

**CITY OF NORWALK
ZONING BOARD OF APPEALS
MARCH 21, 2019 (approved April 25, 2019)**

ATTENDANCE: Lee Levey, Chairman; Taylor Strubinger; David Heuvelman;
Andy Conroy; Greg Brasher

STAFF: Aline Rochefort; Bryan Baker

OTHERS: Paul Zeidan; Alicia Zeidan; Attorney Robert Maslin; Juan
Paredes PE; David LaPierre; Attorney Vasko

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. 19-0321-01-Paul Zeidan & Alicia Collen Zeidan-** Variance to allow accessory structure on a corner lot to encroach into the required setback.
Property located at 1 Eric Court.

Mr. Conroy read the staff report into the record.

Attorney Vasko came forward and stated that Mr. & Mrs. Zeidan are seeking a variance to allow them to construct a garage on their property at 1 Eric Court. He presented the survey and said that the lot is irregular in shape and the applicants are seeking a variance for section 118-910C of the zoning regulations and that section regulates accessory buildings in residential zones, and to comply with regulation the garage would need to be located in the furthest quadrant. The difficulty and unnecessary hardship of locating the garage in that quadrant is the topography of the land and the irregular shape of the lot. Due to the retaining wall and the slope of the property make it impossible to construct a driveway either next too or attached to the house. He said that Mr. Zeidan had contacted two excavation companies to determine if locating the garage in that location would work and both companies indicated that it would require extensive excavation and would lead to a drastic change in the natural water flow and would likely cause a water issue. He read the letters from the excavation companies into the record and both of the companies have indicated that placing the garage where they are suggesting would not cause any drainage issues, and the topography of the lot and the placement of the house which predates zoning constitutes a practical difficulty and necessary hardship in placing the garage in the area that would comply with section 118-910C of the zoning regulations. The proposed garage complies will all setback requirements for the A resident zone. He said that Mr. & Mrs. Zeidan have reached out to the neighbors and have received five letters of support from them and he read them into the record. Ms. Rochefort asked if there is a letter of support from the residents at 3 Eric Court because they are the ones who will be most impacted. Ms. Zeidan came forward and stated she spoke to them today and she had been out of town but that she would be happy to send in a letter of support.

Mr. Jordan- 10 Eric Court

Mr. Jordan stated that he has never seen anyone take such pride in their property as Mr. Zeidan and he has seen where he would like to place the garage and he does not see how it would disturb the view of the property or the street or cause any negative impacts to the neighborhood and he fully supports him to place the garage on the property where is requesting.

Jason Knakal 76- County Street

Mr. Knakal stated that he lives directly across the street from 1 Eric Court and he has no issues with them building anything on their property, and that they are great people and are good to the community.

Paul Zeidan- 1 Eric Court

Mr. Zeidan stated that they have chosen Norwalk to raise their family for its diversity and beauty and that he is a teacher and Mrs. Zeidan is a nurse practitioner serving the community in Norwalk, and prior to that she worked at the community health center to serve the neediest Norwalk citizens. He said that Norwalk is their home and that they love it and he knows there are rules to be followed but asked the board to take into consideration that when the home was built that Eric Court did not exist, and this garage would serve their family and he humbly requests that the variance be granted.

Attorney Vasko asked that the Board look favorably upon the application so that his clients can place the garage on the only logical spot on the property without causing drainage issues for them or their neighbors.

B. 19-0321-02- Mark Smith & Nora Niedzielski-Eichner- Variance to allow a third story addition to existing single family residence. **Property located a 7 Outer Road**

Mr. Conroy read the staff report into the record.

Mr. Perez came forward and stated that Mr. Smith and Ms. Niedzielski are seeking a variance to allow a third story addition to an existing single family residence. He outlined some of the conditions to allow this variance and the hardship the property has is mainly topographical, and distributed a document that was submitted by a fellow colleague in support of 28 Dock Road which had a similar situation and had a variance approved two years ago and they had presented an almost identical argument to its approval with similar topography, similar design and with a low pitched roof. He said they are aiming for a design that already exists in the Village

Creek neighborhood and the vast majority of the neighbors have been very supportive of the application and read a letter of support into the record written by the President of the Village Creek Homeowners Association. He said that they have also received letters of support from the property owners that would be directly affected by the proposed development. He presented the proposed rendering of the modern architectural that has been presented to the vast majority of the residents in Village Creek which mimics the architectural design in the area.

Ms. Niedzielski came forward and stated that they reason they chose Village Creek was because they loved the modernistic architectural style of the mid century and want their house to reflect that. She said approval is required by the architectural review board and they are in support, and that she hopes the board will approve the proposal so that they can keep the house within the neighborhood style.

Mr. Brasher asked what the highest roof line of the current house. Mr. Perez said roughly 9 feet. Mr. Brasher asked what the alternative is if the variance is not granted. Mr. Perez said negating the basement from being a story but then the livable space will be lost which would be a tremendous hardship to the owners. The second alternative would be to have a traditional pitched roof but that is not being considered as an option because they believe that would not meet the personality or the character of the neighborhood. Mr. Levey asked how the lower level will be negated. Mr. Perez said with fill. Ms. Rochefort said they would have to fill so that basement which is now being called the first floor is less than three feet from grade at the front facade. Mr. Brasher asked if the Architectural Review Board has approved a standard pitch roof in that location. Mr. Perez said the prevailing concept and character of the area is the low pitched roof.

- C. 19-0321-03-C. Ryan Smith & Sarah Smith-** Variance to reconstruct and elevate existing single family residence previously granted by variance & variances of front setback, side setback and of number of stories.
Property located at 21 South Beach Drive.

Mr. Conroy read the staff report into the record.

Attorney Maslin stated that the property is on the Belle Island side of South Beach Drive and that Mr. & Mrs. Smith are proposing to reconstruct

an existing single family residence and elevate the structure. He said that one of the benefits of the proposal is by raising the house it will create room under the structure for a two car garage and will provide outside access to either side of the house and will bring the roof height to the maximum allowed by regulations. He provided an overview of the site and said that it is undersized and the hardship arises from changes in the regulations over time and changes to the base flood elevation and flood regulations. He said they are proposing to demolish the existing house and build a house in the same footprint with the same setbacks but higher so the lowest part of the floor structure is 1' about the base flood elevation.

Mr. La Pierre of Cardello Architects provided an architectural overview of the project and said they had looked at the possibilities of renovating the structure but that it has been flooded numerous times. They also looked at lifting the house and if they were to lift the existing building and make it compliant it would be over 4'4" over the allowable building height. He said they have spent a lot of time speaking with the city agencies and came up with a compromise with what they have proposed and includes breakaway walls in the front and back of the building; flow through on the sides of the building and provided some access to the first floor through on one side. The garage floor is at elevation eight and the ceiling height will be 7'10" and the beams holding up the first floor will be 6'10". The decision to go the evaluation 17' was a conscious one and there was some interpretation from the structural engineer and some of the other coastal engineering companies in the area to go up a little higher for the added layer of protection. He said the proposed structure is in line with the characteristics of the Belle Island neighborhood. Mr. Brasher asked if the fill on the sides of the house will be within the setback. Mr. La Pierre said "yes" it is. Mr. Levey asked and there is a retaining wall between the building wall and the property line and if so if it will be designed for impacts of flooding. Mr. La Pierre said there will be a retaining wall and that it will be an engineered designed wall reinforced to comply with the regulations and the loads.

Attorney Maslin read two letters of support into the record.

IV. BOARD ACTION ON: A-C

- C. 19-0321-03-C. Ryan Smith & Sarah Smith-** Variance to
reconstruct and elevate existing single family residence

previously granted by variance &
side setback and of number of stories.
located at 21 South Beach Drive.

variances of front setback,
Property

**** MR. CONROY MOVED TO APPROVE THE BUILDING PLANS
AS PRESENTED AND THAT THEY WILL ABIDE WITHIN THE
EXISTING FOOTPRINT AND THAT THE FILL AROUND THE
HOME BE REVIEWED AS PART OF THE CAM APPROVAL
ALONG WITH THE DRAINAGE.**

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

**** THE MOTION PASSED WITH FOUR (4) IN FAVOR AND ONE
(1) AGAINST (MR. STRUBINGER).**

**B. 19-0321-02- Mark Smith & Nora Niedzielski-Eichner- Variance to
allow a third story addition to existing single family
residence. Property located a 7 Outer Road.**

**** MR. LEVEY MOVED TO APPROVE THE VARIANCE BASED
ON THE TOPOGRAPHY FACTOR AND THE PREDETERMINED
ARCHITECTURE OF VILLAGE CREEK AND THE
ARCHITECTURAL APPROVAL OF THEIR DESIGN WITH THE
CONDITIONS THAT HAVE BEEN SET FORTH IN THE ZONING
REVIEW BY STAFF WHICH ARE THE REMOVAL OF THE
PARKING SPACE, THE KITCHEN ON THE LOWER LEVEL,
THE REMOVAL OF THE STORAGE SHED AND ESTABLISH A
FREE STANDING STRUCTURE OF THE DECK.**

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

**** THE MOTION PASSED UNANIMOUSLY.**

**A. 19-0321-01-Paul Zeidan & Alicia Collen Zeidan- Variance to
allow accessory structure on a corner lot to encroach into
the required setback. Property located at 1 Eric Court.**

**** MR. STRUBINGER MOVED TO APPROVE THE VARIANCE
BASED ON TOPOGRAPHY AND THE SHAPE OF THE LOT TO
ALLOW ACCESSORY STRUCTURE ON A CORNER LOT TO
ENCROACH INTO THE REQUIRED SETBACK AT 1 ERIC
COURT.**

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

**** THE MOTION PASSED WITH FOUR (4) IN FAVOR AND ONE (1) AGAINST (MR. BRASHER).**

V. ACTION ON HEARING MINUTES- JANUARY 17, 2019

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

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

**** THE MOTION PASSED WITH FOUR (4) IN FAVOR AND ONE (1) ABSTENTION (MR. HEUVELMAN)**

V. ADJOURNMENT

**** MR. HEUVELMAN MOVED TO ADJOURN.**

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

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:30PM.

Respectfully submitted,
Dilene Byrd
Telesco Secretarial Services