

DRAFT
CITY OF NORWALK
ZONING BOARD OF APPEALS
June 5, 2014

PRESENT: Andrew Conroy, Chair; Joseph Beggan; Nadine Campbell; Lee Levey;
Taylor Strubinger (arrived at 7:50 p.m.)

STAFF: Aline Rochefort; Vladimir Mariano

OTHERS: John David Massengill; Mary Ellen Walsh; Tim Peck; Atty Liz Suchy; Fr.
Greg Markey; Mary Giordano; Margot Skidd; William Earls, Roseanne
Fullam; Robert Artell; Chris Pagliaro;

I. CALL TO ORDER

Mr. Conroy called the meeting to order at 7:34 p.m.

II. ROLL CALL

After the meeting was called to order, Mr. Conroy suggested that they change the agenda as they waited for the fifth commissioner, Mr. Strubinger, to arrive. Mr. Conroy made a motion to suspend the rules and move the minutes to the top of the agenda, which Mr. Levey, seconded. The motion passed.

II. ACTION ON HEARING MINUTES – May 1, 2014

**** MR. CONROY MADE A MOTION TO APPROVE THE MINUTES OF THE MAY 1, 2014, AS AMENDED BY MS. ROCHEFORT.**
**** MR. LEVEY SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

III. PUBLIC HEARINGS

Since Mr. Strubinger had not yet arrived, Mr. Conroy explained that he would give each applicant the option of opening their public hearing with only four commissioners present. He advised them they would need for yea votes for an application to be approved.

A. 14-0605-01 John David & Julia Massengill - Variance of front setback for proposed porch. Property located at 5 Vincent Place.

Mr. Massengill, the applicant, agreed to start with only four commissioners present.

Mr. Conroy opened the public hearing and Mr. Beggan read the legal memo into the record.

Before the applicant began, Mr. Conroy suggested that they could have a portico which would mean they would not need a variance. There was a discussion of this but then it was decided that Mr. Massengill should begin his presentation before answering questions. He then showed the commissioners a diagram of the street with pictures of some of the houses on it. He explained why they wanted to expand the house and build a porch. The Rowayton Fire Department abutted their backyard and they did not want their children playing there. He also said that many of the other houses on the street had porches.

Mr. Conroy then outlined the procedure for the public hearings.

Mr. Massengill then explained that their neighbors were in support and he even read a letter of support into the record from the neighbor across the street at 8 Vincent Place. He also read a letter in support from his neighbor at 134 Rowayton Avenue. There was then a discussion of the porches on the street. Ms. Rochefort was asked to give an explanation of the difference between a porch and a portico. There was a discussion of the square footage of the proposed house. Mr. Conroy explained that he has been in this house with a previous owner.

MaryEllen Walsh, 130 Rowayton Ave., spoke in support of the application.

Mr. Conroy closed the public hearing.

B. 14-0605-02 Mark & Christine Brookfield – Variance to elevate house previously granted by variance. Property located at 46 Rowayton Ave.

Mr. Conroy opened the public hearing and Mr. Beggan read the legal memo into the record.

Mr. Peck, the architect on the project, began the presentation. He said that a previous owner had received a variance in 2001. He explained that there had been extensive property damage in both the Hurricanes Irene and Sandy. The project would elevate the house to conform to new FEMA flood regulations. New storage would be created in upper areas of the house.

There was a discussion about the height of the elevated house as well as the porch and the garage.

No one spoke in support or against the application. Mr. Peck confirmed that he had turned in the certified, return receipts evidencing notification of the meeting. The commissioners. Mr. Levey believed that the hardship was living in a flood zone. Mr. Peck showed the commissioners the plans of the current house.

Mr. Conroy closed the public hearing.

C. 14-0605-03 - Anchor Academy, Inc. & Cardinal Newman Academy (St. Mary's Roman Catholic Church) - Variance to permit a school use in more than 50% of an existing building located within 300' of West Avenue in Central Business Design District. Property located at 669 West Ave.

Mr. Conroy opened the public hearing and Mr. Beggan read the legal memo into the record.

Atty Suchy began the presentation by turning in the certified, return receipts evidencing notification of the public hearing. She then oriented the commissioners as to the location of the property on an aerial map. She gave a brief history of the property. She then explained how over the years, a zone change had been implemented which now adversely affected this property by restricting the use of the building. She showed the commissioners the proposed plans of the school building including where certain classes would be located in the building. The intention of the application is to have the building fully functional as a school which it had been for many years. Both Anchor Academy and Cardinal Newman Academy were growing schools which needed more space.

There was a discussion about the use of the school buildings as well as fire department approval in case of emergencies and handicap accessibility.

Fr. Greg Markey, pastor of St. Mary's Church, spoke in support of the application. He also read a letter from Bishop Caggiano expressing support for the schools to move into this building. He explained the situation for the students of the schools in their current location. The board had also received about 20 letters in support. Atty Suchy had seen the letters and said that they did not need to be read into the record.

Mary Giordano, the principal of Anchor Academy, spoke in support of the application. She explained the current situation for the schools which included students carrying all of their books with them as well as putting their materials away every night. She said that this application would make the school seem permanent.

Margot Skidd spoke in support of the application.

D. 14-0605-04 Eve Kessler – Variance to add a 2nd floor over garage in area previously granted by variance. Property located at 44 Harbor View Ave.

Mr. Conroy opened the public hearing and Mr. Beggan read the legal memo into the record.

William Earls, the architect for the applicant, began the presentation by showing the commissioners the plans of the house. They had previously received a variance to raise the house. The applicant would now like to add a second floor over the garage.

He further explained the changes to the existing structure. There was a discussion about the garage and parking. Mr. Levey had some concerns about the neighbors since the addition would be close to them.

Roseanne Fullam, 46 Harbor View Avenue, spoke in support of the application. Patty Genuario, 6 Morningside Place, also spoke in support of the application.

Robert Artell, 42 Harbor View Avenue, read a letter that he had sent to the Planning and Zoning Department into the record. His concerns were for fires and general safety since the houses were so close to one another. He did not support or object the application.

Mr. Earls continued the presentation with his rebuttal. Mr. Levey asked if he had discussed the application with the Fire Marshall and Building Department. He compared this application with commercial projects. He thought it would be best to use fire resistant materials and should put that in the conditions. Mr. Mariano reminded him that the application would go to the Building Department.

Mr. Conroy closed the public hearing.

E. 14-0605-05 William & Jacqueline Miller - Variance to expand second floor dormer, previously granted by variance. Property located at 15 Rocky Point Road

Mr. Conroy opened the public hearing and Mr. Beggan read the legal memo into the record.

Chris Pagliaro, the architect on the project, began the presentation. He explained the previous variance in 1970 for the addition. This variance was for a dormer because the bathtub is non-conforming. They would like to add a showerhead. He showed the commissioners a photo of the bathtub which was submitted as part of the record. He also read a letter of support into the record.

No one spoke in support or against the application. Mr. Conroy closed the public hearing.

IV. BOARD ACTION ON A thru E

A. 14-0605-05 William & Jacqueline Miller - Variance to expand second floor dormer, previously granted by variance. Property located at 15 Rocky Point Road

MR. CONROY MOVED: that the variance to expand second floor dormer, previously granted by variance (Section 118-340C) front setback 30 ft. required 3.7 ft. existing and side setback 6 ft. required to 0.2 ft. existing in a B residence zone, property located at 15 Rocky Point Road (District 6, Block 36, Lot 55) be **APPROVED** because

the current geometry of the bathroom prevents the installation of a showerhead. It is consistent with the look of the home and the neighborhood to allow this variance to cure the geometry problem.

**** MS. CAMPBELL SECONDED.**
**** MOTION APPROVED UNANIMOUSLY.**

B. 14-0605-04 Eve Kessler – Variance to add a 2nd floor over garage in area previously granted by variance. Property located at 44 Harbor View Ave.

MR. CONROY MOVED: that the variance to add a 2nd floor over garage in area previously granted by variance (Section 118-340C), front setback 30 ft. required 12 ft. existing/proposed, side setback 6 ft. required 0.4 ft. existing/proposed, aggregate side setback 12 ft. required 4.8 ft. existing/proposed in B residence zone, property located at 44 Harbor View Avenue (District 5, Block 85C, Lot 13) be **APPROVED** because there had been a need to increase the space at the residence that was previously argued before the Zoning Board of Appeals that it be accomplished by a ½ story addition. Instead it has been shown that that approval be abandoned. The following condition will apply:

1. The half story will not be erected
2. The second story above the garage should be **APPROVED**.

**** MR. BEGGAN SECONDED.**
**** MOTION APPROVED UNANIMOUSLY.**

C. 14-0605-03 - Anchor Academy, Inc. & Cardinal Newman Academy (St. Mary's Roman Catholic Church) - Variance to permit a school use in more than 50% of an existing building located within 300' of West Avenue in Central Business Design District. Property located at 669 West Ave.

MR. CONROY MOVED: that Anchor Academy, Inc. & Cardinal Newman Academy (St. Mary's Roman Catholic Church) in the variance of section 118-504C(2) to permit a school use in more than 50% of an existing building located within 300' of West Avenue in Central Business Design District, property located at 669 West Avenue (District 1, Block 28, Lot 1, CAM) be **APPROVED** with the following conditions:

1. There will be a lifesaving inspection by the Fire Marshall to insure the building can be evacuated with what is proposed to be the maximum size of its student body.
2. The school will establish the policy that there will be no temporary structures that the students will have to evacuate into when there is an emergency such as a bomb threat, fire.

The hardship would be the 300 ft. from West Avenue which appears to be no longer appropriate in the opinion of the Zoning Board of Appeals.

**** MR. STRUBINGER SECONDED.**
**** MOTION APPROVED UNANIMOUSLY.**

D. 14-0605-02 Mark & Christine Brookfield – Variance to elevate house previously granted by variance. Property located at 46 Rowayton Ave.

MR. CONROY MOVED: that the variance to elevate the house previously granted by variance (Section 118-340C & 118-800D1) front setback 30 ft. required 24.8 existing/proposed, rear setback 15 ft. required 8 ft. existing/proposed in a B residence zone, property located at 46 Rowayton Ave. (District 6, Block 7, Lot 29, CAM) and, the hardship being imposed by the need for homes to meet the new FEMA standards of a minimum height level of 13 ft. to be considered within the design, should be **APPROVED**.

**** MR. LEVEY SECONDED.**
**** MOTION APPROVED UNANIMOUSLY.**

E. 14-0605-01 John David & Julia Massengill - Variance of front setback for proposed porch. Property located at 5 Vincent Place.

MR. CONROY MOVED: that the variance of front setback for proposed porch, 30 ft. required 24 ft. proposed in B residence zone. (Section 118-340C), property located at 5 Vincent Place (District 6, Block 13C, Lot 10) be **DENIED WITHOUT PREJUDICE** because the size of the porch, both length and height, are not in conformity with the neighborhood and the applicant did not show a zoning hardship.

**** MR. BEGGAN SECONDED.**
**** MOTION APPROVED (4-0).**

V. ADJOURNMENT

**** MR. BEGGAN MADE A MOTION TO ADJOURN.**
**** MR. STRUBINGER SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 9:19 p.m.

Respectfully submitted,

Diana Palmentiero

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Respectfully submitted,

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