

**CITY OF NORWALK
ZONING BOARD OF APPEALS
SPECIAL MEETING
THURSDAY AUGUST 22, 2019 at 7:30pm**

ATTENDANCE: Lee Levey, Chairman; Chris Gavrielidis, David Heuvelman, Gregory Brasher, Marilyn Atman

STAFF: Aline Rochefort and Michelle Andrzejewski

OTHERS: Evan Sakofsky, Attorney Vasko, Lisa Concellitti, Tom Feeley, Peter Romano, Bob Adams, Rex Getney, Tom Yerinidis

I. CALL TO ORDER

Lee Levey called the meeting to order at 7:30pm.

II. ROLL CALL

Lee Levey called the roll.

III. PUBLIC HEARINGS

A. 19-0822-01 David & Caroline Williams, 40 Shorehaven Road

19-0822-01 – David & Caroline Williams- Variance to allow an expansion of an existing nonconforming detached 2 car garage for additional bay; 70ft required 24ft existing & proposed. (Section 118-910A & F, 118-310) in AAA residence zone. **Property located at 40 Shorehaven Rd. District 3, Block 79, lot 17. CAM**

REQUEST – Applicant is requesting a variance to add a 1 car garage bay onto a existing non-conforming detached two car garage.

BACKGROUND- The existing two car garage is 24ft from the property line, far short of the required 70ft. No previous variances have been found for the garage. The structure is legally non-conforming.

ANALYSIS & FINDINGS – There is no zoning hardship for a third garage bay. This is simply a preference.

Evan Sakofsky came to represent the home owners. The homeowners are looking to add a third bay garage which is in the setback area. They do have deeded rights to use the garage and there is already parking.

Chris Gavrielidis questioned what the hardship actually was? As there is no living quarters it is just a garage.

No one came forward in favor or against the project.

B. 19-0822-02 Alberico Modugno, Carmela & Dino N. Modugno, 27 Visconti Street

19-0822-02 - Alberico Modugno, Carmela & Dino N. Modugno – Variance to legalize roofed over entry portico built in contravention of approvals; 6ft x8ft allowed; 6ft x 10ft constructed. (Section 118- 900C & 118-340) in B residence zone **Property located at 27 Visconti St.** –District 5, Block 10, Lot 97.

REQUEST – Applicant is requesting a variance to allow a portico that was constructed larger than what was approved.

BACKGROUND- A zoning approval was issued on December 12, 2016. That approval, all plans and paperwork, clearly showed the portico 6ft x 8ft. When zoning staff went out to inspect for a certificate of zoning compliance the error was found. The applicants claim that the previous porch was 8ft x 10ft is irrelevant, this is a new porch in a new location.

ANALYSIS & FINDINGS – This is a completely new structure. The applicant /builder worked beyond the scope of permits. There is no proof that the supporting columns need to be moved as the applicant claims. The roof could be reduced in size and comply.

There is no zoning hardship. The portico was not constructed as approved. Their problem is self-created and could easily be remedied.

Attorney Vasko came forward to represent the homeowner's. This is a single family residence. There were contractor issues. The air conditioner needed to be moved North to South because of the setback area. They also needed to remove the front bay window with a traditional window as it is in the setback area, also. The project got out of control, by the contractor not following the plans. Removing of the door is not possible and would serve as a safety hazard.

Mr. Levey said it is an architect error, not a hardship.

Letters from the neighbors were presented:

Lisa Concellitti, approval of the project

Tedeschi Family, approval of the project

Chris LaRossa, approval of the project

Lisa Concellitti, came forward to speak in favor of the project. No one came forward against the project.

19-0822-03 – Shivam & J. Krupa, Inc. - Variance to legalize ground sign constructed in wrong location in contravention of permit issued. 50ft from centerline required 47.1ft existing (Section 118-1204, 118-522 & 118-1000E) in Business 2 zone. **Property located at 344 Westport Ave.** District 5, Block 9, Lot 8.

REQUEST – Applicant is requesting a variance to legalize a ground sign placed in the wrong location within the required 50ft centerline setback.

BACKGROUND- Zoning approval was issued October 3, 2018 clearly stating the sign must comply with 50ft centerline setback.

ANALYSIS & FINDINGS – Applicants claim of concern for the adjacent structure is not supported with any evidence. If there was any doubt over the centerline of the road the survey should have been prepared in advance or at the very least staked. There is more than 7ft between the sign and the building. If the sign were relocated there would still be approximately 4ft between the building and the sign.

There is no zoning hardship, this is a failure of the applicant to confirm information with a survey prior to construction.

Tom Feeley came forward to speak about the project. Neighbors were not properly notified. They can reapply and come back after the neighbors are properly notified.

19-0822-04 – Perry & Diane Caminis – Variance to elevate existing nonconforming SFR and legalize parking within the front setback, (Section 118-340C & 118-800D 118-1220C) in B residence zone. **Property located at 11 Rowayton Ave.** District 6, Block 1C, Lot 1, CAM

REQUEST – Applicant is requesting a variance to elevate an existing non-conforming structure in a flood zone.

BACKGROUND- The existing non-conforming structure is not in compliance with FEMA. The owners wish to renovate and elevate the structure.

ANALYSIS & FINDINGS – The existing structure is nonconforming as to height and number of stories (no previous variances have been found) and is entirely within the AE flood zone. The house is located in FEMA flood zone AE El. 15, the existing structure first floor is at 12.3. Zoning regulations require that finished floor elevation be 1 foot above the required FEMA flood elevation.

Additionally parking will be provided underneath the new structure and will count as a story. Applicant is proposing to raise the grades on either side of the residence to allow the height to be measured from a higher grade. On the west side they are proposing to raise the grade almost 10ft and build a walkway. The regulations only allow for height to be measured from a maximum of three feet of fill.

Pete Romano and Bob Adams came forward to speak about the project.

The property itself is already non-conforming. They are looking to lift the house to get it out of the flood zone.

There were no speakers for or against the project.

Rex Getney, did come forward. He is neutral. It does address the neighbors concerns. Drainage issues will also be addressed. No study was ever done for this.

IV. BOARD ACTION ON: A-D and Board action on 19-0117-04 (66 Cedar Street)

Request for 6 month extension of time to get Building permits.

19-0117-04 (66 Cedar Street)

TomYerinides came forward regarding this request. On August 1, 2019 the note was closed. Could not get permits during time allotted.

**** MS. ALTMAN MADE MOTION TO APPROVE THE 6 MONTH EXTENSION**

**** MR. HEUVELMAN SECONDED THE MOTION**

**** MOTION PASSED UNANIMIOUSLY**

19-0822-04 Perry & Diane Caminis, 11 Rowayton Avenue

**** MR. LEVEY MADE MOTION TO GRANT THE VARIANCE**

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

**** MOTION PASSED UNANIMIOUSLY**

19-0822-01 David & Caroline Williams, 40 Shorehaven Road

Mr. Brasher questioned what the hardship is. The property is already non-conforming and its adding to the non-conformity.

**** MR. BRASHER MADE MOTION TO DENY, NO HARSHIP FOUND**

**** MR. LEVEY SECONDED THE MOTION**

**** MOTION PASSED UNANIMIOUSLY**

19-0822-03 Shivam & J. Krupa, Inc., 344 Westport Avenue

Case has been closed. They are able to reapply.

19-0822-02 Alberico Modugno, Carmela & Dino N. Modugno, 27 Visconti Street

There was long discussion on this matter. The board felt bad for the homeowners, but there seems to be no hardship. It appears the contractors had no regard for the zoning and building regulations. The Board was trying to find a way the homeowner's could solve the problem.

**** MR. LEVEY MADE MOTION TO DENY WITHOUT PREJUDICE. CAN REDESIGN AND COME BACK**

**** MR. BRASHER SECONDED THE MOTION**

**** MOTION PASSED 4-1 (4 IN FAVOR, 1 AGAINST – MS. ALTMAN)**

V. ACTION ON HEARING MINUTES – July 18, 2019

**** MR. HEULVAM MADE MOTION TO ACCEPT THE MINUTES.**

**** MR. LEVEY SECONDED THE MOTION.**

**** MOTION PASSED UNANIMIOUSLY.**

VI. ADJOURNMENT

**** MR. LEVEY MADE MOTION TO ADJOURN.**

**** MR. BRASHER SECONDED THE MOTION.**

**** MOTION PASSED UNANIMIOUSLY.**

Meeting was adjourned at 8:50 p.m.

Respectfully Submitted,

Raeann Bromark
Telesco Secretarial Services

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