

**DRAFT CITY OF NORWALK
ZONING BOARD OF APPEALS
SEPTEMBER 6, 2018**

ATTENDANCE: Joseph Beggan, Chair; Nadine Campbell; Lee Levey; Taylor Strubinger; Andrew Conroy; Gregory Brasher

STAFF: Aline Rochefort; Tammy Maldonado

I. CALL TO ORDER

Mr. Beggan called the meeting to order at 7:30 p. m

II. ROLL CALL

Mr. Beggan called the roll and a quorum was present.

III. PUBLIC HEARINGS

C. 18-0906-03 Gloria R. Townsend - Variance to legalize parking (garage conversion) within the zoning front setback for existing single family residence in C Residence Zone. Property located at 65 Lincoln Ave. Ext.

Mr. Strubinger stated that this issue came to the attention of the zoning staff when the applicant tried to obtain a zoning permit to put an addition on this residence. He stated that research of the older field cards show that the garage conversion was done without permits between the 1970's and 1980's. The applicant was required to get a survey to determine if the required parking could be provided. Based on that survey, the house sits too close to either side property lines to allow access to the back yard.

Mr. Strubinger stated that the work on the property was done after 1970. The passage of time does not constitute a hardship. It does not justify work done without a permit.

Mr. James Meadows came forward in support of the item. He stated that Ms. Townsend converted the garage into a kitchen about forty years ago. He stated that he did not know when the house was built. He the garage was converted to a kitchen, because the original kitchen was very small.

B. 18-0906-02 – 104 West Cedar LLC – Variance for replacement ground sign for motor vehicle general repairer in a Business # 2 Zone. Property located at 104 West Cedar St.

Mr. Robert Cotaling came forward in support of the item. He stated that the sign was put up by the previous owner. He is not seeking to move the sign. He stated that he is seeking to legalize the sign.

D. 18-0906-04 - Janine Ardohain/Sean McAleer – Variance to allow a vehicle over the one ton rated capacity in AA Residential zone. Property located at 9 Rising Rd.

Mr. Strubinger stated that the Zoning office received complaints regarding the truck and boats being stored on the property. A notice of violation was issued to the property owner in February of 2018. A citation was issued on June 1, 2018 for the same violation. The matter was before the Citation Hearing officer on June 27, 2018 and granted a 3 month continuance for resolution. The boats have been relocated in compliance with the setback regulations.

Mr. Strubinger stated that the State Statutes allow for emergency vehicles which exceed a one ton rated capacity when responding to emergency calls. This vehicle is not automatically exempt because it is also used for personal use. There is no zoning hardship to allow a commercial vehicle which exceeds what is allowable in a residential zone.

Mr. McAleer came forward in support of the item. He stated that the vehicle is used to respond to emergency calls, for his transportation to and from his day job, and for personal transportation.

Mr. McAleer stated that he put a new muffler on the truck which has made it quieter. He stated that the beams of the headlights have been lowered so they do not shine directly into the windows of his neighbors. He stated that the beeping that occurs when the truck goes in reverse has been disabled.

Mr. McAleer stated that one of the boats has been removed from the property. The other boat remains on the property and is legally placed beyond the setback.

Mr. Beggan stated that a letter of support was submitted by the Darien Fire Chief.

Mr. Matthew Heisen came forward in support of the item. He stated that he is in favor of a variance that would run for only 3-5 years.

Ms. Beatrice Oderhang came forward in support of the item. She asked about the steps that would be necessary to request a special permit. Mr. Beggan reviewed the steps and stated that it would only be necessary if the item was denied tonight.

Atty. Christopher Jarbo came forward in opposition to the item. He stated that the hardship was personal and self-created. He stated that the truck violates regulations. The red truck sticks out like a sore thumb.

Atty. Jarbo stated that Mr. McAleer did not explain which equipment cannot be carried in a non-commercial vehicle. Atty. Garbo stated that Mr. McAleer did not explain why an SUV would not be sufficient for storage of the equipment related to his work for the Fire Department.

Mr. Beggan stated that two letters of opposition were received. One of the letters was from Barry Urich and the other was from Anna Niece.

A. 18-0906-01- Norwalk Medical Center LLC - Variance from centerline of Connecticut Ave. for proposed mixed use building in Business No. 1 Zone. Property located at 71-75 Connecticut Ave.

Atty. Albert Vasco came forward in support of the item. He stated that his client seeks to put in two buildings. One is an office building and the other is a residential building. He stated that the 2015 application by a different owner had one building. This proposal will have a softer look than the original proposal.

Atty. Vasco stated that the buildings will be in line with numerous buildings in the area. Parking will be underneath.

Mr. Levey stated that the application is incomplete because elevations were only provided for two of the four sides of the buildings. Mr. Beggan stated that not having all four elevations is not a reason to stop this hearing and we will listen to what the applicant has to present.

Mr. Ray Sullivan, Architect, came forward in support of the item. He stated that we will use the current curb cuts, and we meet the minimum parking requirements.

Mr. Jason Unters came forward in support of the item. He stated that there will be a retaining wall on the back side of the lot. He stated that a traffic study was done and there will be no adverse impact on traffic. He stated that the DOT may require that we have "right turn only" out of the parking lot.

E. 18-0906-05 – Side By Side Charter School / St. Joseph's Church – Variance to allow a generator within the side setback, in SoNo Station Design District. Property located at 85 South Main St.

Attorney Michael Sweeney came forward in support of the item. He stated that the neighbors are happy with the school, and he submitted a letter of support from Ms. Ward.

Mr. Sweeney stated that construction started in 2017. It was discovered that there is an underground stream which causes a flood risk in the basement. He stated that a generator was acquired and installed in order to keep the sump pump operational at all times.

Mr. Sweeney stated that we have a volunteer board and a mistake was made in deciding on where to put the generator. It was not an intentional violation of regulations. He stated that this is the only logical placement for the generator. Had we known that beforehand that it was not in line with regulations, we would have come forward asking for a variance to place it there.

Mr. Michael Stein, Architect, came forward in support of the item. He stated that the transformer was already there and it made sense for us to place the generator next to it. All of the necessary inspections were made and it was not brought to our attention that the generator could not be where we placed it.

Mr. Levey stated that he would like to see two additional bollards placed between the street and the generator.

Mr. Larry Cafero came forward in support of the item. He stated that we made a mistake in the placement of the generator. It was only after we installed the generator that we discovered that it is not permitted in that spot.

DECISIONS

E. 18-0906-05 – Side By Side Charter School / St. Joseph’s Church – Variance to allow a generator within the side setback, in SoNo Station Design District. Property located at 85 South Main St.

- ** MR BEGGAN MOVED TO APPROVE THE VARIANCE TO ALLOW A GENERATOR WITHIN THE SIDE SETBACK, IN SONO STATION DESIGN DISTRICT. PROPERTY LOCATED AT 85 SOUTH MAIN ST. WITH THE CONDITON THAT THERE BE ADDITONAL BOLLARDS.**
- ** MR. STRUBINGER SECONDED THE MOTION.**
- ** THE MOTION PASSED UNANIMOUSLY.**

D. 18-0906-04 - Janine Ardohain/Sean McAleer – Variance to allow a vehicle over the one ton rated capacity in AA Residential zone. Property located at 9 Rising Rd.

- ** MR. LEVEY MOVED TO DENY THE VARIANCE TO ALLOW A VEHICLE OVER THE ONE TON RATED CAPACITY IN AA RESIDENTIAL ZONE BASED ON THE PERSONAL USE OF THE VEHICLE.**
- ** MR. CONROY SECONDED THE MOTION.**
- ** THE MOTION PASSED UNANIMOUSLY.**

C. 18-0906-03 Gloria R. Townsend - Variance to legalize parking (garage conversion) within the zoning front setback for existing single family residence in C Residence Zone. Property located at 65 Lincoln Ave.

- ** MR. BEGGAN MOVED TO DENY THE VARIANCE TO LEGALIZE PARKING (GARAGE CONVERSION) WITHIN THE ZONING FRONT SETBACK FOR EXISTING SINGLE FAMILY RESIDENCE IN C RESIDENCE ZONE. PROPERTY LOCATED AT 65 LINCOLN AVE DUE TO THE HARDSHIP BEING SELF-CREATED.**
- ** MR. STRUBINGER SECONDED THE MOTION.**
- ** THE MOTION PASSED UNANIMOUSLY.**

B. 18-0906-02 – 104 West Cedar LLC – Variance for replacement ground sign for motor vehicle general repairer in a Business # 2 Zone. Property located at 104 West Cedar St.

- ** MR. LEVEY MOVED TO APPROVE THE VARIANCE FOR REPLACEMENT GROUND SIGN FOR MOTOR VEHICLE GENERAL REPAIRER IN A BUSINESS # 2 ZONE. PROPERTY LOCATED AT 104 WEST CEDAR ST.**
- ** MR. CONROY SECONDED THE MOTION.**
- ** THE MOTION PASSED UNANIMOUSLY.**

A. 18-0906-01- Norwalk Medical Center LLC - Variance from centerline of Connecticut Ave. for proposed mixed use building in Business No. 1 Zone. Property located at 71-75 Connecticut Ave.

- ** MR. LEVEY MOVED TO APPROVE THE VARIANCE FROM CENTERLINE OF CONNECTICUT AVE. FOR PROPOSED MIXED USE BUILDING IN BUSINESS NO. 1 ZONE WITH THE CONDITION THAT ALL FOUR ELEVATIONS ARE PROVIDED AND ADEQUATE SCREENING IS PUT IN PLACE.**
- ** MR. BRASHER SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

IV. BOARD ACTION ON: A – E & ACTION ON REQUEST FOR EXTENSION ON ZBA #

18-0301-01 - Matthew K. Heissan – Variances for construction of a new single family residence in A Residence Zone. Property located at 12 Jacob Street. District 6, Block 26, Lot 16, CAM.

**** MR. BEGGAN MOVED TO APPROVE A NINE MONTH EXTENSION, WITH THE DATE TO BE CONFIRMED BY STAFF ON THE VARIANCES FOR CONSTRUCTION OF A NEW SINGLE FAMILY RESIDENCE IN A RESIDENCE ZONE.**

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

**** THE MOTION PASSED UNANIMOUSLY.**

V. ACTION ON HEARING MINUTES – July 12, 2018

**** MR. BEGGAN MOVED TO APPROVE THE JULY 12, 2018 AS SUBMITTED.**

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

**** THE MOTION PASSED WITH SIX VOTES IN FAVOR AND ONE ABSTENTION (MR. STRUBINGER).**

VI. ADJOURNMENT

**** MR. BEGGAN MOVED TO ADJOURN.**

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

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 10:00 p. m.

Respectfully submitted,

Tom Blaney
Telesco Secretarial Services