

**CITY OF NORWALK
ZONING BOARD OF APPEALS
REGULAR MEETING / APRIL 20, 2023 / MINUTES**

ATTENDANCE: Andy Conroy, Chairman; Lee Levey; Tom Farkas; Danielle Sanchick; Steve Ferguson; Ben Hanpeter

STAFF: Tammy Maldonado

OTHER: Adam Blank; Cindy Garcia-Diego; Jim Manning; Lukas Thomas

CALL TO ORDER

Chairman Conroy called the meeting to order at 7:34 P.M. There was a quorum present.

ROLL CALL

A Roll Call of those present was performed.

PUBLIC HEARINGS

A. (CONTINUED) 23-0119-04

**LEONARDO & NATALINA FINO – VARIANCE OF MAXIMUM NUMBER OF STORIES AND TO ALLOW
PARKING IN THE FRONT SETBACK AT AN EXISTING SINGLE-FAMILY DWELLING. PROPERTY LOCATED AT
34 BURRITT AVE.**

Mr. Thomas came forward to discuss this item. He said that they had started this in January. Two of the items that had been provided were an inspection report and updated plans. He has had difficulty with the Building department however. They also have an inspection report from February 24, 2023 saying that the building and retrofit were done appropriately and there are no issues with the structure. The report was provided for review. Chairman Conroy said that they would not be addressing the structural integrity of the building.

Mr. Thomas provided the plans for those present. Discussion followed regarding the parking situation. The question of if medical reasons were grounds for a variance request was raised and discussion followed regarding the validity of such a request. Mr. Thomas said that they had started work inside their home and it wasn't until after that they had been asked to stop and come before the Board. The key request is to treat this as a three-story building. It will remain a single-family home. Mr. Thomas suggested adding a condition that they cannot rent out any portion to tenants. It will not be turned into an accessory apartment. They plan to use it as a single family home only.

Ms. Sanchick asked if changing the fill would still make it a three-story structure. Ms. Maldonado said it may or may not and it would depend on the grading calculation done by the surveyor.

Mr. Levey asked if this was a self-created hardship.

Mr. Thomas said he would agree with that statement. Further discussion followed.

Mr. Levey asked why they were requesting a full story variance instead of a half-story variance.

Mr. Thomas said that was the result of the discussions with the office staff and he had no objection to applying for a half-story variance. Further discussion followed to clarify if the request was for 3 stories or 3 ½ stories. Ms. Maldonado recommended staying with the 3 ½ story request and outlined what that would entail.

Mr. Ferguson asked what the current square footage and proposed square footage of the home was. Mr. Thomas said it hadn't changed. Further discussion followed to clarify the square footage. They have not expanded the house out of the foundation line.

Mr. Farkas expressed concern over cars potentially preventing emergency service crews from entering the home. Mr. Thomas said that wouldn't happen and explained why.

No one wished to speak in favor of this item.

No one wished to speak in opposition to this item.

Mr. Levey read several letters of support that had been submitted by neighbors for those present.

Chairman Conroy read the physician's letter for those present.

B. (CONTINUED) 23-0316-02

**CHARLES AND MICHELLE GREEN – VARIANCE OF HEIGHT, STORIES AND LOT COVERAGE FOR RAISING
AN EXISTING SINGLE-FAMILY DWELLING TO MAKE FLOOD COMPLIANT. PROPERTY LOCATED AT 70
ROTON AVE.**

Chairman Conroy excused himself for this item. Mr. Levey assumed the chairmanship at 8:20 P.M.

Mr. Blank came forward to discuss this item. He provided slides for those present and reviewed the history of the house. It needs to be raised to become FEMA compliant. It will become a three-story home by lifting it, which means they need a variance for stories. They are also looking to turn the existing patio into a deck. They are pre-existing non-conforming with respect to coverage. The deck will be pervious. He reviewed what would need to happen if the variance is not granted and what that would necessitate. He has letters of support from the neighbors.

Chairman Levey asked if the architect had allowed for break-away walls, flow-through vents, and that there were no mechanicals or other services below the flood elevation.

Mr. Blank believed there would not be breakaway walls but there will be flood vents. He said it would be fully FEMA compliant. The tentative plan is to flood-proof all of the vent and duct work which is allowed under FEMA.

Ms. Sanchick asked if the area adjacent to the deck was also contributing to the increase in site coverage.

Mr. Blank said it was not.

Mr. Hanpeter asked if the new first story was habitable.

Mr. Blank said it was not habitable. It could be used for storage, but it could not be finished and turned into living space.

No one wished to speak in favor of this item.

No one wished to speak in opposition to this item.

Ms. Maldonado read a letter of support into the record from the neighbors.

Mr. Conroy resumed the chairmanship at 8:25 P.M.

C. 23-0420-01

JOAN MANNING ET AL – VARIANCE OF FRONT SETBACK FOR INSTALLING A HEAT PUMP AT AN EXISTING NON-CONFORMING COTTAGE. PROPERTY LOCATED AT 4 HILLTOP RD.

Mr. Manning came forward to discuss this item. He provided slides for those present. He reviewed the staff memo that had been sent out regarding the property for those present. He provided the site survey for those present. Images of the site and heat pump installation location were provided. The heat pump dimensions were provided.

Ms. Sanchick asked whether the cottage was currently conditioned.

Mr. Manning replied no.

No one wished to speak in favor of this item.

No one wished to speak in opposition to this item.

BOARD ACTION ON: A-C

C. 23-0420-01

JOAN MANNING ET AL – VARIANCE OF FRONT SETBACK FOR INSTALLING A HEAT PUMP AT AN EXISTING NON-CONFORMING COTTAGE. PROPERTY LOCATED AT 4 HILLTOP RD.

**** MR. LEVEY MOVED TO APPROVE ITEM C. 23-0420-01 JOAN MANNING ET AL – VARIANCE OF FRONT SETBACK FOR INSTALLING A HEAT PUMP AT AN EXISTING NON-CONFORMING COTTAGE. PROPERTY LOCATED AT 4 HILLTOP RD.**

**** MS. SANCHICK SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

B. (CONTINUED) 23-0316-02
CHARLES AND MICHELLE GREEN – VARIANCE OF HEIGHT, STORIES AND LOT COVERAGE FOR RAISING AN EXISTING SINGLE-FAMILY DWELLING TO MAKE FLOOD COMPLIANT. PROPERTY LOCATED AT 70 ROTON AVE.

Mr. Levey pointed out that they had been routinely approving similar applications in order to comply with FEMA.

**** MR. FERGUSON MOVED TO APPROVE ITEM B. (CONTINUED) 23-0316-02 CHARLES AND MICHELLE GREEN – VARIANCE OF HEIGHT, STORIES AND LOT COVERAGE FOR RAISING AN EXISTING SINGLE-FAMILY DWELLING TO MAKE FLOOD COMPLIANT. PROPERTY LOCATED AT 70 ROTON AVE.**

**** MR. FARKAS SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

A. (CONTINUED) 23-0119-04
LEONARDO & NATALINA FINO – VARIANCE OF MAXIMUM NUMBER OF STORIES AND TO ALLOW PARKING IN THE FRONT SETBACK AT AN EXISTING SINGLE-FAMILY DWELLING. PROPERTY LOCATED AT 34 BURRITT AVE.

Mr. Levey said that self-created hardships are a big negative in terms of ZBA approvals. He was against approving it as he felt it would set a bad example. He felt that their procedure on the project would be a big negative to the neighborhood. Chairman Conroy noted that, if they turned it down, they would have to rebury the basement. He also had concern of it possibly getting appealed to superior court and the ZBA not having a strong argument. Discussion followed regarding how to handle the work that had been done already.

**** MR. LEVEY MOVED TO DENY APPLICATION A. (CONTINUED) 23-0119-04 LEONARDO & NATALINA FINO – VARIANCE OF MAXIMUM NUMBER OF STORIES AND TO ALLOW PARKING IN THE FRONT SETBACK AT AN EXISTING SINGLE-FAMILY DWELLING. PROPERTY LOCATED AT 34 BURRITT AVE. IN TOTAL.**

**** MR. FARKAS SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

ADMINISTRATIVE ACTIONS

A. ACTION ON HEARING MINUTES – MARCH 16, 2023

**** MR. LEVEY MOVED TO APPROVE THE MINUTES OF MARCH 16, 2023 AS SUBMITTED.**

**** MS. SANCHICK SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

B. STATUS OF TRAINING – BOARD MEMBERS SERVING AS OF JANUARY 1, 2023 MUST COMPLETE INITIAL LAND USE TRAINING BY JANUARY 1, 2024

Ms. Maldonado said she was uncertain of whether Mr. Lyon was able to attend. Chairman Conroy noted that Mr. Lyon had a large number of absences and expressed doubts as to Mr. Lyon's ability to remain on the Board. Everyone has read the book that was distributed to read. Further discussion followed.

ADJOURNMENT

**** MR. LEVEY MOVED TO ADJOURN.
** MR. FARKAS SECONDED THE MOTION.
** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:00 P.M.

Respectfully Submitted
Ian A. Soltes
Telesco Secretarial Services