

**CITY OF NORWALK
ZONING BOARD OF APPEALS
MINUTES
APRIL 25, 2019 (approved May 16, 2019)**

ATTENDANCE: Lee Levey, Chairman; Taylor Strubinger; Andy Conroy; Greg Brasher; Chris Gavrielidis

STAFF: Aline Rochefort; Tammy Maldonado

OTHERS: Attorney Vasko; Attorney Suchy; Mark Greenawalt; Mark Goodwin; Jason Enters; Attorney Deborah Brancato; John Malagisi

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. 19-0425-01-SONO Development Partners, LLC- Variances for signage for new hotel, West façade; height above grade & square footage. North façade number of

signs, height above grade, square footage and letter size. **Property located at 47 South Main St.**

Mr. Conroy read the staff report into the record.

Attorney Suchy stated that the hotel was approved in 2009 by the Zoning Commission and there was a text amendment to allow hotels of a certain height in the Washington Street Design District which is the zone in which this property is located. The proposal is a request for signage on two facades on the building and there is a sign that is currently in place with a permit that has been issued above the garage entrance facing South Main Street. The request on the west façade is for the height of the signage that is 33' above grade and the lettering is in compliance with the Washington Street Design District however, she is requesting a variance for square footage for that sign. She said the 33' height is reasonable in light of the fact that it is measured from grade which is substantially below the train tracks and the additional 3' make the sign just that much more visible and not interfered with by the train tracks.

Attorney Suchy said the height of the second signage is limited to 30' per the regulations and there is a structure directly next to the hotel north of the façade and 30' would be substantially obscured by the neighboring building and is proposing that the sign be approximately 72' above grade. She said at that height the sign will not only act not only as advertising for the hotel but for this area of South Norwalk and meets the spirit of the regulations to provide safe and appropriate signage to identify and building and to also identify a section of town.

Attorney Suchy said that she has not received any calls, letters or emails in favor or in opposition of the request and they have shared the information with the Redevelopment Agency and they have indicated that it is acceptable.

Mr. Levey asked if the signs will be illuminated. Ms. Suchy said they will be backlit. John Malagisi of Sign Design stated the proposal for the west side is the signage would be back lit and the proposal for the signage on the north side unlimited in the front and the letters will be black by day and illuminate white at night. Mr. Conroy suggested SONO be on top of the sign to better broadcast the area. Mr. Brasher asked if there have been any other applications like this one in the past Ms. Rochefort said the only other applications that she recalls was for 50 Washington Street and was approved.

B. 19-0425-02- Donald R. Allen (estate) - Variance to allow propane tanks for existing single family residence, rear lot. Property located a 7 Bumpy Lane

Mr. Conroy read the staff report into the record.

Mr. Greenawalt stated that every other possibly has been explored on the lot to get propane service to the house without being in the wetlands or in violation of zoning, and

the only viable location is where the tanks now exist since they have during construction. The house is built through a variance because the preexisting house which was roughly in the same location was destroyed by fire. Mr. Levey said because there are no architectural drawings of the house he asked if the tanks are in proximity of operable windows. Mr. Greenawalt said "no" and that was part of the Gault's survey to ensure the tanks are placed in a location that would meet code. Mr. Levey asked if a representative from Gault has spoken to the Building Department regarding the proposed location of the tanks. Mr. Greenawalt said he does not believe so. Mr. Brasher asked if there were propane tanks at the prior house. Mr. Greenawalt said "yes". Mr. Brasher asked if the proposed tanks will be in the same location. Mr. Greenawalt said "no" because the house is in a different area than the previous house but they will be in the same general location. Mr. Brasher asked Ms. Rochefort if she agrees that there is nowhere else on the property to install the tanks. Ms. Rochefort said due to the setbacks there is very limited space and her only concern is that it should have been requested at the time that a variance was requested and asked Mr. Greenawalt at the time the house was built if the plan at that time was to have propane. Mr. Greenawalt said "yes" and it was an oversight. Mr. Levey said there is a location on the property to bury the propane tanks on the north side on the driveway. Ms. Rochefort said if a propane tank is buried it is not required to meet the zoning setbacks.

C. 19-0425-3 John & Kathryn Stevens- Variance to allow reconstruction of existing single family residence previously granted by variance also proposed generator @ easterly side & ac units @ westerly side. Property located at 8 St. James Place.

Mr. Conroy read the staff report into the record.

Attorney Suchy stated the lot is just over 3600 square feet size and access to the lot is via an easement that has been recorded in the land records for several years. The initial proposal was to elevate the structure to meet the FEMA flood compliance but it was determined by the projects architect and others that elevating the structure was not an appropriate path to follow and have decided to demolish the structure and reconstruct it in the same place. If the variance is approved the structure will meet or exceed the minimum 17' flood elevation for the first finished floor and the revised plan reduces the coverage by a small amount and will then be compliant which it currently is not. Mr. Goodwin provide an overview as to why it was better to demolish the structure rather than to elevate it and stated that there were a number of challenges that were discovered such as general code compliance, structural challenges as well as logistical challenges of the site.

Mr. Levey asked if they are working with the adjoining property owner. Attorney Suchy stated her clients have had discussions with all of the adjoining property owners to advise them of what has been proposed and that is the path they will continue to follow that path to be sure there is a limited amount of disruption during construction. Mr. Conroy asked if there have been any objections to the height. Attorney Suchy said there has not been a

formal rejection but there have been comments raised and discussed between parties but noted that no one in Connecticut has the right to a view unless it is set forth in a contractual agreement or statute or declaration restriction and the Stevens' deed into the property has no set restriction.

Mr. Conroy read the letters from the neighbors at 5 St. James and the Harbor Management Commission into the record.

D. 19-0425-04-RSCR Realty LLC- Variance to allow conversion of second floor from storage space to apartment in detached garage previously granted by variance. Property located at 58 Van Zant St.

Mr. Conroy read the staff report into the record.

Attorney Deborah Brancato stated that the application is for a change in use for a second floor storage space in an existing detached garage into a one bedroom apartment. She said there are currently ten parking spaces on the property and all of the current uses on the property have required zoning permits. The site meets all height and bulk requirements of the neighborhood business zone and they are here tonight because the 1992 variance only contemplated the storage use of the second floor space and are requesting a change in use. The proposal does not involve any additions or exterior changes to the current structures and the applicant is only seeking to create a fully functioning one bed apartment above the existing detached garage. She said the proposal is in harmony with the zoning regulations.

Mr. Levey said there are many site improvements that have not yet been done as part of the prior project. Attorney Brancato said that the applicant is more than willing to any conditions related to landscaping the open space and to a condition that the property should not be used for boating storage as part of this request. Mr. Levey asked if the owner would be agreeable to do this work prior to the issuance of a building permit. Mr. Scalesse said "yes".

Mr. Conroy read letters in favor of the application from the neighbors into the record.

**IV. BOARD ACTION ON: A-D & BOARD ACTION ON
REQUEST FOR EXTENSION OF TIME ON 71-75
CONNECTICUT AVE. 18-0906-01**

EXTENSION OF TIME ON 71-75 CONNECTICUT AVE. 18-0906-01.

Mr. Conroy read the staff report into the record.

Attorney Vasko said that the southern boundary of the property is along I-95 and they have been working with the state to get approval for a retaining wall. He said that Mr. Enters has received verbal approval from the state and is hoping to have written approval shortly and will be able to obtain the zoning and building permits. Mr. Enters said they have only done some side clearing to this point and have had no issues with the state and since the site plan approval and they have been working with the state on the retaining wall and that it has been an amicable process but has been very slow.

Mr. Strubinger said he is not in favor of granting a six month extension and suggested a four month extension. Mr. Levey asked once the approval is granted from the state how long before they apply and receive a building permit. Mr. Enters said he has already spoken with Mr. Ireland and the application can be submitted immediately following receiving the approval letter from the state. Mr. Levey asked if the six months is reduced to four months if that would be acceptable within reason. Mr. Enters said "yes".

**** MR. LEVY MOVED TO GRANT A FOUR MONTH EXTENSION TO AUGUST 15, 2019 TO RECEIVE THE REQUIRED PERMITS FROM THE CITY OF NORWALK.**

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

**** THE MOTION PASSED UNANIMOUSLY.**

D. 19-0425-04-RSCR Realty LLC- Variance to allow conversion of second floor from storage space to apartment in detached garage previously granted by variance. **Property located at 58 Van Zant St.**

**** MR. BRASHER MOVED TO APPROVE THE APPLICATION PER THE CONDITIONS THAT ALL OF THE OUTSTANDING WORK BE COMPLETED TO THE SATISFACTION OF THE ZEO PRIOR TO A BUILDING PERMIT BEING ISSUED WHICH INCLUDE REMOVING THE BOATS, ASPHALT WORK, AMOUNT OF OPEN SPACE, LANDSCAPING, DRAINAGE AND LINE STRIPING WORK.**

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

**** THE MOTION PASSED UNANIMOUSLY.**

C. 19-0425-3 John & Kathryn Stevens- Variance to allow reconstruction of existing single family residence previously granted by variance also proposed generator @ easterly side & ac units @ westerly side. **Property located at 8 St. James Place.**

**** MR. LEVY MOVED TO APPROVE THE REQUEST FOR A VARIANCE.**

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

**** THE MOTION PASSED UNANIMOUSLY.**

B. 19-0425-02- Donald R. Allen (estate) - Variance to allow propane tanks for existing single family residence, rear lot. Property located a 7 Bumpy Lane

**** MR. LEVEY MOVED TO DENY THE REQUEST FOR A VARIANCE WITHOUT PREJUDICE AND ENCOURAGED THE HOMEOWNER TO CONTACT THE BUILDING DEPARTMENT AND GAULT REGARDING OTHER POSSIBLE LOCATIONS FOR THE PROPANE TANKS.**

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

**** THE MOTION PASSED UNANIMOUSLY.**

A. 19-0425-01-SONO Development Partners, LLC- Variances for signage for new hotel, West façade; height above grade & square footage. North façade number of signs, height above grade, square footage and letter size. Property located at 47 South Main St.

**** MR. CONROY MOVED TO APPROVE THE REQUEST FOR VARIANCE FOR THE SIGNAGE ON THE NORTH SIDE AS PRESENTED.**

**** MR. STRUBINGER SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** MR. CONROY MOVED TO DENY THE REQUEST FOR VARIANCE ON THE WEST SIDE WITHOUT PREJUDICE AND REQUESTED PROOF OF VISIBILITY FROM THE TRAIN AND NECESSITY.**

**** MR. STRUBINGER SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

V. ACTION ON HEARING MINUTES- MARCH 21, 2019

**** MR. STRUBINGER MOVED TO APPROVE THE MINUTES.**

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

**** THE MOTION PASSED UNANIMOUSLY**

V. ADJOURNMENT

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

The meeting adjourned at 9:40PM.

Respectfully submitted,
Dilene Byrd
Telesco Secretarial Services