

**CITY OF NORWALK
ZONING BOARD OF APPEALS
SEPTEMBER 2, 2010 (approved October 7, 2010)**

I. CALL TO ORDER

Mr. Strubinger called the meeting to order at 7:30 pm.

II. ROLL CALL

PRESENT: Taylor Strubinger, Chair; Tony Lopez; Dawn DelGreco; Laurie Fan; Guillermo Arteaga; Peter Andreoli

STAFF: Aline Rochefort; Vladimir Mariano

OTHERS: Ron Kellogg; David Wright; Brent Forte; Richard Bergman

III. PUBLIC HEARING

C. 10-0708-03 - Timpany Norwalk Real Estate LLC – Variance to allow 36” letters vs. 24” letters. Property located at 420 Westport Ave.

Mr. Strubinger opened the public hearing.

Mr. Lopez read the legal memo.

Mr. Ron Kellogg, representing the applicant, turned in the green cards and described the property. He explained that Staples had been on the site for 20 years and had recently had a façade improvement. He said that the new signage over the entrance had been part of that improvement. Mr. Kellogg stated that the rest of the building had 25-foot storefronts, each of which was allowed to use two-foot letters in its signage. He added that the building was dwarfed by larger buildings on both sides, each of whom had been granted a variance for signage.

Ms. DelGreco asked when Marshalls, the neighboring building, had been granted its variance. Mr. Kellogg said that it was in 2001. Mr.

Lopez pointed out that the Board was more concerned about the applicant's hardship than with the surrounding properties.

Mr. Kellogg described the individual stores in the building, explaining that Staples was much wider and larger overall than the other stores.

Ms. DelGreco asked what letter size was used on signage at other area Staples stores. Mr. Strubinger said that the other stores had smaller signage. Mr. Kellogg pointed out that the other Staples locations were not owned by Timpany.

Mr. Lopez asked that the applicant state its hardship.

Mr. Kellogg said that he had cited other similar cases, which was appropriate in this context. He said that the practical difficulty involved the fact that a large store was not permitted to have a larger sign than a store with a 25-foot storefront.

Mr. Lopez said that the applicant could not expect to have 100% visibility to the storefront. Mr. Kellogg stated that the photos he presented were a fair representation of the site's visibility.

Mr. Lopez asked if the hardship was that Staples was dwarfed by larger neighboring stores. Mr. Kellogg said that was part of the hardship.

Mr. David Wright explained that the practical difficulty was that the sign regulations were inappropriate in the case of a large store. He said that Staples needed to maintain its corporate identity. He added that the proposed signage was not garish and that it was appropriate for the site. Mr. Wright pointed out that Staples needed to attract a lot of customers in order to support 17,000 square feet of store space.

Mr. Lopez said that hardship was very limited and that maintaining brand identity in itself was not considered a hardship in itself.

Mr. Wright explained that the applicant was focused more on the practical difficulty. He reiterated that Marshalls was a similar tenant.

Mr. Strubinger closed the public hearing.

A. 10-0708-01 Nick Girardo – Appeal of Zoning Inspector’s Cease & Desist for contractor’s storage yard. Property located at 79 Winfield St.

Mr. Strubinger opened the public hearing.

Mr. Lopez read the legal memo. He explained that there had been a continuous, legally non-conforming use on the site since 1978. He said that a Cease & Desist order involving the property dated back to 1989.

Ms. Rochefort said that the applicant’s attorney was not present, but had requested that the hearing be held anyway.

Mr. Strubinger closed the public hearing.

B. 10-0708-02 Advanced Auto Parts - Variance of allowed wall signage. Property located at 295 Westport Ave.

Mr. Strubinger opened the public hearing.

Mr. Lopez read the legal memo.

Mr. Brent Forte, the signage representative, turned in the green cards. He explained that the applicant was requesting a variance for reasons of visibility. He said that the wall sign would help motorists to navigate the commercial corridor more safely and easily.

Mr. Lopez pointed out that it was a subjective consideration, as far as the amount of time motorists would need to identify and turn into the site.

Mr. Strubinger asked what the size of the existing sign was. Mr. Forte said that it was 24 inches.

Mr. Strubinger closed the public hearing.

D. 10-0708-04 Myriam Bossuyt - Variance to reduce front setback

for proposed generator. Property Located at 179 Perry Ave.

Mr. Strubinger opened the public hearing.

Mr. Richard Bergman said that he had been the architect for the project since 1982. He explained that the property was divided in half by the Silvermine River and that half the property was in the flood plain. He described the house, pointing out that it was an old mill, originally built in 1827. He said that all the buildings on the property were in front of the setback and that the garage actually was outside the property line. Mr. Bergman noted that the property was on a cliff that went to the river. He said that the generator would be placed behind shrubs, where there was already an air-conditioning unit. He pointed out that the visual impact and the noise were both mitigated by the shrubs and greenery. He reiterated that the hardship involved the practical location of the property, as well as an architectural hardship, which involved the location of a power panel inside the house.

Mr. Bergman turned in the green cards.

Mr. Lopez asked the applicant to point out exactly where the generator would be located. Mr. Bergman indicated it on the property map. He also showed photographs of the site and identified a photo showing the proposed generator location next to an existing ac condenser.

Mr. Strubinger closed the public hearing.

IV. BOARD ACTION ON A thru D and action on 09-1203-01 Roundtree Development - 39 Lois St. – request for extension of time in which to obtain building permits.

D. 179 Perry Avenue

**** MR. STRUBINGER MADE A MOTION TO GRANT THE VARIANCE, BECAUSE THE APPLICANT SHOWED A HARDSHIP WITH REGARD TO THE CONFIGURATION OF THE PROPERTY AND ITS LOCATION ON THE SILVERMINE RIVER.**

**** MS. DELGRECO SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

C. 295 WESTPORT AVENUE

The Board discussed the visibility of the site. Ms. DelGreco said that it was not the Board's responsibility to provide a billboard attraction to commercial sites. She added that the property involved no profound difficulty.

Mr. Arteaga stated that a three-inch difference in the signage would not make a big difference in terms of visibility. He added that the applicant had not demonstrated a clear hardship.

**** MR. STRUBINGER MADE A MOTION TO DENY THE VARIANCE, BECAUSE THE APPLICANT DID NOT SHOW A HARDSHIP.**

**** MR. LOPEZ SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

B. 79 WINFIELD STREET

Mr. Strubinger said that a dump truck and back hoe were visible on the site and that it was clearly a contractor's yard.

****MR. STRUBINGER MADE A MOTION TO DENY THE APPEAL, BECAUSE THE APPLICANT WAS NOT PRESENT FOR THE HEARING AND BECAUSE A VISUAL INSPECTION HAD INDICATED CONSTRUCTION EQUIPMENT ON THE SITE.**

**** MR. LOPEZ SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

A. 420 WESTPORT AVENUE

**** MR. STRUBINGER MADE A MOTION TO DENY THE VARIANCE, BECAUSE THE APPLICANT HAD NOT SHOWN A HARDSHIP.**

**** MS. FAN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

EXTENSION OF TIME—39 LOIS STREET

Mr. Arteaga recused himself and left the room.

**** MR. STRUBINGER MADE A MOTION TO GRANT THE
EXTENSION, DUE TO FINANCIAL AND ECONOMIC CONDITIONS.**

**** MS. DELGRECO SECONDED.**

**** MOTION CARRIED, 4-0-1 (ANDREOLI ABSTAINING).**

V. ACTION ON HEARING MINUTES – June 3, 2010

**** MS. FAN MADE A MOTION TO ACCEPT THE MINUTES.**

**** MR. ARTEAGA SECONDED.**

**** MOTION CARRIED, 4-0-2 (LOPEZ AND ANDREOLI
ABSTAINING).**

VI. ADJOURNMENT

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

**** MR. ARTEAGA SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 8:38 pm.

Respectfully submitted by Charlene Smith.