ITEMS 3A-3E

ITEM 3A: 23-0720-01 - Clever Garcia

Mr. Conroy reviewed the application and noted there was substantial discussion, and all conditions were made in compliance as requested by the Board.

- ** MR. CONROY MOVED TO APPROVE THE VARIANCE AS REQUESTED.**
- ** MR. LEVEY SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

Mr. Conroy reviewed the application and noted there was substantial discussion, and all conditions were made in compliance as requested by the Board.

ITEM 3B – 23-0720-02 Robert Counihan & Maura Bonanni -

**** MR. LEVEY MOVED TO APPROVE THE VARIANCE AS REQUESTED, SUBJECT TO MODIFICATION AS DISCUSSED SO THAT THE BATHROOM NEXT TO THE HOME OFFICES BE A LAVATORY TO PREVENT THESE ROOMS FROM THEN BECOMING BEDROOMS, THAT THE LOTS BE MERGED AND THE PROJECT PROCEED WITHIN A ONE YEAR TIME PERIOD.**

**** MS. ALTMAN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

ITEM 3C: 23-0817-01 11 Ingalls Avenue City of Norwalk

Mr. Levey reviewed the application and noted there was substantial discussion, and all conditions were made in compliance with City requirements.

**** MS. ALTMAN MOVED TO APPROVE THE VARIANCE AS SUBMITTED.**

**** MR. FERGUSON SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

ITEM 3D. 23-0817-02 Sackett Norwalk 490 LLC

Mr. Conroy reviewed the application and noted there was an error with the placement and installation, but it did not interfere with the application as granted.

**** MR. LEVEY MOVED TO APPROVE THE VARIANCE AS SUBMITTED.**

**** MS. ALTMAN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

ITEM 3E. 23-0921-01 Susan Fisher Plotner

Mr. Levey noted that the modifications should be made in consistency with the historical composition and preservation of this 50+ year house.

**** MR. LEVEY MOVED TO APPROVE THE VARIANCE AS SUBMITTED.**

**** MS. ALTMAN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

V. ADMINISTRATIVE ACTIONS

A. Action on Hearing Minutes – June 15, 2023, July 20, 2023

**** MR. CONROY MOVED TO APPROVE MINUTES OF THE ABOVE MEETINGS AS SUBMITTED.**

**** MR. FARKAS SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

B. Status of Training – Board members serving as of January 1, 2023 must complete initial land use training by January 1, 2024.

Ms. Maldonado noted that certifications of completion of training be submitted to avoid noncompliance with regulations. Mr. Conroy suggested that all follow the directive to do the training as required.

Ms. Maldonado noted that the next meeting is October 19, 2023.

**** MR. LEVEY MOVED TO ADJOURN.**

**** MS. ALTMAN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 10:05 p.m.

Respectfully submitted,
Telesco Secretarial Services