

**CITY OF NORWALK
ZONING BOARD OF APPEALS
REGULAR MEETING APRIL 18, 2024**

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

OTHER: Tammy Maldonado; Atty. Liz Suchy; Atty. Robert Maslan; Diane Cece

CALL TO ORDER

Chairman Levey called the meeting to order at 7:05 P.M. There was a quorum present.

ROLL CALL

A roll call of those present was performed.

ADMINISTRATIVE ACTIONS

A. ACTION ON HEARING MINUTES – MARCH 21, 2024

This item was handled out of order.

**** MR. CONROY MOVED TO APPROVE THE MINUTES OF MARCH 21, 2024, AS SUBMITTED.**

**** MR. HANPETER SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

PUBLIC HEARINGS

A. 24-0118-01 JOANNE SMITH (CONTINUED FROM JANUARY 18, FEBRUARY 15 AND MARCH 21, 2024) – VARIANCE FOR FRONT SETBACK FOR A PROPOSED 1 STORY NORTHERLY ADDITION AND A 2 STORY SOUTHERLY ADDITION AND VARIANCE OF PARKING WITHIN THE FRONT SETBACK AT AN EXISTING SINGLE-FAMILY RESIDENCE. PROPERTY LOCATED AT 281 EAST AVE.

Atty. Liz Suchy came forward to represent Ms. Smith. She provided information on the property and maps including that it is in a C-residence zone and explained its challenges including that it is 8,900 sq ft in size, with appx. half of it located in the Mill Pond. The rear setback is measured from mean high water, limiting buildable area, to appx. 15 feet deep buildable area.

The proposed remodel includes removing a bedroom, converting 4-bedroom to 3-bedroom, adding 2-car garage, and removing rear shed. The project's revised plan includes a one-story addition to house, reducing footprint and addressing previously raised concerns from the Board members. Atty. Suchy said they were reducing the size of the northerly addition by 35% to accommodate a new kitchen. The revised plan maintains compliance with coverage, side and rear setbacks and height; while reducing addition size and eliminating storage above the garage.

Discussion followed regarding challenges with developing a property with limited space and topographic issues. Atty. Suchy further explained the plan to reduce the addition's size and make it a single-family dwelling.

It was suggested that, as a condition for approval, the property be for single-family dwelling only with no accessory apartment.

No one wished to speak in favor of this item.

Ms. Cece wished to speak against this item. She said she did not understand why this was considered a hardship. She also expressed concerns about the structure of the proposed addition and modifications, confusion over bedrooms and storage in the property, and mentioned a hardship scenario where a homeowner needs to modify their property for aging in place or caregiving needs, but it may not be considered a valid reason. Discussion followed regarding what constituted 'hardship'.

B. 24-0418-01 KRISTIE JUSTER – VARIANCE FOR NUMBER OF STORIES FOR PROPOSED ADDITION OVER EXISTING ATTACHED GARAGE OF A SINGLE-FAMILY RESIDENCE. PROPERTY LOCATED AT 2 ROCKY POINT RD.

Atty. Maslan came forward to discuss this item. He presented a PowerPoint on behalf of his client, Kristie Juster, seeking a variance for non-conforming site conditions. He described the challenges with flood zone and elevation issues on the site. Due to the new regulations, the proposed addition needs a story variance. He reviewed the building height, flood zone compliance, and elevator placement in the new addition. He then reviewed the topography of the site and the details of the main house and attached garage.

He provided the renovation plans for the house, including new roofline and elevator plans as well as the floorplan changes. There is a proposed addition which includes a new playroom/bedroom and a reconfigured roofline. Further review followed using the provided blueprints.

He then detailed the hardships for the home including new regulations: that the building could not have been built without variances granted in 2001, existing impervious surface areas leaving no room for additions, site topography, issues with flood compliance, and that the garage level cannot be finished. He reviewed a Staff memo regarding the site and neighborhood support for the project.

Chairman Levey asked to clarify if the generator in the garage was legal or not. He was informed that it was. Further discussion followed regarding the details of the generator. Discussion followed involving the exterior of the building utilizing provided photographs. Ms. Sanchick asked if the house were to be as it is new, would that exceed the story count. Ms. Maldonado said that was a possibility and they reviewed the plans to Ms. Sanchick's satisfaction. It was pointed out that any issues would have been grandfathered in. Discussion followed regarding the hardships.

There were several letters of support that were read.

No one wished to speak in favor of this item.

No one wished to speak in opposition to this item.

BOARD ACTION ON: A-B

ITEM B.

Chairman Levey said he felt this was fairly straight-forward and minor issues could be worked out with the staff. Ms. Sanchick noted that the applicant couldn't do anything without violating the codes. Mr. Conroy said he didn't see any suggestion that would be difficult to approve of. Chairman Levey said he didn't see the possibility of further additions to the house.

**** MR. CONROY MOVED TO APPROVE ITEM B. 24-0418-01 KRISTIE JUSTER – VARIANCE FOR NUMBER OF STORIES FOR PROPOSED ADDITION OVER EXISTING ATTACHED GARAGE OF A SINGLE-FAMILY RESIDENCE. PROPERTY LOCATED AT 2 ROCKY POINT.
** CHAIRMAN LEVEY SECONDED THE MOTION.
** THE MOTION PASSED UNANIMOUSLY.**

ITEM A.

Chairman Levey suggested putting conditions that would preclude any additional dwelling units within the structure. Mr. Hanpeter said that adding additional dwelling units would be illegal anyways. Mr. Conroy said they would need to come to ask for a variance regardless. Discussion followed regarding how they would need to come back before the ZBA for further modification regardless.

**** CHAIRMAN LEVEY MOVED TO APPROVE ITEM A. 24-0118-01 JOANNE SMITH (CONTINUED FROM JANUARY 18, FEBRUARY 15 AND MARCH 21, 2024) – VARIANCE FOR FRONT SETBACK FOR A PROPOSED 1 STORY NORTHERLY ADDITION AND A 2 STORY SOUTHERLY ADDITION AND VARIANCE OF PARKING WITHIN THE FRONT SETBACK AT AN EXISTING SINGLE-FAMILY RESIDENCE. PROPERTY LOCATED AT 281 EAST AVE. WITH THE FOLLOWING CONDITION:**

- **NO ADDITIONAL ADU IS DEVELOPED WITHIN THE STRUCTURE.**

**** MR. CONROY SECONDED THE MOTION.
** THE MOTION PASSED WITH FOUR (4) IN FAVOR (LEVEY, CONROY, SANCHICK, FARKAS) AND ONE (1) ABSTENTION (HANPETER).**

ADJOURNMENT

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

The meeting adjourned at 8:58 P.M.

Respectfully Submitted
Ian A. Soltes
Telesco Secretarial Services