



CITY OF DANBURY
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ZONING BOARD OF APPEALS
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DRAFT MINUTES
April 12, 2012
COMMON COUNCIL CHAMBERS
7:00 PM

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BY: *UK*

Acting Chairman Herb Krate called the meeting to order at 7:04 pm. Present were Krate, Joseph Hanna, Michael Sibbitt, Rodney S. Moore. Absent were Chairman Richard S. Jowdy, Alt. Richard Roos. Staff present were Sean P. Hearty, Zoning Enforcement Officer, Patricia Lee, Secretary. Krate read the legal notice into the record. Motion to hear the agenda items by Moore. Sibbitt seconded the motion. Motion carried unanimously. Krate explained the four-man board issue to the audience. That's up to you folks. I don't know if we are going to have a fifth. Krate described the public hearing procedure to the audience and applicants. He re-explained for the late-comers the right to continue to the next meeting with a four-man board.

CONTINUATION OF PUBLIC HEARINGS: NA

NEW BUSINESS:

12-14 - Marcie E. Gemza, 4 Spruce Mountain Trail (G20003), Sec.4.A.3., to reduce minimum side yard setback from 30 ft. to 6.0 ft. for detached accessory building; Sec. 3.G.3.c., to allow total ground floor area to exceed 50% of total ground floor area of all principal buildings on the lot to 244%; Sec.3.G.3.b., to allow detached accessory building height to increase from 15 ft. to 30 ft. (RA-80 Zone). Herb Krate introduced this petition at 7:07 pm and Marcie Gemza took the podium. Gemza said that is correct; you got it right. Gemza introduced herself and said I want to put a barn on my property, next to vacant City land. There are very few locations; it's very steep. I'm not far from the airport beacon; it's mountainous. Krate said you are probably 350 feet off the road at least. Gemza said my driveway is almost a quarter mile. Krate said the unusual part of the variance is the coverage. It's a very, very, very fine house, Gemza reiterated. I have no basement, no attic, no closets. I have so much land I thought why not put in a barn. Moore said you are talking about a height variance too. The airport, they are very particular down there. Gemza explained the location of the house. This barn site is farthest away from any of my neighbors. You did a good job in spite of him. Krate said. Moore made a motion to close this Public Hearing. Hanna seconded the motion. Motion carried unanimously at 7:12 pm. In the voting session later, Krate asked for any discussion and or a motion. Moore made a motion to **approve with stipulation**, Sec.4.A.3., to reduce minimum side yard setback from 30 ft. to 6.0 feet for detached accessory building; Sec. 3.G.3.c., to allow total ground floor area to exceed 50% of total ground floor area of all principal buildings on the lot to 244%; Sec.3.G.3.b., to allow detached accessory building height to increase from 15 feet to 30 ft. in the RA-80 Zone. Second by Hanna. The Airport Administrator's review would be a good idea, Hearty said. Motion carried unanimously with the stipulation that it's reviewed by the Airport Administrator, per plan submitted.

12-16 - DMC Group, LLC, 46 Federal Road (K12142), Sec.5.H.1.b., to reduce planting strip along Federal Road from 20 ft. to 4 ft. deep; to reduce planting strip along James St. from 20 ft. to 3.7 ft. deep; Sec. 8.A.2.c.(4)., to reduce bottom edge of excavation or fill from a minimum of 5 ft. to 0 ft.; Sec.5.H.2. and Sec.8.C.1.c., to allow parking in front yard setback; Sec.5.A.3., to reduce front yard setback on James Street from 25 ft. to 3.7 ft. for medical & business offices additions (CG-20 Zone). Krate introduced this item as Mark Kornhaas came forward and took the mic. Krate read the variance language. The commissioners reviewed the plans. Krate said I think I know the building. He's in Portugal, Mark Kornhaas said, about the applicant. Kornhaas said this plan will define it a little better. This site is Danbury Surgical Group. James Street takes a bend here. This is an unimproved portion of James Street; not a maintained road. Krate said I got it. About 150 to 160 feet away from James St. The owner wants to add to the building and add to the parking. At the easel, Kornhaas said they plan to put an addition onto the rear of the west side of the building. The new addition is about 5.7 feet off. In addition to that, we are going to move the driveway. The site lines are not great. This works better with the parking, and with the building addition. Krate said orient me as to where the present driveway is. Kornhaas said it is existing, just about centered on Federal Road here. Krate said it's on a curve. Kornhaas said we would have to go to the State for that curb cut. We noticed too that there's a parking lot that's accessed off James Street that they are currently using. In the front along Federal Road, there are a handful of spaces. Krate asked how far off the actual road are you here? This strip, Kornhaas said. Kornhaas said there are two things going on here, and Kornhaas explained to Krate what exists now, the green space, approximately 20 feet. That's a lawn right now. We are proposing to put in a sidewalk. There's a 20-foot green space right through here. Krate said I'm more concerned with the Federal Road side. It looks like we are asking for an awful lot, but we are making things a little better, Kornhaas continued. We eliminate a couple spaces here; eliminate accessing a commercial property through a residential area. Right now that's nonconforming. Krate asked you are cutting off the bubble here? The third and last thing, Kornhaas said, is retaining wall; 5 or 6 feet. Three feet here, 8 or 9 feet here; sunk down, which is a better scenario. We are about 8 feet away from that wall. There is sewer and water. Krate said what if we stipulate that the entire greenway will be maintained. Kornhaas said just be aware if the State takes it. Krate said is there anyone in favor or in opposition to this proposal at 7:22 pm. We'll inform you of our decision. Moore made a motion to close the Public Hearing. Sibbitt seconded the motion. Motion carried unanimously. In the voting session, Krate said that's the doctors who didn't show up. Did they happen to tell you that we have a deductible charge, Krate joked. Comments and or motion, please, gentlemen? Hanna made a motion to approve to reduce the planting strip along Federal Road from 20 ft. to 4 feet deep; to reduce planting strip along James Street from 20 ft. to 3.7 ft. deep; Sec. 8.A.2.c.(4)., to reduce bottom edge of excavation or fill from a minimum of 5 feet to 0 ft.; Sec.5.H.2. and Sec.8.C.1.c., to allow parking in front yard setback; Sec.5.A.3., to reduce front yard setback on James Street from 25 ft. to 3.7 feet for medical and business offices additions. Second by Sibbitt. This is per plan submitted, and to maintain the green strip until the State takes it over, Krate reiterated. Motion carried unanimously at 7:50 pm.

12-17 - Karel & Tiffany Citroen, 6 Society Hill Road (F05066), Sec.4.A.3., to reduce side yard setback from 15 feet to 4.5 ft. for detached accessory use; Sec. 3.G.3.d., to allow detached accessory use in front yard (RA-40 Zone). Krate introduced this item as Mr. Citroen came forward and signed in. The detached accessory in question is a 12-foot by 8-foot shed. I have no practical place to put this shed, Citroen said. It would be not visible to my neighbors. I have a letter from my neighbor outlining his consent. I have brought along some pictures. It will be at the end of these hedges. The back of the shed has large pine

trees; it's a cul de sac road; they will be barely visible. Any questions, Krate asked. You're ok? Krate said is there anyone in favor or in opposition to this petition. If you want to wait around, you can, Krate said to the applicants. Motion to close the public Hearing by Hanna. Second by Sibbitt. Motion carried unanimously. Joseph C. Hanna made a motion to **approve #12-17**, to reduce side yard setback from 15 feet to 4.5 ft. for detached accessory use; to allow detached accessory use in front yard per plan submitted. There are two front yards, no basement, no attic; that is the hardship. Sibbitt seconded the motion. Motion carried unanimously. Next time send Tiffany, Krate said; she is better looking than you.

12-18 – 19 Elmcrest, LLC, 19 Elm Crest Drive (C12085), Sec.4.A.3., to reduce front yard setback from 40 ft. to 29 ft. for attached garage addition (RA-40 Zone). Krate introduced this variance petition for an attached garage, a one car garage. Brian Baker with Civil One, licensed engineer in the State of Connecticut, introduced himself, here to bring this variance request before you. We have a one acre lot on the corner of Driftway Point Road, and Elmcrest Drive, a corner lot with two front yard setbacks. Additionally, the lot is a little unique, since the drive is not centered in the right of way. For all intents and purposes, it's a 26-foot wide road; you'd need to be 52 feet away. We are 53 feet from the smallest point edge of pavement to the addition itself. It's to add a garage bay; a two car garage, and allows a handicapped ramp for the father-in-law; a removable ramp. We have that laid out on the architectural plan. Eric Diller, architect, came to the dais and explained the floor plan; the undersized existing garage. The owner's intent is it's to be used more for garden storage. The third bay will give them a two-car garage. He explained that the handicapped ramp should not be the genesis for the variance. Baker explained the hardships: a corner lot with two front yards. This will be a one-story, Baker said; it's an L-shaped house. Krate said some photographs would be helpful next time you come in. Krate asked any questions, gentlemen? Krate said is there anyone in favor or opposition to this request at 7:31 pm. Moore made a motion to close the Public Hearing. Sibbitt seconded the motion. Motion carried unanimously. In the voting session, Moore made a motion to **approve** to reduce the front yard setback from 40 ft. to 29 ft. for attached garage addition, per plan submitted. (Tape flipped to side B). The hardship is again the two road frontages. Hanna seconded the motion. Motion carried unanimously at 7:53 pm. Krate said can I just ask a favor: get better language as **#12-19** is not clear. Secretary Lee said we tell everyone coming in for a variance to get an expert.

12-19 – Marilynne Brown, 116 Forty Acre Mountain Road (K02053), for proposed **DECK**: Sec.4.A.3., to reduce minimum required front yard setback from 50 ft. to 35 ft.; to reduce minimum side yard setback from 40 ft. to 11.9 ft.; Sec. 3.I.1.b., to increase allowed projection of deck in RA-80 Zone from 10 ft. to 11 ft. into the required side yard. For proposed **SHED**: Sec.4.A.3., to reduce the minimum front yard setback from 50 ft. to 32 ft. on Pocono; to reduce minimum front yard setback on Park Road from 50 ft. to 22 ft.; to reduce side yard setback on Park Road from 40 ft. to 12 ft.; Sec. 3.G.3.a., Sec.3.G.3.d., to allow detached accessory building in a front yard (RA-80 Zone). Herb Krate introduced this petition at 7:33 pm, saying there's a lot of stuff here. He read the requests into the record. I have to see how we hit Park Road twice. I have three adjoining streets. You're in compliance on Pocono? Sibbitt said it says Pocono. Krate said okay; got it. Let's take one thing at a time. The deck. James Clements, describing himself as neighbor and interpreter, came forward. Clements explained what we want to do, what we did, and what we found when we finished. He distributed photos to the commissioners; they reviewed them. This is to make that fix your boo-boo, Krate said. What is your hardship? Clements said the staircases were unsafe. The hardship has to be something unique to your property. The hardship is the RA-80 zone; the two parcels together, they told me. And we were under the impression that the setback....Krate said these parcels have been combined? Marilynne

Brown said no. Sean P. Hearty said the map you are showing here, so you should be paying taxes on two lots; it's combined by intent. Hearty said the only way they can put the shed there is if the lot is combined. Combined is much simpler, Hearty explained. Okay, we got the deck part, Krate said. The shed: Clements said there's no attic space, the basement is finished; there is no storage. Why do you need a shed that's as big as a two-car garage, Sibbitt asked. So far from the house? Sibbitt asked. Clements answered the hardship is the location of the septic. Brown said I just sold a house, and I have a lot of stuff. I don't have a problem with the deck. I have a big problem with the size of the accessory building, Krate said. It's just like a pre-fab shed, Brown explained. Krate said I have never seen one quite that large. It's too big for us to put on a residential lot. Having to put stuff in storage is not a hardship, Krate said. Brown explained she has no place to put her furniture. I understand your lot configuration presenting a hardship; you are looking for two things: you are looking to put a shed in a front yard. I can't tell you what size to come back with. We'll deal with these separately, so you can come back, because I'm going to vote against the shed, Krate said. It's just way too large; it really is. Sibbitt: it's as big as a two car garage. Moore clarified the sizes for garages for one car; for two cars. Hanna said two little mini-coopers. Krate asked is there anyone who wishes to speak for or in opposition to this variance request? Hanna said I have a question: on the other side of the deck, you have a concrete patio? Clements explained it's the septic clean-out. I'll talk with the engineer to see if we can move it up closer, make it smaller. Clements said right now the deck is most important. Hanna made a motion to close the Public Hearing. Sibbitt seconded the motion to close. Motion carried unanimously to close the public hearing at 7:46 pm. Moore made a motion to **approve** for the proposed deck: to reduce minimum required front yard setback from 50 ft. to 35 ft.; to reduce minimum side yard setback from 40 ft. to 11.9 ft.; to increase allowed projection of deck in RA-80 Zone from 10 ft. to 11 ft. into the required side yard. it's an existing deck; per plan submitted. The hardship is the lot has three front yards. Sibbitt seconded the motion. Motion carried unanimously for the deck. Motion to **deny without prejudice** the shed #12-19 by Moore. I guess tonight you can see the trend, Moore said. Krate said you can't talk to them. It's just you and me, Herb. Krate said I made a motion to deny the shed without prejudice. The hardship for that structure has not been shown. They have not produced the minimum requirements that they must under the regulations, Krate said. Sibbitt seconded the motion. Hanna asked what if I vote against the denial? He's a trouble maker, that's all, Krate said. The motion would be rejected and set aside, Krate said. The motion to deny the shed without prejudice passed unanimously.

ACCEPTANCE OF MINUTES: The minutes from the March 28, 2012, meeting could not be approved by these commissioners.

ADJOURNMENT: Motion to adjourn by Moore. Second by Sibbitt. Motion carried unanimously at 7:58 pm.

NOTE: THE NEXT REGULAR MEETING IS SCHEDULED FOR May 10, 2012.