

CITY OF NORWALK
ZONING BOARD OF APPEALS
September 4, 2014 (approved October 2, 2014)

PRESENT: Andrew Conroy, Chair; Taylor Strubinger; Joseph Beggan; Keith Lyon; Nadine Campbell; Lee Levey; Michael Skiber (arrived late)

STAFF: Aline Rochefort; Vlad Mariano

OTHERS: Atty Chris Jarboe; David Memel; John DeTullio; Steve Viscardi; Theresa Iacono; Bob Siska; Carmine Renzulli; Atty Al Vasco;

I. CALL TO ORDER

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

II. ROLL CALL

After the meeting was called to order, Mr. Conroy discussed the procedures of the meeting.

III. PUBLIC HEARINGS

A. 14-0904-01 - David & Debra Memel – Appeal of notice to remove parking within the zoning front setback. Property located at 9 Orchard Hill Rd.

Mr. Conroy opened the public hearing and Mr. Beggan read the legal memo into the record.

Atty Jarboe began the presentation by giving a brief history of the property. He then handed in exhibits for the commissioners as well as the certified, return receipts cards evidencing notification of the public hearing. He explained the exhibits which included aerial photographs. He said that he would even use an iPad to show the aerial photos better of the parking area in the driveway. He then continued with a listing of the permits that were issued when the house was being built in 1998. Atty Jarboe noted that his clients had no idea that the driveway was not in compliance when they bought the property in 2010. A title search had been done prior to their purchase of the property. He also said that the Memels had been previously been into the Planning and Zoning Department for construction to the front half of the driveway. He noted that the Zoning Department staff never mentioned, at that time, that the driveway was not in compliance. It was only recently, as a Zoning Inspector came to check their finished basement, did they notice the parking area being out of compliance. At this point, Atty Jarboe wanted to show the commissioners pictures on the iPad. They decided that it would be best if he submitted a link, rather than the iPad, as an exhibit. He made his closing remarks to the commissioners which included the fact that the Memels could turn around in their driveway and come out of it, head first. From a safety standpoint,

they were beneficial. None of the neighbors had any complaints about it. It also met the needs of off-street parking, under the Zoning regulations.

David Memel, the owner of the property, continued the presentation. He told the commissioners that the neighbors can attest that the driveway has remained the same since the house was built. He said that they would like to keep the parking area because it helped them turn the cars around to drive out of the driveway. He felt it was safer to do that.

Atty Jarboe concluded his presentation. There was a brief discussion about putting a link of the photograph into the record, rather than the iPad.

John DeTullio, 8 Orchard Hill Road, spoke in support of the appeal of the notice.

Steve Viscardi, 15 Orchard Hill Road, spoke in support of the appeal, saying the driveway is in the same configuration as when originally constructed.

Theresa Iacono, 17 Orchard Hill Road, spoke in support of the appeal of the notice. She thought it would be safer to keep the parking area and there had been no change since 2004.

No one spoke in opposition to the appeal of the notice.

Mr. Conroy closed the public hearing.

B. 14-0904-02 - Barbara Bruggeman – Variance to legalize construction of dormer not compliance with ½ story dormer regulation. Property located at 5 Longshore Ave.

Mr. Conroy opened the public hearing and Mr. Beggan read the legal memo into the record.

Bob Siska, general contractor who built the dormer, began the presentation, explaining how they raised the house and made a mistake with the dormer. He explained that he would be financially responsible for the problem. Mr. Beggan said that the building was built as the plans showed. He said that he would have to rip the second floor down and re-do the whole thing. Mr. Levey reminded him that economics was not a hardship. If the drawings were wrong, then it would be a problem for the architect.

No one spoke in support or against the application. Mr. Conroy closed the hearing.

C. 14-0904-03 – Renzulli Associates Retail Business Center, LLC –Variance of height of ground sign. Property located at 495 Westport Ave.

Mr. Conroy opened the public hearing and Mr. Beggan read the legal memo into the record.

Carmine Renzulli, 505 Westport Avenue, one of the owners of the Renzulli Associates Retail Business Center, began the presentation by explaining why he thought they would like a bigger sign. He believed the bottom of the sign could not be seen because it was in line with motor vehicles. Mr. Conroy asked what they would do if the commissioners denied the application. Mr. Renzulli understood that there was nothing they could do. He showed the commissioners pictures of the current sign. Mr. Renzulli also handed in the certified, return receipts cards evidencing notification of the public hearing.

Ms. Campbell asked about moving the sign but Mr. Renzulli said that the sign would be in the setback and not gain much. Mr. Levey asked about the height of the ridge on the building. Mr. Renzulli said it was a high roof. He then ended his presentation.

No one spoke in support or against the application. Mr. Conroy closed the hearing.

IV. BOARD ACTION ON A-C & request for extension of time in which to obtain building permits for 13-0207-02 SoNo Loft Condo/SoNo Gardens Condo.

A. Request for extension of time in which to obtain building permits for 13-0207-02 SoNo Loft Condo/SoNo Gardens Condo.

Mr. Beggan read the memo into the record. Atty Vasco began the presentation by explaining why there have been delays which included changes in the condo management association board and condo management company. The first phase of the project has gone out to bid. There was a discussion about the changes at the condo management company. Atty Vasco said that if the request was denied, the applicant would be back to request a new variance. He also said they hoped to break ground in the fall. A few of the commissioners said they were displeased with the fact that the applicant had applied for a third extension. There was discussion on if it should be a conditional approval, the condition that this be the last extension.

MR. LYONS MOVED: that the 180 day extension be **GRANTED** to SoNo Loft Condos so the applicant can obtain building permits, with the condition that this will be the final extension.

**** MR. STRUBINGER SECONDED.**
**** MOTION APPROVED (4-1).**

B. 14-0904-01 - David & Debra Memel – Appeal of notice to remove parking within the zoning front setback. Property located at 9 Orchard Hill Rd.

There was a discussion about when the driveway could have been changed. Mr. Strubinger suggested that since traffic had increased on the road, this driveway should stay the same for safety reasons.

MR. STRUBINGER MOVED: that the appeal be **GRANTED**.

**** MR. LEVEY SECONDED.**

**** MOTION APPROVED UNANIMOUSLY.**

C. 14-0904-02 - Barbara Bruggeman – Variance to legalize construction of dormer not compliance with ½ story dormer regulation. Property located at 5 Longshore Ave.

MR. STRUBINGER MOVED: that the variance to legalize construction of a dormer that is not in compliance with ½ story dormer regulation be **GRANTED** with the condition that the space enclosed in the dormer never be available for living space.

**** MR. CONROY SECONDED.**

**** MOTION APPROVED UNANIMOUSLY.**

D. 14-0904-03 – Renzulli Associates Retail Business Center, LLC –Variance of height of ground sign. Property located at 495 Westport Ave.

MR. STRUBINGER MOVED: that the application for a variance be **DENIED** because the Zoning Board of Appeals has not been shown a real hardship.

**** MR. CONROY SECONDED.**

**** MOTION FOR DENIAL APPROVED UNANIMOUSLY.**

V. ACTION ON HEARING MINUTES – June 5, 2014

**** MR. STRUBINGER MADE A MOTION TO APPROVE THE MINUTES AS CLARIFIED.**

**** MR. BEGGAN SECONDED.**

**** MOTION UNANIMOUSLY.**

VI. ADJOURNMENT

**** MR. CONROY MADE A MOTION TO ADJOURN.**

**** MR. STRUBINGER SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 9:15 p.m.
Respectfully submitted,
Diana Palmentiero