

CITY OF NORWALK ZONING BOARD OF APPEALS
VIA VIDEO AND TELECONFERENCE
JANUARY 18, 2024

ATTENDANCE: Lee Levey, Chair; Danielle Sanchick, Secretary; Andrew Conroy;
Thomas Farkas, Steve Ferguson, Benjamin Hanpeter

STAFF: Tammy Maldonado, Zoning Enforcement Officer

OTHER: Representatives of applications: Atty. Elizabeth Suchy, Zach Silver;
Vincent Hynes; Kelly Wood; Dan Scharff, Nicholas Renzulli

CALL TO ORDER/ ROLL CALL

Ms. Sanchick called the meeting to order at 7:10 p.m. and acknowledged those in attendance as listed above.

Ms. Sanchick read the instructions of the meeting and listed URL and sites to join and participate in the meeting by phone or zoom video.

Ms. Sanchick noted a change on the agenda to remove B from order of the agenda and to be continued to the February 15 meeting per applicant request.

PUBLIC HEARINGS

A. 23-1116-01 AG Real Estate I LLC (Continued from December 21, 2023) – Variances for residential density and parking requirements for an existing 9 unit multi family residence. Property located at 11 Bouton St.

Ms. Sanchick read the details of the variance request, background, analysis and findings for the determination of the approval.

Liz Suchy introduced herself and other representatives, Zach Silver of AG Real Estate and Vincent Hynes of Redniss & Mead in attendance. Details of the application, architect renderings and plans for the property were presented. She referred to the memorandum and the history of the property, including tax records, site conditions, and purchase documents. She noted the owner purchased the property with the existing conditions and explained his goal to improve the property and continue to provide affordable housing units. The addition of units had been done long ago.

Atty. Suchy noted that health department concerns have been complied with as required. The site improvement proposal will provide improved safety and sight lines, additional landscaping, and conform to neighborhood business zoning. Support letters were provided by the neighbors. There was discussion on providing recreation areas along with the removal of paving with a

landscaping plan to be approved by zoning staff. Mr. Silver came forward and spoke on the site plan and addressed questions on recreation area, and he agreed to provide a plan to provide functional space and landscaping. Mr. Silver confirmed the previous owner had allowed storage of contractor equipment; but as the new owner Mr. Silver had the contractor equipment removed. Ms. Maldonado added that the deputy inspector had confirmed the contractor equipment was not at the site.

Mr. Levey asked if there were members of the public that wished to speak. Ms. Maldonado stated the instructions to comment and noted there were no raised hands to speak. She asked if letters from neighbors could be read into the record. Mr. Levey read letters from Mario Mastriani, Oliver and Edna Wright, Eleanor Smith, Marie Richem, and Joseph Mastriani, that noted they had no objection to the variance. The letters mentioned that the property had been neglected and will now be improved and continue offering affordable units.

Mr. Levey noted that hearing no other comments, the public hearing on item A23-1116-01 was closed.

B. 23-1221-03 Bell Island LLC (Continued from December 21, 2023) – Variances for: front yard setback, rear yard setback, number of stories, building lot area and of parking within the front setback to construct a new flood compliant single-family residence. Property located at 23 Westmere Ave.

Continued to the February 15 meeting per applicant request.

C. 24-0118-01 Joanne Smith – 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.

Ms. Sanchick read the details of the variance request, background, analysis and findings for the determination of the approval.

She read the memo from Amelia Williams regarding the coastal site plan review. She indicated a full CAM application is required to the Planning and Zoning Commission per Zoning Regulations. She noted the requested front setback variance helps construction take place further from the tidal waters, but still increases impervious area.

Ms. Maldonado noted that there was an issue with neighbor notice receipts, as some were not made within the required timeline. Representatives came forward and Mr. Levey stated they may not be able to speak in accordance with the rules of notice. There was a discussion of when the legal notice requirements are to be confirmed within the date of the meeting notice.

Mr. Levey asked the members if they would be in agreement with his recommendation to remove this item from the agenda and continue the public hearing at the February meeting. It was consensus of the Board to continue at the February meeting.

D. 24-0118-02 Maria Marquina - Variance to allow parking within the front setback at an existing duplex dwelling (proposed to be a compliant 3 family dwelling). Property located at 4 Hillside St.

Ms. Sanchick read the details of the variance request, background, analysis and findings for the determination of the approval. She also read a memorandum about the zoning violation.

Representative Vince Hynes, engineer with Redniss & Mead, surveyors for the application came forward and stated that neighbor notices were mailed as required and returned green cards provided. He presented the survey and outlined the site conditions. He noted that Ms. Marquina purchased the property as a 3 family and only found out later through the Notice of the Zoning Violation that it was not a legal 3 family. The structure was created as a 2 family in the D residence zone and the basement apartment was added without permits. He noted a 3 family home is permissible in the zone, but adequate parking must be provided. He detailed the site plan proposal for creating four parking spaces with the variance request to allow portions of the proposed parking within the 30' front setback based on the lot parameters. The need is about ½' reduction of the front setback at one side and about 4' front setback reduction at the other side of the proposed parking.

There was discussion of the curb cuts with the close proximity to the school, and there was recommendation of distinction between residence and neighboring school parking. There was discussion on the basement apartment and the issue of additional egress was mentioned and how additional parking options can be arranged. It was noted that further variances would be required for an option of perpendicular parking adjacent to Ben Franklin and the whole front yard would need to be pavement to provide the number of spaces required.

Mr. Levey asked if there were members of the public that wished to speak. Ms. Maldonado noted the instructions to comment, and indicated there were no raised hands or written comments received.

Mr. Levey hearing no other comments, closed the public hearing on D24-1118-02.

E. 24-0118-03 Kelly Wood & Caitlyn Hannum – Variance for front yard setback for proposed front porch at existing single family dwelling. Property located at 8 Acorn Ln.

Ms. Sanchick read the details of the variance request, background, analysis and findings for the determination of the approval.

Ms. Kelly Wood, property owner for the application outlined the proposed addition of a front porch. She said the porch will make the house more open with access to the front and more in line with the neighborhood. She shared her screen to show the architect renderings, plans and drawings of the addition showing the elevation and setbacks.

There was discussion about staff recommendation to prohibit the future enclosure of the front porch. Ms. Wood agreed that would be fine. It was noted that the driveway is located on the back of the house, and there is a proposed addition there as well with other renovations that will not require variance.

Mr. Levey asked if there were members of the public that wished to speak. Ms. Maldonado noted that there were no attendees wishing to speak and no written comments.

Mr. Levey stated that hearing no other comments, the public hearing on item E24-1118-03 is closed.

IV. BOARD ACTION ON: A-E

M. Levey noted the decision section would be in reverse order of the hearings as presented.

Mr. Conroy noted that there was to be only a five-member designation of those to hear the items, and he would not vote on this item..

E. 24-0118-03 Kelly Wood & Caitlyn Hannum – Variance for front yard setback for proposed front porch at existing single-family dwelling. Property located at 8 Acorn Ln.

**** MR. FERGUSON MOVED TO APPROVE THE VARIANCE WITH CONDITION THE PORCH WILL NOT BE ENCLOSED IN THE FUTURE.**

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

**** MOTION PASSED UNANIMOUSLY.**

D. 24-0118-02 Maria Marquina - Variance to allow parking within the front setback at an existing duplex dwelling (proposed to be a compliant 3 family dwelling). Property located at 4 Hillside St.

Mr. Farkas will not vote on this item.

**** MR. LEVEY MOVED TO APPROVE THE VARIANCE WITH CONDITION THE CURB CUT BE REDUCED TO THE MINIMUM REQUIRED BY THE CITY OF NORWALK, A LANDSCAPING PLAN WITH MORE LANDSCAPING BE SUBMITTED AND APPROVED BY ZONING STAFF, AND THE BASEMENT APARTMENT MUST HAVE A FLOORPLAN SUBMITTED AND APPROVED BY THE BUILDING DEPARTMENT.**

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

**** MOTION PASSED UNANIMOUSLY.**

C. 24-0118-01 Joanne Smith – 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.

Item is continued to the February meeting.

A. 23-1116-01 AG Real Estate I LLC (Continued from December 21, 2023) – Variances for residential density and parking requirements for an existing 9-unit multi family residence. Property located at 11 Bouton St.

Ms. Sanchick will not vote on this item.

There was discussion on the need to create a recreation area on this site preferably in the rear—more than just a gap between buildings. It was noted that a landscaping plan needs to be approved by staff, the recreation area to be approved by staff, phone and internet wiring be cleaned up or removed if possible, to be less of an eyesore. It was noted water problems should be addressed to avoid water settling in center of parking lot area. Staff was asked for input, and Ms. Maldonado noted that building dept. and DPW review will be required.

**** MR. LEVEY MOVED TO APPROVE THE VARIANCE WITH CONDITIONS: THE SITE PLAN BE MODIFIED TO INCLUDE A STAFF APPROVED RECREATION AREA & STAFF APPROVED LANDSCAPING PLAN; THE PARKING AREA COMPLY WITH DPW STANDARDS AND FLOORPLANS OF THE FOUR UNIT BUILDING BE SUBMITTED AND APPROVED BY BUILDING DEPARTMENT.**

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

**** MOTION PASSED UNANIMOUSLY.**

V. ADMINISTRATIVE ACTIONS

A. Action on Hearing Minutes – December 21, 2023

Mr. Levey reported that his name was misspelled fourteen times as well as in the public notice.

**** MR. FERGUSON MOVED TO APPROVE THE MINUTES AS AMENDED WITH CHANGES NOTED.**

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

**** 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 reported that all members are in compliance with training requirements.

Mr. Levey reported that he will not be in attendance next month, so Ms. Sanchick will be asked to be the acting chair.

Mr. Ferguson reported that while he thought he would not be in attendance for this meeting following recent surgery, but he was able to attend, and he hopes to attend next month as well.

VI. ADJOURNMENT

**** MR. CONROY MOVED TO ADJOURN.**
**** MR. LEVEY SECONDED THE MOTION.**
**** MOTION WAS UNANIMOUSLY APPROVED.**

The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Telesco Secretarial Services