

**CITY OF NORWALK
ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
JANUARY 19, 2023**

ATTENDANCE: Andrew Conroy, Chairman; Lee Levey; Danielle Sanchick; Tom Farkas

STAFF: Tammy Maldonado

OTHER: Adam Blank; Lukas Thomas; Michael Stein; Patrick Begos; Spencer Mallozzi

CALL TO ORDER

Chairman Conroy called the meeting to order at 7:31 P.M. There was a quorum present.

ROLL CALL

A roll call of those present was performed.

PUBLIC HEARINGS

A. 23-0119-01

**ONE SAN VINCENZO REALTY, LLC – VARIANCE OF MINIMUM LOT SIZE FOR CONTRACTOR’S STORAGE
YARD AND SPECIAL EXCEPTION TO CHANGE ONE NONCONFORMING USE TO ANOTHER. PROPERTY
LOCATED AT 1 SAN VINCENZO PLACE.**

This item was postponed.

E. 23-0119-05

**MCP WILSON LLC – VARIANCE OF HEIGHT OF EXISTING WALL SIGNS AND LETTER SIZE AT AN EXISTING
PUBLIC STORAGE FACILITY. PROPERTY LOCATED AT 320 WILSON AVE.**

This item was handled out of order. This item was postponed.

B. 23-0119-02

**PATRICK AND JULIE BEGOS – VARIANCE OF MAXIMUM NUMBER OF STORIES AND FRONT SETBACK TO
ELEVATE FOR FLOOD COMPLIANCE AND ADD SMALL GARAGE ADDITION AT EXISTING SINGLE-FAMILY
DWELLING. PROPERTY LOCATED AT 10 RICHMOND RD.**

Mr. Blank came forward to discuss this item. He provided photos of the building in question and provided an overview of the house. Chairman Conroy noted that they typically grant a variance for a third story if a house needs to be lifted for flood compliance. They are required to be in the footprint of the existing home. Proposed plans for the house were provided. Mr. Blank reviewed the details of the non-compliance using the plans. He noted that raising the house would make stairs required. This would require a minor change to the footprint to allow the cars to fit into the garage. He noted that they were asking to move up to 3 ½ stories though he noted that the top story did not have living space in it. They

have received letters of support from the neighbors for the variances. He noted that bringing a house up to compliance with FEMA also constituted an unusual hardship.

Chairman Conroy said that, unless the house was falling down, they usually insisted people stay within the footprint. Mr. Stein provided interior blueprints to discuss the parking spaces. He noted that adding stairs would make it so they could not have a legal parking space within the garage. Mr. Stein noted that this addition was benign and required by the zoning code.

Mr. Levey asked if they could slide the house backwards when it was jacked up.

Mr. Stein said that the cost for doing so would be prohibitive. He noted that they had to also remove several rooms because they did not comply with FEMA. Further review of the floor plans followed.

Mr. Levey suggested that they add, as part of the approval, that any addition to the attic would need to come before the ZBA. The question of if a two-stage approval for the garage was raised. Ms. Sanchick asked why they had not tried stacking the stairs. Further discussion as to the viability of this followed. It was suggested to handle the items in two separate motions and have them return next month for the second approval. Further discussion followed.

No one wished to speak in favor of this item.

No one wished to speak in opposition to this item.

The hearing in regard to the 40-foot expansion was closed and the rest of the application was postponed till next month.

C. 23-0119-03

JOHN SPENCER MALLOZI – VARIANCE TO ALLOW PARKING WITHIN THE FRONT SETBACK AT AN EXISTING SINGLE-FAMILY DWELLING. PROPERTY LOCATED AT 19 STEPHEN MATHER RD.

Mr. Mallozi came forward to discuss this item. He reviewed the history of the house for those present. He noted that, even if they didn't install the proposed propane tank, they would still have a non-conforming condition and would likely come up for any future new developments. He provided images of the house and the blueprints for those present. Chairman Conroy asked when the code had been changed to prohibit semi-circular driveways. Ms. Maldonado said that they hadn't been banned and the problem was that the driveway was entirely within the front setback. She noted that a prior family had installed it without permits. Discussion followed as to if this constituted a driveway and a review of the rules regarding driveways followed.

Mr. Farkas asked what sort of condition the driveway was in. He noted it would eventually need repair and it might be better to remove the driveway then go through the hardship of paving it when it's in non-compliance. Ms. Maldonado noted it would be a two-fold process to repave the driveway. An application would need to be filed with Public Works and would then be forwarded to the Zoning Office. Discussion followed regarding the issues that would arise with repaving. Mr. Levey noted that, if the house was sold in the future, this would become an issue for potential purchasers.

No one wished to speak in favor of this item.

No one wished to speak in opposition to this item.

D. 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 read the staff report noting that this was a self-created hardship and proposing a potential condition of restoring half of the fill grading and landscaping to make similar front yard conditions as the neighboring property, 32 Burritt Ave.

Mr. Thomas came forward to discuss this item. They are seeking a variance for the number of stories and for parking in the front set-back. He noted that they had dug up earth for the repair of a sewer pipe. He provided images of the site. He provided a quick overview of the location using the photos for those present. He noted that he had submitted updated plans but requested that they continue the item to the next meeting.

Chairman Conroy noted that he had visited the property and what had come up in the discussion was if DPW was looking at the property and if the Building Department was looking at the safety of uncovering the walls of the basement. Mr. Thomas said he had provided the engineer's report with the application for the Board's review. He said that it was structurally sound. He said that the Building Department had said that they should come to the ZBA first. Chairman Conroy said that the Building Department had been asked to review the plans. He had been told that they had gone to look at the site.

Ms. Maldonado said that the Building Department had issued stop-work orders. Further discussion followed. Mr. Thomas provided the structural report from the engineers to view on screen. Mr. Levey said he was not satisfied with the report since it was referring to retaining walls. He felt it was not sufficient enough to make a decision on. Chairman Conroy said they were asking the Building Department to step in and gauge the safety of the structure. Further discussion followed. Chairman Conroy said he'd be fine with a postponement. Chairman Conroy reviewed what needed to be done with Mr. Thomas. Chairman Conroy wished it stated for the record that, in no case, would they ever deem a building to be safe; that is the job of the Building Department.

No one wished to speak in favor of this item.

No one wished to speak in opposition to this item.

IV. BOARD ACTION ON: A-E

A. 23-0119-01

**ONE SAN VINCENZO REALTY, LLC – VARIANCE OF MINIMUM LOT SIZE FOR CONTRACTOR'S STORAGE
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This item was postponed.

B. 23-0119-02

PATRICK AND JULIE BEGOS – VARIANCE OF MAXIMUM NUMBER OF STORIES AND FRONT SETBACK TO ELEVATE FOR FLOOD COMPLIANCE AND ADD SMALL GARAGE ADDITION AT EXISTING SINGLE-FAMILY DWELLING. PROPERTY LOCATED AT 10 RICHMOND RD.

**** MR. LEVEY MOVED TO APPROVE THE 40 SQUARE FOOT ADDITION WITHIN THE FRONT YARD SETBACK FOR ITEM 23-0119-02**

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

**** THE MOTION PASSED UNANIMOUSLY.**

C. 23-0119-03

JOHN SPENCER MALLOZI – VARIANCE TO ALLOW PARKING WITHIN THE FRONT SETBACK AT AN EXISTING SINGLE-FAMILY DWELLING. PROPERTY LOCATED AT 19 STEPHEN MATHER RD.

Chairman Conroy said that he was willing to grant it with the condition that, if he makes any alterations to the structures, he will deal with the circular drive meeting the code at that time.

**** MR. LEVEY MOVED TO GRANT ITEM C. 23-0119-03 JOHN SPENCER MALLOZI – VARIANCE TO ALLOW PARKING WITHIN THE FRONT SETBACK AT AN EXISTING SINGLE-FAMILY DWELLING. PROPERTY LOCATED AT 19 STEPHEN MATHER RD. WITH THE FOLLOWING CONDITIONS:**

- **IF ANY ALTERATIONS, INTERIOR AND EXTERIOR, ARE MADE TO THE STRUCTURES THAT REQUIRE THE APPROVAL OF ZONING OR THE PUBLIC WORKS DEPARTMENT, MR. MALLOZI WILL DEAL WITH THE DRIVEWAY MEETING THE CODE THAT EXISTS AT THAT TIME.**

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

**** THE MOTION PASSED UNANIMOUSLY.**

D. 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.

This item was postponed.

E. 23-0119-05

MCP WILSON LLC – VARIANCE OF HEIGHT OF EXISTING WALL SIGNS AND LETTER SIZE AT AN EXISTING PUBLIC STORAGE FACILITY. PROPERTY LOCATED AT 320 WILSON AVE.

This item was postponed.

V. ADMINISTRATIVE ACTIONS

A. ACTION ON HEARING MINUTES – DECEMBER 1, 2022 AND DECEMBER 15, 2022

- ** MR. LEVEY MOVED TO APPROVE THE MINUTES OF DECEMBER 1, 2022 AS SUBMITTED.**
- ** MR. FARKAS SECONDED THE MOTION.**
- ** THE MOTION PASSED UNANIMOUSLY.**

- ** MR. LEVEY MOVED TO APPROVE THE MINUTES OF DECEMBER 15, 2022 AS SUBMITTED.**
- ** MS. SANCHICK SECONDED THE MOTION.**
- ** THE MOTION PASSED WITH THREE (3) IN FAVOR (CONROY, SANCHICK, LEVEY) AND ONE (1) ABSTENTION (FARKAS).**

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

Ms. Maldonado reported that there would be an opportunity on March 11, 2023 for online training that would meet the majority of the land use training requirement. The information would be sent to the Board members.

VI. ADJOURNMENT

- ** MR. LEVEY MOVED TO ADJOURN.**
- ** MS. SANCHICK SECONDED THE MOTION.**
- ** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:14 P.M.