

**CITY OF NORWALK  
ZONING BOARD OF APPEALS  
JULY 18, 2019**

ATTENDANCE: Lee Levey, Chairman; Taylor Strubinger; David Heuvelman; Andy Conroy; Chris Gavrielidis

STAFF: Aline Rochefort; Michelle Andrezejewski

OTHERS: Juan Perez; Chris McIntire, President of the Village Creek Homeowners Association; Natalie McIntire; Colin Hostin; Attorney Suchy; Diane Lauricella; Frank Guthman; Mark Histon; Brad Craighead; Sally Kellogg; Elliot Morales; Dean Russell; Adam Blank; Tom Whittaker; John Massari

**I. CALL TO ORDER**

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

**II. ROLL CALL**

Mr. Levey called the roll and indicated that they had a quorum.

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 and should an applicant decide to leave you may contact the Zoning office tomorrow to learn about the decision.

**III. PUBLIC HEARINGS**

**A. 19-0718-01-Mark Smith& Nora Niedzielski-Eichner-** Variance to allow third story addition to existing single family residence. **Property located at 7 Outer Road.**

Mr. Conroy read the staff report into the record.

Mr. Perez came forward and stated that in March they had presented to the Zoning Board of Appeals and had received approval for a third story based on the hardship of topography which is the same hardship they are presenting this evening. The reason for the architectural design is to conform to a mid-century modern style which is predominate in the Village Creek neighborhood. The architectural plans have been submitted and approved by the Architectural Review Board of the neighborhood and once it was approved it was referred to The President who has submitted his letter of support. Mr. Perez presented the difference between the variance that was previously approved and the one they are submitted this evening which is to change the orientation of the roof pitch; interior modifications on the second story and enlarged the livable space. Mr. Conroy asked if the roof on the second story had to be decreased to get it below the windows. Mr. Perez said "no".

Mr. Chris McIntire of 38 Dock Road came forward and spoke in support of the design for the variance and it is consistent with the design of the neighborhood and he welcomes the change.

Ms. Natalie McIntire of 38 Dock Road came forward and spoke in support of the design for the variance and said and is highly consistent with the ascetics of the community particular the changes that are being made to the roof.

Mr. Colin Hostin of 28 Dock Road came forward and spoke in support of the design for the variance and said he is pleased that they are not only investing in the neighborhood but are also taking the extra effort to be sure their house conforms to the architectural standards that Village Creek holds so dear.

Mr. Conroy read additional letters of support into the record.

**B. 19-0718-02- John Zervos-** Variance of parking; number of spaces required 10 required 8 proposed; parking in the front setback; layout for legalization of 5<sup>th</sup> dwelling unit in converted detached garage . **Property located a 6 Lewis Street**

Mr. Conroy read the staff report into the record.

Attorney Suchy came forward and stated this application involves the legalization of a dwelling unit in the detached garage, and due to the regulation change only seven parking

spaces are required they would like to suggest if the variance is granted for parking in the front setback and the back up space they will remove the space in the front that protrudes into the front setback and convert the space into lawn or shrubbery. There have been discussions with the neighbor and the parties have agreed to enter into an access agreement to provide legal access and recognition that the tenants need to back out and across their property. Mr. Conroy asked if an engineer has been contacted to see if there is a better option. Ms. Suchy said that they have exhausted all other possibilities.

There is also a tree that is 130 years old that they will try to save if the variance is granted. Mr. Levey asked if when the fifth unit was constructed if a building permit had been filed. Ms. Suchy said “no” but they will get all of the necessary permits that are required.

Frank Guthman came forward and spoke in support of granting the variance of parking and said that Mr. Zervos is taking an old house and trying to make it modern and still keep the existing architecture, and the house is on a dead end street and will not affect the flow of traffic.

Mark Histon came forward and spoke in support of granting the variance based on his observations and said Mr. Zervos has had an ongoing attempt to improve the property in a multitude of ways.

Mr. Brad Craighead came forward and spoke in support of granting the variance and said Mr. Zervos has done a fantastic job at fixing up his property and the way the driveway configuration is working and is functional and it is not a big change on how the tenants currently use it. He said he shares the concern regarding the tree and Mr. Zervos has assured him that they will keep the tree living for as long as possible.

Ms. Diane Lauricella came forward and spoke in support of granting the variance and said his intent is a good one in order to maintain the property and if the variance is not granted for the unit in the back there is a chance that there could be a tree removed that is over 100 years old. The hardship to the tenants and owner of the property is the well-known discussion regarding the amount of cooling that the tree provides which reduces both energy and cooling costs and also helps to cleanse the storm water. She provided documents to the committee regarding the benefits of trees.

Ms. Sally Kellogg came forward and spoke in opposition of granting the variance and said the boundaries keep moving and encroaching on her property and there is no justification for it as to why Mr. Zervos needs this other than for his illegal tenants that he has had since 2002.

- C. 19-0718-03- DGR Enterprise, LLC.-** Variance to allow conversion of office space to residential unit previously granted by variance and variance of required recreation area. **Property located at 1 North Avenue.**

Mr. Conroy read the staff report into the record.

Mr. Elliott Morales came forward and stated that in the past there were no parking issues but today there are. He said there are 10 units on the property and the hardship is that that there are not enough parking spaces.

Mr. Dean Russell came forward and stated that he is the owner of the property and said he is trying to make the situation better for his residential tenants.

- D. 19-0718-04 Virginia Raymond Family Limited Partnership, LLP/Connecticut Avenue Four LLC-** Variance to allow parking within the front setback. **Property located at 493 Connecticut Avenue.**

Mr. Conroy read the staff report into the record.

Mr. Adam Blank came forward and stated that they are requesting a variance for a 5' change to allow parking within the front setback returning the site to the way it was prior to getting a variance to install a portico in 2002. Mr. Levey said that one of the recommendations from staff was to work with a traffic and parking engineer and asked if there is any consideration of doing that. Mr. Blank said "yes" and if the variance is granted it will fit in with the neighborhood.

- E. 19-0718-05-Ardenwood LLC-** Variance of required lot width and front and side setbacks for expansion of area on existing ground sign. **Property located at 651 Connecticut Avenue.**

Mr. Conroy read the staff report into the record.

Mr. Massari of Accent Signs and Awnings came forward and stated that the existing sign was granted by a variance and are requesting to expand to current sign but the footprint will stay the same but will reduce the post. Mr. Levey said his biggest concern is the automobiles traveling east on Connecticut Avenue to be able to see under the sign.

Mr. Whittaker came forward and stated that he has owned the building since 1996 and was recently granted a building permit to reduce the showroom and there is

very little visibility of the building that is located in the rear and the street sign is the most important aspect to the building. He also stated that Lumber Liquidators area of the sign was in their lease and could not be reduced. Mr. Massari said that they can redesign the shape and size if necessary and come back to the Zoning Board of Appeals.

#### **IV. BOARD ACTION ON: A-C**

##### **REQUEST FOR ONE YEAR EXTENSION OF TIME TO OBTAIN BUILDING PERMITS ON 1 GREGORY CT. (18-1101-040.)**

Mr. Conroy read the staff report into the record.

Attorney Suchy came forward and stated that her clients have obtained the sign offs of all the necessary departments and permits as of May, 2019. The issue they are having is that in order to get the demolition permit they have to be out of the residence and the utility's need to be shut off. They will be moving next month and the demolition permit should be issued in September and construction should begin in October.

**\*\* MR. HEUVELMAN MOVED TO APPROVE THE ONE YEAR EXTENSION.**

**\*\* MR. CONROY SECONDED THE MOTION.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**E. 19-0718-05-Ardenwood LLC- Variance of required lot width and front and side setbacks for expansion of area on existing ground sign. Property located at 651 Connecticut Avenue.**

**\*\* MR. LEVEY MOVED TO DENY THE VARIANCE WITHOUT PREJUDICE.**

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

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**D. 19-0718-04 Virginia Raymond Family Limited Partnership, LLP/Connecticut Avenue Four LLC- Variance to allow parking within the front setback. Property located at 493 Connecticut Avenue.**

**\*\* MR. HEUVELMAN MOVED TO DENY THE VARIANCE WITHOUT PREJUDICE.**

**\*\* MR CONROY SECONDED THE MOTION.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

- C. 19-0718-03- DGR Enterprise, LLC.-** Variance to allow conversion of office space to residential unit previously granted by variance and variance of required recreation area. **Property located at 1 North Avenue.**

**\*\*\*\* MR. HEUVELMAN MOVED TO DENY THE VARIANCE WITHOUT PREJUDICE.**

**\*\* MR. CONROY SECONDED THE MOTION.**

**\*\* THE MOTION PASSED WITH FOUR (4) IN FAVOR AND ONE (1) AGAINST (MR. STRUBINGER)**

- B. 19-0718-02- John Zervos-** Variance of parking; number of spaces required 10 required 8 proposed; parking in the front setback; layout for legalization of 5<sup>th</sup> dwelling unit in converted detached garage . **Property located a 6 Lewis Street**

**\*\* MR. STRUBINGER MOVED TO DENY THE VARIANCE.**

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**\*\* MR. HEUVELMAN MOVED TO APPROVE THE VARIANCE.**

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

**\*\* THE MOTION PASSED UNANIMOUSLY.**

## **V. ACTION ON HEARING MINUTES- MAY 16, 2019**

**\*\* MR. HEUVELMAN MOVED TO APPROVE THE MINUTES.**  
**\*\* MR. STRUBINGER SECONDED THE MOTION.**  
**\*\* THE MOTION PASSED WITH FOUR (4) IN FAVOR AND ONE (1) OPPOSED (MR. CONROY)**

## **V. ADJOURNMENT**

**\*\* MR. GAVRIELIDIS MOVED TO ADJOURN.**  
**\*\* MR. STRUBINGER SECONDED THE MOTION.**  
**\*\* THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:20PM.

Respectfully submitted,  
Dilene Byrd  
Telesco Secretarial Services

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**\*\* MR. HEUVELMAN MOVED TO APPROVE THE ONE YEAR EXTENSION.**

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**\*\* THE MOTION PASSED UNANIMOUSLY.**

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Respectfully submitted,  
Dilene Byrd  
Telesco Secretarial Services