

DRAFT
CITY OF NORWALK
ZONING BOARD OF APPEALS
May 1, 2014

PRESENT: Andrew Conroy, Chair; Keith Lyon; Joseph Beggan; Lee Levey;
Juanita Olguin

STAFF: Aline Rochefort; Vlad Mariano

OTHERS: Harrison Gill; David Palumbo; Victoria Van Dam Dailey; Claudia Carson; Bob Foster; Kevin Dailey; Rod Rahe; Paul Harris; Randy Hinkles; Michael Towey;

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 outlined the procedure for the public hearings. He also announced that one of the hearings, 14-0501-02 at 44 Harborview Ave., had been withdrawn.

III. PUBLIC HEARINGS

A. 14-0403-01- Mark Ayen & Marylynn Salerno - Variance to allow expansion of existing non-conforming 3 story residence. Property located at 15 Cornwall Road. (continuation of public hearing, opened April 3, 2014)

Mr. Conroy opened the public hearing and Mr. Lyon announced that this application had been continued from the previous hearing.

Mr. Gill, the architect on the project, began the presentation and said that he represented the applicant. He said that this application represented a classic topographical hardship. The first floor of the house was over 30 ft. above street level. The basement was a walk out basement which faced the street. Because of this, the city's regulations state that it is a story. He believes that it is really a 1.5 story on the house. The applicants would like to put in windows that allowed egress. Their current windows are not up to code. These windows could have life saving benefits to the owners and future owners. They would also be increasing the size of the house with dormers. Mr. Gill then showed the commissioners pictures of the current house as well as handing in the certified, return receipts evidencing notification of the meeting. He said that it did not seem that any of the neighbors had any objection to the application. Mr. Conroy asked if Mr. Gill could show where the dormers would be on the submitted plans. Mr. Gill did not think that the dormers would be out of character.

No one spoke in support or opposition to the application. Mr. Conroy closed the public hearing.

B. 14-0501-01- Robert Scrofani - Variance to allow a first floor expansion and second floor addition on detached non-conforming accessory structure (garage) for music studio. Property located at 33 Parkhill Ave.

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

David Palumbo began the presentation on behalf of the applicant. He showed the commissioners where the existing garage was in the setback. He also handed in the certified, return receipts evidencing notification of the meeting. He explained that there was a 100 year old tree in the middle of the yard. If they were to build what they were expected to build it would have to go in the middle of the yard. Mr. Palumbo explained that it would be better to build it above the garage. He also presented a petition from neighbors that agreed with the applicant's proposal. He explained how the space above the garage would be used. The commissioners had a few questions about the tree as well as the plan suggested by the Zoning office staff for the garage.

Victoria Van Dam Dailey, 31 Parkhill Ave., spoke in support of the application. She did not want the tree to be cut down.

Claudia Carson, 29 Parkhill Avenue, spoke in support of the application. She said the tree was a centerpiece of the neighborhood. She agreed with the applicant that if they were to put the garage in the backyard they would lose the backyard.

Bob Foster, 28 Parkhill Avenue, spoke in support of the application.

Kevin Dailey, 31 Parkhill Ave., spoke in support of the application. He thought the applicant's proposed structure would be better looking for the neighborhood.

There was a discussion about the applicant's next door neighbor who was in full support of this structure and had signed the petition. She had seen the plans and realized how high the structure would be. There was also a discussion about other, similar structures in the neighborhood to the proposed garage. There was a question about whether this was an apartment. Mr. Palumbo said it was a music studio. There was also a discussion about what the hardship was. The applicant believed it was the elimination of the backyard if they garage had to be put there.

No one spoke against the application. Mr. Conroy closed the public hearing.

C. 14-0501-03 - Katy & Rod Rahe – Variance of side yard setback for detached accessory structure, garage. Property located at 149 Witch Lane.

The public hearing was opened. Mr. Lyon read the legal memo into the record.

Rod Rahe, the applicant, began the presentation. He discussed the hardships of building the garage, as per the regulations, which included blasting through a rock ledge to put the garage on top of it, the length of the driveway. He showed the commissioners an aerial photo of the property. He said that the garage lights would shine onto the neighbor's property. He had letters of support from neighbors as well as handing in the certified, return receipts evidencing notification of the meeting. It was noted that the garage would be a 2 car garage and have no other uses.

Mr. Conroy asked about other access to other properties behind this property. He wondered if the properties could share a driveway. Mr. Rahe again reminded them that the garage would take up most of their backyard. There was a discussion about putting the garage in the front of the house. Mr. Rahe thought that the value of the house would be lowered if the garage was in the front. He also said that many changes would have to be made to the house to accommodate this. Currently, there is no garage.

No one spoke in support or opposition to the application. Mr. Conroy closed the public hearing.

Letters of support were read into the record.

D. 14-0501-04 - Michael & Andrea Towey – Variance of setbacks for construction of front porch. Property located at 15 Pennoyer Street.

The public hearing was opened. Mr. Lyon read the legal memo into the record.

Mr. Harris began the presentation by telling the commissioners that the variance for a modest front porch. He also noted that since the structure was built in 1883, it has historical significance to it. The owners have slowly been restoring it since they bought the house. They would like to re-build the porch which had come down in the 1950s. In order to do this, they are requesting a variance to the setbacks. The hardship is the non-conforming nature of the building because of when the house was built. He discussed the site plan with the existing house and proposed plans. He showed the commissioners a picture of the house, pre-1947, with the porch still intact.

Randy Hinkles continued the presentation. The Rowayton Historical Society wrote a letter in support of the project which Mr. Hinkles read into the record. Mr. Hinkles then went on to say that the porches, at that time, were an asset to the community since they brought people out of their houses.

Michael Towey, the owner of the property, continued the presentation. He described the property when they first bought it. They have enjoyed making the house historically accurate.

There were four letters of support submitted for the record. There was one gentleman that spoke in support of the application.

Mr. Conroy closed the public hearing.

IV. BOARD ACTION ON A thru D

A. 14-0403-01- Mark Ayen & Marylynn Salerno - Variance to allow expansion of existing non-conforming 3 story residence. Property located at 15 Cornwall Road. (continuation of public hearing, opened April 3, 2014)

MR. CONROY MOVED: to APPROVE the application as presented.

**** MR. LEVEY SECONDED.**

**** MOTION APPROVED UNANIMOUSLY.**

B. 14-0501-01- Robert Scrofani - Variance to allow a first floor expansion and second floor addition on detached non-conforming accessory structure (garage) for music studio. Property located at 33 Parkhill Ave.

During their deliberation, there was a discussion about the century old tree in the backyard.

MR. LEVEY MOVED: to APPROVE the application as presented.

**** MR. CONROY SECONDED.**

**** MOTION APPROVED UNANIMOUSLY.**

C. 14-0501-03 - Katy & Rod Rahe – Variance of side yard setback for detached accessory structure, garage. Property located at 149 Witch Lane.

There was a discussion as to the various places that the garage could be constructed.

MR. LYON MOVED: to APPROVE the application for a variance.

Since there was not a second, this motion failed.

MR. LEVEY MOVED: to DECLINE the application for a variance, without prejudice.

Ms. Rochefort explained that this motion, if passed, would allow the applicant to return with a new application with some minor changes.

**** MR. CONROY SECONDED.**
**** MOTION APPROVED UNANIMOUSLY.**

D. 14-0501-04 - Michael & Andrea Towey – Variance of setbacks for construction of front porch. Property located at 15 Pennoyer Street.

There was discussion about the historic preservation that was being done to this house in an historic district.

MR. LYON MOVED: to APPROVE the application for a variance.

**** MR. LEVEY SECONDED.**
**** MOTION APPROVED UNANIMOUSLY.**

V. ACTION ON HEARING MINUTES – April 3, 2014

**** MR. BEGGAN MADE A MOTION TO APPROVE THE MINUTES OF THE APRIL 3, 2014.**
**** MR. LEVEY SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

VI. ADJOURNMENT

**** MR. LYON MADE A MOTION TO ADJOURN.**
**** MR. CONROY SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 8:52 p.m.

Respectfully submitted,

Diana Palmentiero

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During their deliberation, there was a discussion about the century old tree in the backyard. While not a typical hardship the Commission felt that destruction of such a tree was not in the best interest of the neighborhood or the City.

MR. LEVEY MOVED: to APPROVE the application as presented.

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