

**CITY OF NORWALK
ZONING BOARD OF APPEALS
AUGUST 20, 2020
BY VIDEOCONFERENCE AND TELECONFERENCE**

ATTENDANCE: Lee Levey, Chair; Gregory Brasher; Andrew Conroy;
Chris Gavrielidis; Tad Diesel

STAFF: Aline Rochefort, Zoning Inspector, Tammy Maldonado,
Compliance Inspector, Michelle Andrzejewski, Compliance
Assistant

I. CALL TO ORDER

Mr. Levey called the meeting to order at 7:33 p.m.

II. ROLL CALL

Mr. Levey called the Roll as indicated above.

Mr. Levey provided an overview of how the meeting will be conducted and stated 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 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. No further public input will be accepted. Should the applicant decide to leave, they may contact the Zoning Office tomorrow to learn about the decision.

III. PUBLIC HEARINGS

**A. 20-0716-02 CASSENA CARE AT NORWALK – VARIANCES TO
REDUCE LOT AREA COVERAGE FOR PROPOSED NEW
PARKING LOT EXPANSION. PROPERTY LOCATED AT 23
PROSPECT ST.**

Mr. Conroy read the staff report into the record.

The applicants, Mr. Jay Russel, Executive Director and Mr. Ira Chilton, Consulting Architect were present. They explained they were seeking a variance for a newly proposed parking lot.

Mr. Russell explained that Cassena Care is a 150 bed rehabilitation facility, opened in 1971 that offers long term and short term residential services for residents who may be recovering from a variety of health concerns.

Mr. Chilton shared his screen and gave a presentation and reviewed their request for additional off-street parking. He said they currently have 43 parking space and three handicap designated spaces. An additional 20 parking spaces can be squeezed in resulting in 63 parking spaces, with a listed requirement of 80 parking spaces.

Mr. Levey asked about access from Bedford Street and said it was not shown on the site map. Mr. Levey asked about landscaping on the site. Mr. Levey recommended installing steel bollards to protect the transformer. Ms. Rochefort said that if this request is approved, that may be a Fire Marshall requirement.

Mr. Russel said all the abutting neighbors have been notified.

Mr. Chilton explained that Cassena Care has a heavier staff requirement now. Mr. Russel said this building was larger and they used to share parking with Norwalk Hospital. Ms. Rochefort said there was a variance in 1982 that allowed the two story addition and an increase in lot coverage, but it did not require additional parking. She added that there have been numerous variances granted, beginning in 1960.

Mr. Levey asked if there was anything about the building that is conforming. Ms. Rochefort said there was not; it was granted by a variance.

Mr. Chilton said they petitioned to the State to provide dialysis to their residents. He said if they decide to provide out-patient services, they will provide valet parking. Ms. Rochefort said that out-patient services was not permitted.

Mr. Levey asked if anyone wished to speak in favor of the application.

Ms. Rochefort read a letter of support from 3 Bedford Avenue, LLC.

Mr. Levey asked if anyone wished to speak in opposition.

Hearing none, the public hearing was closed.

B. 20-0220-03- RICHARD GILHOOLY - VARIANCE FOR AFTER THE FACT EXPANSION OF A NONCONFORMING SINGLE FAMILY HOUSE WITHIN THE FRONT SETBACK. PROPERTY LOCATED AT 28 AMUNDSEN ST.

Mr. Conroy read the staff report into the record.

Mr. Oscar Ovalle represented the applicant and shared his screen showing the site plan along with photographs of the former condition and the existing condition of the home.

Mr. Ovalle explained that Mr. Gilhooly to create a second floor above the porch. He said that when the owner removed the existing porch, they found that they needed a new foundation, but did not request a permit. They also put in a sidewalk, but realized it was too far into the setback. He said the owner is waiting for his problem to be solved and proposed removing the existing portico and recessing the entry by 2ft, 6”.

Mr. Ovalle said the owners knows he made mistakes with this construction, but has letters of support from his neighbors.

Mr. Levey said this was a step in the right direction to ease the problem. He said they need to look at the topography to see if the landing requires railings.

In response to a question, Ms. Rochefort said she believed the only thing not in compliance is the expansion into the front setback.

Mr. Levey noted there was a denial without prejudice to allow the applicant to come back with a workable solution.

The Board members continued discussion regarding the amount of the added non-compliant square footage. Noting that the current proposed solution was insufficient in comparison.

Mr. Levey asked if anyone wished to speak in favor.

Mr. Levey asked if anyone wished to speak in opposition.

Hearing no one, the public hearing was closed.

C. 20-0820-01 10 WILLARD LLC/FDSPIN WILLARD LLC – VARIANCE TO ALLOW WALL SIGNAGE FOR SELF-STORAGE FACILITY IN BUSINESS # 2 ZONE. PROPERTY LOCATED AT 10 WILLARD RD.

Mr. Conroy read the staff report into the record.

Attorney Adam Blank and Architect Ray Sullivan represented the applicant.

Mr. Blank reviewed their request and presented plans and photos of the site. He said that after receiving Zoning approval, the applicant put in an apartment complex and a self-storage facility. The self-storage facility is located in the back of the strip mall. He said it is 270ft off of Westport Avenue and in the back of the strip mall, making it impossible for pedestrians and motorists to see the signage.

Mr. Blank said if they are not granted the variance to allow the wall sign, they anticipate their customers will not be able to find them and will do u-turns on Westport Avenue trying to find them. He added that the topography on the property makes the variance appropriate.

Mr. Blank explained that there have been similar requests for signage granted by the ZBA. Those requests include properties on Westport Avenue and Fair Street; Walmart, Costco, PetSmart and Toys R Us on Connecticut Avenue. Also, 20 Glover Avenue, Stop & Shop on Main Avenue, Wendy's on Westport Avenue and Stew Leonard's.

Mr. Blank said there is a real significant need to have a wall sign that is visible from Westport Avenue.

Mr. Levey asked if the letters will be illuminated. He was told the letters would be white and back lit. Mr. Levey suggested shutting off the lights during hours of non-operation.

Mr. Levey asked if anyone wished to speak in favor.

Mr. Levey asked if anyone wished to speak in opposition.

Hearing no one, the public hearing was closed.

A. 20-0820-01 10 WILLARD LLC/FDSPIN WILLARD LLC – VARIANCE TO ALLOW WALL SIGNAGE FOR SELF-STORAGE FACILITY IN BUSINESS # 2 ZONE. PROPERTY LOCATED AT 10 WILLARD RD.

The Board discussed the request and noted that a second code compliant sign was permissible on the Strawberry Hill facing side and it was not within Board authority to ban a second compliant sign.

**** MR. GAVRIELIDIS MOVED TO APPROVE THE VARIANCE TO ALLOW ONE WALL SIGN FACING WESTPORT AVENUE WITH 36**

**INCH LETTERS FOR SELF-STORAGE FACILITY IN BUSINESS # 2
ZONE. PROPERTY LOCATED AT 10 WILLARD RD**
**** MR. CONROY SECONDED**
**** MOTION PASSED UNANIMOUSLY**

**A. 20-0220-03- RICHARD GILHOOLY - VARIANCE FOR AFTER THE
FACT EXPANSION OF A NONCONFORMING SINGLE FAMILY
HOUSE WITHIN THE FRONT SETBACK. PROPERTY LOCATED
AT 28 AMUNDSEN ST.**

The Board discussed the request.

**** MR. DIESEL MOVED TO DENY THE REQUEST FOR A VARIANCE
WITHOUT PREJUDICE FOR AFTER THE FACT EXPANSION OF A
NONCONFORMING SINGLE FAMILY HOUSE WITHIN THE FRONT
SETBACK. PROPERTY LOCATED AT 28 AMUNDSEN ST.**
**** MR. LEVEY SECONDED**
**** MOTION FOR DENIAL PASSED UNANIMOUSLY**

**A. 20-0716-02 CASSENA CARE AT NORWALK – VARIANCES TO
REDUCE LOT AREA COVERAGE FOR PROPOSED NEW
PARKING LOT EXPANSION. PROPERTY LOCATED AT 23
PROSPECT ST.**

The Board discussed the request.

**** MR. LEVEY MOVED TO APPROVE THE REQUEST FOR
VARIANCES TO REDUCE LOT AREA COVERAGE FOR
PROPOSED NEW PARKING LOT EXPANSION. PROPERTY
LOCATED AT 23 PROSPECT ST. WITH THE FOLLOWING
CONDITIONS:**

- PROVIDE AS MUCH LANDSCAPING AS CAN BE HANDLED BY
THE SITE**
- INSTALL BOLLARDS AROUND THE TRANSFORMER**
- SHOW EGRESS AND INGRESS ON THE SITE PLAN FROM
BEDFORD STREET**
- SERVICES WILL BE LIMITED TO IN-HOUSE RESIDENTS
ONLY**

**** MR. BRASHER SECONDED**
**** MOTION PASSED UNANIMOUSLY**

V. ACTION ON HEARING MINUTES – July 16, 2020

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**** MR. DIESEL MOVED TO APPROVE THE MINUTES AS PRESENTED**
**** MR. LEVEY SECONDED**
**** MOTION PASSED UNANIMOUSLY**

VI. ADJOURNMENT

**** MR. GAVRIELIDIS MOVED TO ADJOURN**
**** MR. LEVEY SECONDED**
**** MOTION PASSED UNANIMOUSLY**

There was no further business and the meeting was unanimously adjourned at 9:12 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services