

**CITY OF NORWALK
ZONING BOARD OF APPEALS
ZOOM MEETING
JUNE 17, 2021**

ATTENDANCE: Lee Levey, Chairman; Andrew Conroy; Chris Gavrielidis; Keith Lyon; Marilyn Altman

STAFF: John Hayducky; Michelle Andrzejewski

OTHER: Bretton Usher; William Earls; Liz Suchy; Bill Andriopoulos

I. CALL TO ORDER

Chairman Levey called the meeting to order at 7:30 P.M. There was a quorum present. Chairman Levey reviewed the rules of the meeting for those present.

II. ROLL CALL

Chairman Levey performed a roll-call of those present.

III. PUBLIC HEARINGS

21-0520-02

**NORDAN LLC – VARIANCE FOR WALL SIGN LETTERS PROPOSED AND MAXIMUM SIGN ALLOWANCE.
PROPERTY LOCATED AT 574 MAIN AVE.**

Commissioner Conroy reviewed the application for those present. The prior tenant of the property was Dress Barn ™. The Paper Store ™ is the current tenant. After the property was sold the permit was amended to increase the parapet height where the proposed larger sign would be located. A zoning permit was also obtained this week for a smaller compliant wall sign on the parapet and replacement panels on the ground side.

Mr. Bretton Usher came forwards to represent this item. He had a slide show that he presented to the Commission. They are asking for:

- A variance for a 3' sign.
- The lettering height be no larger than 36"
- And adheres to sign area regulation at 75SF within allotted 117SF.

He reviewed the numbers of the sign and store presented on the slide for the Commission. He provided images of the old sign which is not usable at the new location due to zoning laws. He also provided images of similar signs in the area. Their building is not proportionate to the neighboring businesses with the amount of façade size that they have. It was noted that the sign would only need a variation for the two 'p' letters since they are lower-case. The hardship is their inability to have a larger sign due to the current bylaws. Chairman Levey recounted a prior case dealing with BJ's ™ application for a variance to allow their sign to be seen from the highway. The application was denied and Chairman Levey said

that set a president. This had also happened when Wal-mart™ had come before the ZBA with a request for a variance in regard to signage and they were turned down. Mr. Usher said it wasn't fair and constituted a hardship that he was bound by the same size regulations as the smaller stores in the lot. Commissioner Lyon said that they were not being penalized and simply being asked to conform to the zoning regulations of the City of Norwalk.

No one wished to speak in favor of this application.

No one wished to speak in opposition to this application.

21-0520-03

KATHERINE TRACEY – SPECIAL EXCEPTION TO SEPARATE 2 ADJOINING DEVELOPED NON CONFORMING LOTS IN SAME OWNERSHIP. VARIANCES FOR LOT AREA, LOT WIDTH, LOT COVERAGE, SETBACKS AND PARKING REQUIREMENTS FOR TAX LOT 104 (DEMO AND REPLACE SFR) AND TAX LOT 103 (HOUSE TO REMAIN). PROPERTY LOCATED AT 1 AND 3 GREENWOOD PL.

Atty. Liz Suchy came forward to discuss this item. The property owner has owned these properties for multiple years. She provided photographs of the properties in question. The lots were created as part of a subdivision that existed prior to zoning in the location. She provided a map of the lots from 1920 as an example of this. They are pre-existing non-conforming and do not meet the 50-foot-wide minimum lot size. Due to the age of the structures and prior water damage it is not viable to elevate the structure and it is more practical to reconstruct it anew. They desire to unmerge the lots that have existed in this present configuration. The lots were created in their non-conforming state in the early 1900's. Separate tax cards for each lot have been provided in previous years. Each lot is in the deed and has a separate single-family dwelling on it. She listed multiple other instances to show that the lots have, historically, been considered separate. The design was proposed to provide the residence to the rear as much space between their dwelling and this dwelling as possible. This will also help provide some symmetry to the area properties. This will also allow for additional parking spaces to bring in cars from off the street.

Mr. William Earls came forwards to discuss this item. He is the architect for the proposed house and has worked on several other houses in the neighborhood. He is designing the new houses to try to conform to the existing ones better. It will not look out of place in the context of the neighborhood.

Atty. Suchy said there were 8-9 letters of support for the project from the community. She then reviewed the positive impacts of the proposed variance and construction projects such as the increased parking, ability to have the structure be more conforming to the neighborhood, improved use of the property, relocated further from the rear property owner's location, and removal of congestion due to shared driveway.

Commissioner Gavrielidis asked if they had been purchased at the same time.

Atty. Suchy said they had been purchased at the same time in 1991 after the regulation was enacted in 1989.

There was no one who wished to speak in favor of this application.

There was no one who wished to speak in opposition to this application.

Commissioner Conroy read out short letters from the following in favor of the application:

- Mel Sokotch of 6 Oliver Street.
- Mark Toner at 9 Greenwood Place.
- Kari and Carl Fairchild of 16 Park Lane
- Emmett Ryan of 5 Park Lane.
- Lori Baker of 20 Harborview Ave.
- Benjamin Cesare.
- Nina Card of 156 Woodward Ave.
- Mary Beth Sullivan and Robert Artel of 42 Harborview Ave.
- Carol and Harold Fass at 61 Harbor Ave.
- Betsy Horan of 60 Neptune Ave.
- Patrick and Jenny McAuliffe of 42 Neptune Ave.

Atty. Suchy clarified that the letter from Nina Card of 156 Woodward Ave. was for the Tattersall Chen application. She thanked the Commission for taking the time to review the application.

21-0617-01

DAVID TATTERSALL & JENNIFER CHEN – VARIANCE OF SIDE AND REAR YARD SETBACKS FOR DETACHED ACCESSORY STRUCTURE. PROPERTY LOCATED AT 4 BURWELL ST. DISTRICT 5, BLOCK 85B, LOT 2.

Atty. Liz Suchy came forward to address the Commission. Certified letters were sent to all adjacent property owners and those across the street from the property. The lot has enough area for one family's residence in this zone. She provided a survey of the lot for the Commission. The existing structure is in the mid-to-southern portion of the property and the structure that is being replaced is in the north-eastern quadrant of the property. Part of the application includes the construction of a pergola attached to the western side of the proposed garage should approvals be granted. They desire to replace the garage with a slightly larger garage. The current garage is in bad repair and non-functional. The present garage is not large enough for modern vehicles. Repairing the current garage would require near-impossible maneuvering and would be too small for most current vehicles. The neighbors who would be most impacted have voiced their support for the project in the form of a letter.

Mr. Bill Andriopoulos came forward to discuss this item. He is the architect for the project. He said that the structure was dangerously in need of being taken down. The foundation system for the building is decayed and deteriorated. He feels that the proposed location for the garage is the only viable location for the project.

Atty. Suchy added that there is a provision in the regulations that, if a structure is unsafe, they can obtain an 'Unsafe Letter' from the building department. However a building demolished as a result of this must be rebuilt in exactly the same location and configuration which would leave it unable to function as a 1-car garage. She pointed out that the ZBA may vary regulations upon demonstration of practical difficulties or unnecessary hardships created by the application of the regulations to a particular piece of property. Variances can be granted when the request is in harmony with the general purpose of the regulations so that substantial justice is achieved. Lastly they are authorized to exercise

its discretion in granting variances in a matter to secure the public health, self-set health safety, and welfare in instances where there are practical difficulties or unnecessary hardships in the carrying out of the strict letter of the regulations. They believe strict application of the side and rear setback regulations prevent those practical difficulties and unnecessary regulations. She provided photos of the house and garage for the Commission.

Commissioner Conroy read a letter of support from Ms. Nicole Setzer who is a tenant at 6 Burwell. They are adjacent to the property. Neither her nor her landlord take issue with the new garage being constructed.

Commissioner Conroy also read a letter from Ms. Nina Card which said they had no objection to the construction of the garage.

No one wished to speak in opposition to this application.

Commissioner Conroy asked how much the new garage plans were enlarged by.

Mr. Andriopoulos said the existing structure is 18'8" front to back and they've increased it to 20'.

IV. BOARD ACTION ON:

A – C

21-0617-01

Chairman Levey said he held no objection to the project. It has been thoughtfully conceived, well executed, and allows for the garage to be used in a reasonable manner. It provides reasonably good ingress and egress from the structure.

Commissioners Lyon, Conroy, and Gavrielidis voiced their agreement.

**** COMMISSIONER LYON MOTIONED TO APPROVE APPLICATION 21-0617-01 AS PRESENTED.**

**** CHAIRMAN LEVEY SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

21-0520-03

Commissioner Gavrielidis said he preferred things to be less non-conforming.

Chairman Levey said he felt the new design was keeping with the architecture and scale of Harbor View. He held no objection to the tandem parking with this application.

Commissioner Lyon said he held no objections and agreed with the Chairman's comments.

**** COMMISSIONER CONROY MOTIONED TO APPROVE APPLICATION 21-0520-03 AS SUBMITTED.**

**** COMMISSIONER GAVRIELIDIS SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

21-0520-02

Commissioner Conroy said they had a lot of leeway when it came to sign approval and they've used it in the past. They have accommodated many logos and style choices that don't strictly abide by the zoning regulations. He does not find the request for the 4' design that was made to be appropriate at all. However, he also felt that the 2' design in use is too small and difficult to see from the road.

Chairman Levey said he agreed with most of Commissioner Conroy's comments and his fear at going to a 3' design is that the next tenant of the property in the future would take advantage of the variance in an unforeseen way.

Commissioner Conroy pointed out that the signs would still need to meet area coverage requirements.

Chairman Levey acknowledged this.

Commissioner Altman said she felt the sizing of 3' was appropriate for the sign. A smaller sign would likely be unreadable and people would not be able to identify the store. The 4' sign variation was too big but the 3' sign variation looked fitting.

**** CHAIRMAN LEVEY MOTIONED TO ACCEPT THE APPLICATION WITH THE FOLLOWING CONDITIONS:**

- 1. THE SIGN SHALL NOT EXCEED A HEIGHT OF 3 FEET FOR THE COMBINED HEIGHT OF LETTERS UP AND DOWN ON THE SIGN.**
- 2. THE SIGN SHALL REMAIN WITHIN THE REGULATIONS FOR ALLOWABLE SIGNAGE AREA.**

**** COMMISSIONER CONROY SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

V. ACTION ON HEARING MINUTES

MAY 20, 2021

**** COMMISSIONER CONROY MOTIONED TO ACCEPT THE MINUTES OF MAY 20, 2021 AS SUBMITTED.**

**** COMMISSIONER LYON SECONDED THE MOTION.**

**** THE MOTION PASSED WITH THREE IN FAVOR (CONROY, LYON, GAVRIELIDIS) AND TWO ABSENTIONS (LEVEY, ALTMAN).**

VI. ADJOURNMENT

Chairman Level adjourned the meeting at 8:59 P.M.