



CITY OF DANBURY
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ZONING BOARD OF APPEALS
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DRAFT MINUTES
August 8, 2013
CITY COUNCIL CHAMBERS
7:00 PM

Acting Chairman Herb Krate called the meeting to order at 7:00 pm. Present were Krate, Michael Sibbitt, Rodney S. Moore, Alt. Vincent DiGilio. Absent were Richard S. Jowdy, Joseph Hanna, Alt. Rick Roos, Alt. Anthony Rebeiro.

Krate announced if anyone is here for **#13-26**, this has been withdrawn. This is the Zoning Board of Appeals, and Krate read the Legal Notice into the record. Moore made a motion to hear the two items below. Second by Sibbitt. Motion carried unanimously.

Staff present were Sean P. Hearty, Zoning Enforcement Officer, Secretary Patricia Lee. Krate explained the four-man board procedure, that a decision must be unanimous, and asked if any applicant wishes to move to the next August meeting. No applicants wished to postpone.

CONTINUATION from 7/11/13:

13-26 – WITHDRAWN: Zachary Rapp, Agent (Merullo), 5 Circle Dr., Aqua Vista (105087), Sec. 4.A.3., to reduce min. front yard setback from 30 ft. to 1.9 ft. for proposed roof overhang; Sec.8.A.2.c.(4), to reduce min. bottom edge of excavation from 5 ft. to 0.0 ft. to property line for residential expansion (RA-20 Zone).

NEW BUSINESS:

13-30 – Ten Walnut Street Danbury, LLC, 17 Seeley St. (116183), Sec. 4.A.3., to reduce side yard setback from 8 ft. to 3.8 ft., and to reduce rear yard setback from 35 ft. to 30.5 ft. for residential addition (RA-8 Zone). Krate introduced this at 7:03 pm. David Duchesne came forward and took the mic. You're on television; smile, Krate said. Duchesne explained to the four-man board when he came in last time, and the footings were not shown on the previous application. Sean informed me that I did not get the variance for the front porch, so I could not build it, Duchesne said. The existing foundation was sand and stone; very little concrete, if at all. I did a concrete block foundation repair. Moore asked about the side yard at 3.8 feet. Krate said it is 4.7 feet, going to 3.8 feet. Moore said all right. Krate asked is there anyone who wishes to speak for or in opposition to this proposal. We'll inform you of our decision, Krate said. Motion to close the public hearing for application **#13-30** by Moore. Second by Sibbitt. Motion carried unanimously. In the later voting session, Moore motioned to **approve** Seeley Street, Sec. 4.A.3., to reduce side yard setback from 8 ft. to 3.8 feet, and to reduce rear yard setback from 35 ft. to 30.5 feet for

residential addition. It is in compliance with the character of neighborhood, per plan submitted. Sibbitt seconded the motion. Motion carried unanimously.

13-31 – Alan N. Potter, 13 Cedar Dr. (J03129), Sec.4.A.3., to reduce east side yard setback from 15 ft. to 1.6 ft.; to reduce west side yard setback from 15 ft. to 7.6 ft.; to increase max. allowed building coverage from 20% to 22.14 % for single-family residence (RA-20 Zone). Krate noted that it is not 7/6, but 7.6 feet. Krate introduced this item at 7:06 pm and two gentlemen came forward and signed in. Mr. Alan Potter and Donald Reisert, his contractor, identified themselves while the commissioners looked at the plans. Potter said this property was purchased by a relative of mine in 1930. It was a summer cottage type house on pillars; my uncle and my aunt. It was renovated, and later was burned and destroyed. I rebuilt it when I was in college. My uncle hand dug the basement. We routinely get 18 inches of water in the basement. In 1982 when it burned, we had a new septic put in. Now it's mine, and the home is basically unlivable as it is. Potter explained that he informed his 90 year old neighbor, who was all in favor of this variance. Potter explained the variances he is requesting. Our hardship is that it's a nonconforming house on a nonconforming lot. We want to build the house in the same space, but the garage was turned into a dining room; which is why we need the variances. We'll be within our setback from our road, and within our setback to the septic. We are not looking to do anything more than what has existed since 1930. Don (Reisert) is my builder and good friend. I was there when I was two months old; it's about 2200 sq.ft. Krate said 2042 square feet. Potter said the lot is so narrow and deep. Krate did not see the garage until Hearty pointed it out. I have some renderings, some pictures of the current foundation and basement, which Reisert distributed. The level is going to be raised, Reisert and Potter responded to Krate's question. Potter explained what one sees looking at the house from the Lake. It's going to be about 3 ft., from the street; it will look like a two-story house. The applicant distributed photographs of neighbors' houses that have garages. Potter said I struggled to find my family's old pictures and I could not find them. Potter showed Krate and Sibbitt on his cell phone. Sean opened up the architectural rendering plan on the dais. Potter continued to give some history of the home. We are looking to actually decrease the footprint there, Potter continued explaining. 24 feet to grade, Hearty said. Potter brought his cell phone to show Moore and DiGilio, and restated some history and the water coming down the grade. It was never built correctly. Some one had broken in and torched it. Again, I wish I had the pictures from 1930, Potter continued. We've been here a long time, but it's just bad; the roof, the water in the basement; something's got to be done. Krate said we are just checking the overall square footage. Potter said I don't know the total square footage now, but explained what he assumed for the house with the room above the garage. The room over the garage is labeled as a bunk room, not a bedroom, Hearty said. Hearty discussed the coverage versus the footprint. Hearty said the EIC and Candlewood Lake Authority and FirstLight are getting involved later in the permitting process. Don Reisert said we will definitely have to go before the Environmental Impact Commission. Krate asked are there any questions. Is there anyone who wishes to speak for or in opposition to this proposal at 7:21 pm? A gentleman from the audience came forward; Charles E. Keene, stating I am here with my mother-in-law Bridget Spada. She lives at 15 Cedar Drive. We have several questions for which we are looking for clarification, and some requests. Regarding the water accumulation and the topography, has any provision been made to accommodate stormwater runoff? Hearty explained to Keene that runoff cannot go on to neighbor's property. Krate said that will be addressed before the EIC later. Keene asked about the septic system. Krate said, again, that is addressed during the permitting process. Moore said it's a good question, and Don Reisert said the septic was redone, and the Health Department has everything on file. Keene said there's a significant increase in

the footprint of the house. I don't know how many bedrooms; how many bathrooms. Keene asked his next question: will this create an overall change in the look of the neighborhood? It's a 1½ story, going to a full two stories, and now only 30 feet to Cedar Drive. Putting a large edifice that close to the road; it will change the appearance of the neighborhood. Krate said he's within the legal setbacks; he's going to make the house more in keeping with the neighborhood than it is now, and Krate elaborated, but it is what it is. Back then they just dug a hole. It's not like he's putting a 4000 square-foot home up. Will this be owner-occupied and not an income property, Keene asked. Krate said I cannot answer that. Keene next asked for masking foliage in addition to the existing foliage. Krate said they don't have to agree to do it. Keene asked could the house be moved a little bit further to the west and open up that 1.6 feet, as he does own that property next door. Krate said I'll certainly ask that. The petitioner has the chance to address your remarks. Moore said the footprint itself is not that much larger. Keene said it grew vertically, not horizontally. The grandmother next took the mic, Ms. Bridgette Spada, and identified herself, saying I am very young at heart, but I am against this, and they do a lot of entertaining. It's very close to my property. It's too close, and I have a tree right there. Krate said he's going no closer than the house is presently. I realize it's 6 feet from the line. Spada said they cut all through my driveway; they cut across my property. Krate said I hear what you are saying, but that has to be handled on a neighborly basis. Do you want me to call the police when they have their parties? The police were called a few times on the street for the previous tenants. Spada continued I like Alan and I've known him for years. Krate said okay; so noted. Hearty said, Mrs. Spada, now there is going to be a building there; the trees; some sort of a buffer, that the board can address. My tree is growing right on the line. She asked Potter will the tree be an issue? Krate said I got away unscathed. Anyone else in opposition, Krate asked? Krate asked are you doing away with the current foundation? We have to, Potter said. Don Reisert said that should not be an issue. We certainly can, Potter said. Krate asked can you guys come back with a new plan then? What would happen if you moved it two feet over, Krate asked? I am recommending that you come back, moving that over at least two feet, if you can do that. And I would like to see some kind of plantings along where you intend to put the garage. You need to come back, because you are going to change the distance from a property line; come back with a different plan. Potter said like an updated plot plan. Krate said, and please indicate where your septic will be. That will certainly make it more palatable. Krate explained we are supposed to grant the minimum amount necessary, or if you've been up-zoned. But as long as this is being torn down, move it over two feet, or whatever you can do, Krate said, and show us a planted border. Potter and Reisert said okay; not a problem. **Continue** this to 8/22/13, Krate said. Motion to continue by Moore. Sibbitt seconded the motion. Motion carried unanimously at 7:40 pm.

ACCEPTANCE OF MINUTES: June 13, 2013 and July 11, 2013 Meetings. Commissioners could not vote to accept these meeting minutes as required commissioners were absent tonight.

ADJOURNMENT:

Motion to adjourn by Moore. Second by Sibbitt. Motion carried unanimously at 7:42 pm.