



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING BOARD OF APPEALS
www.danbury-ct.gov

RECEIVED FOR RECORD
DANBURY TOWN CLERK
2022 MAR 17 A 9 18
BY: *fd*

***ZONING BOARD OF APPEALS
MINUTES
Web-Based Meeting Hosted on ZOOM
February 24, 2022
7:00 p.m.***

Public Participation Instructions are on Page 2

**To view livestream on Danbury CT Planning & Zoning YouTube Channel click on
<https://www.youtube.com/channel/UC59LEpmvEgAN4B3EAyXEVTQ>**

To View Application Materials, Click on Links Below the Agenda Item

ROLL CALL: Chairman Joseph Hanna called the meeting to order at 7:00 p.m. He explained this is a web-based meeting via ZOOM. Present by roll call were: Rod Moore, Juan Rivas, Michael Sibbitt, and Peter DeLucia. Absent were: Anthony Rebeiro and Richard Roos. Staff present were Sean Hearty, Zoning Enforcement Officer, and Mary Larkin, Secretary.

ACCEPTANCE OF MINUTES: January 27, 2022

Motion to accept the minutes of January 27, 2022 was made by Juan Rivas; seconded by Rod Moore. All in favor by roll call with Ayes from Peter DeLucia, Rod Moore, Juan Rivas, Michael Sibbitt, and Joseph Hanna.

The next regular meeting is scheduled for **March 10, 2022**

Motion to hear Application #22-02 was made by Juan Rivas; seconded by Peter DeLucia. All in favor by roll call with Ayes from Peter DeLucia, Rod Moore, Juan Rivas, Michael Sibbitt, and Joseph Hanna.

PUBLIC HEARINGS:

#22-02: 2 Alexander D. Avenue, Cris Busnel, Agent, (M10057), RA-20 Zone. Decrease side yard setback from 15' to 11.1' for additions.

Cris Busnel, agent for the applicant was present. The house is a single-family residence and they propose to expand the garage, which is currently in the setback line. He explained there is not enough room in the garage for two cars. The non-conforming lot is less than an acre in a RA-20 Zone. The septic is located close to back and there is a limited area where the expansion can take place.

Board member, Rod Moore, assisted the applicant with sharing the plans on the screen. Mr. Hanna asked if the proposed addition belongs to the garage? Mr. Busnel responded it is part of the garage and a renovated kitchen. Mr. Hanna also asked if the front and side was for the garage and back for the deck? "Correct" per Mr. Busnel. Mr. Rivas asked the current square footage of the garage and then the square footage for the proposed addition. Mr. Busnel indicated it is currently 400 sq.ft. with an additional 300 sq. ft. proposed. Mr. Rivas asked about the bump out and is there a reason you can't stay within the footprint of the house or is it just to make the garage wider. Mr. Busnel said the garage is not wide enough for two cars and the 3' is for the kitchen. Discussion continued about the need for the variance, including the current square footage of the house at 1,332 sq.ft. and proposed approximately 2,000 sq. ft. of livable space, which includes the kitchen and bonus room. Mr. Rivas reminded the applicant that is the job of the ZBA not to make properties more non-conforming, and this seems like more of a convenience than a hardship.

Mr. Moore said to Mr. Rivas's point, in his mind, to be a hardship there has to be something unique about the piece of land that creates the hardship, but does this rise to the level of the hardship that this can be granted? Mr. DeLucia stated that he walked the property and thought this would not adversely affect the symmetry of the neighborhood. Discussion continued about the widening of the garage and livable space. Mr. Busnel reminded the Board that the livable space is not over the setback line and is not part of the application. He thinks they can reduce the kitchen so it is not over the setback and reiterated that the purpose of the variance is for the garage.

Mr. Hanna stated the current dimension of the garage is 19' x 19' and proposed is 22' x 22'. Mr. Moore said he is not as concerned about living area as the coverage is still way under the 20 percent for that lot size. Mr. Moore asked if the proposed deck is attached to the house and will that be 13.8' from the lot line. Mr. Busnel confirmed that is correct. Mr. Moore asked if that would be an accessory use and asked Mr. Hearty to address the question. Mr. Hearty said an attached deck would have to meet the full setback, 15'. Rod Moore said there is actually another variance for the deck? Mr. Hanna asked if they can keep the deck in line with the old garage? Mr. Busnel stated they could do that. Mr. DeLucia said that would be 1.2'. Zoning Enforcement Officer Sean Hearty said the balcony deck will comply with setbacks.

No further questions. Mr. Hanna asked if anyone was in favor or opposed. A neighbor, Beatrice, said she is opposed because she thinks the extra space might be rented out, creating more

traffic. She moved up here because she wanted to live in a single-family neighborhood. Mr. Busnel said there will not be a separate entrance and will remain a single-family residence. Mr. Moore said that if Bea sees an increase in coming and going, she must call Mr. Hearty.

Motion to close Public Hearing #22-02 was made by Michael Sibbitt; seconded by Juan Rivas. All in favor by roll call with Ayes from Peter DeLucia, Rod Moore, Juan Rivas, Michael Sibbitt, and Joseph Hanna.

Motion to go to the voting session was made by Juan Rivas for Application No. 22-02; seconded by Michael Sibbitt. All in favor by roll call with Ayes from Peter DeLucia, Rod Moore, Juan Rivas, Michael Sibbitt, and Joseph Hanna.

Comments: Mr. Rivas thinks staying within the footprint is possible. It is not for the Board to grant relief to the applicants when such relief will make things more non-conforming.

Mr. Hearty reminded the Board they can approve something and not approve something else.

Mr. Moore said that one motion could be to approve, “not as plan submitted”. Mr. DeLucia said he is okay—the only thing to amend would be the deck. Mr. Rivas said they have to come in with a better explanation of the hardship. Mr. DeLucia agreed. Mr. Hanna said the real hardship is a 19’x19’ garage is not large enough for two cars.

Motion to approve Application No. 22-02 was made by Peter DeLucia, per plan submitted with stipulation that the deck stay within the original encroachment at 14.1’; seconded by Michael Sibbitt. All in favor by roll call with Ayes from Peter DeLucia, Rod Moore, Juan Rivas, Michael Sibbitt, and Joseph Hanna.

CONTINUED PUBLIC HEARINGS: None

OLD BUSINESS: None

NEW BUSINESS: None

CORRESPONDENCE: None

OTHER MATTERS: None

ADJOURNMENT:

Motion to adjourn was made by Rod Moore; seconded by Michael Sibbitt. All in favor by roll call with Ayes from Peter DeLucia, Rod Moore, Juan Rivas, Michael Sibbitt, and Joseph Hanna. Meeting adjourned at 7:41 p.m.

Respectfully submitted,



Mary S. Larkin
Recording Secretary