



CITY OF DANBURY
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ZONING BOARD OF APPEALS
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ZONING BOARD OF APPEALS
MINUTES
City Hall, City Council Chambers
155 Deer Hill Avenue
August 25, 2022
7:00 p.m.

ROLL CALL:

Chairman Joseph Hanna called the meeting to order at 7:00 p.m. Present were: Anthony Rebeiro, Juan Rivas, and Peter DeLucia. Chairman Hanna seated Peter DeLucia for Rodney Moore. Mr. Hanna explained the relevance of a four-man Board. He asked those present if they wish to proceed. Staff present were Zoning Enforcement Officer Sean Hearty and Secretary Mary Larkin.

Neil R. Marcus, Esq., Cohen & Wolf, PC, 158 Deer Hill Avenue, Danbury, represents 7 & 9 Thorpe Street and said that his client wishes to postpone until there is a five-member board possibly at the next meeting on September 8, 2022.

ACCEPTANCE OF MINUTES: June 9, 2022 & August 11, 2022

Motion to accept the Minutes of June 9, 2022 was made by Anthony Rebeiro; seconded by Peter DeLucia. Ayes from those eligible to vote: Joseph Hanna, Anthony Rebeiro, and Peter DeLucia.

The Minutes of August 11, 2022 cannot be accepted tonight.

The next regular meeting is scheduled for **September 8, 2022**

PUBLIC HEARINGS:

#22-16: 1 Ives St., Greater Danbury Chamber of Commerce Inc., Beecher, Thomas W. Esq., Agent. (I14262), C-CBD Zone. Sec. 8.E.4.a.(7) Increase wall sign height from 20' to 41'.

A request to continue this application to September 8, 2022 was received prior to the meeting.

#22-17: 7 & 9 Thorpe St., Neil R. Marcus, Esq., (H12244 & H12245); CG-20 Zone; Sec. 5.A.3 Reduce minimum front yard setback from 25' to 15.8'; Sec. 8.C.1.c.(2) Add parking within the front yard setback; Sec. 9.C.2.a. & b. Expand residence by adding a second story to the existing two-family residence and to attach a two-story addition to the rear of the building.

Postponed until September 8, 2022.

Motion to open Application Nos. 22-20 and 22-21 was made by Juan Rivas; second by Anthony Rebeiro. All in favor with Ayes from Peter DeLucia, Joseph Hanna, Anthony Rebeiro, and Juan Rivas.

#22-20: 53 Cedar Dr., Sanibel J3 LLC, (K04161 & K04162), RA-20 Zone. Sec. 4.A.3 Reduce side yard setback from 15' to 8.8' for decks.

Sabena DiCamillo, applicant, introduced herself and thanked the board for their attention. Ms. DiCamillo explained she recently bought property on the lake and wishes to extend a part of the deck and build a lower deck. The applicant quoted Section 11.B.1 of the Zoning Regulations and feels this request meets the minimum reasonable use of the property and is in harmony with the general use of the property. Two letters from her direct neighbors in support of the variance were submitted with the application. Ms. DiCamillo stated the variance will not adversely affect the health, safety, and welfare of the neighborhood.

Board Member Juan Rivas asked about the survey and if the light gray section is already built? Board members explained the highlighted section is the proposed part to be built. He asked about the bay windows. She explained that is part of the extension. She would like to mimic what the neighbors on either side have done with their homes. Portion of discussion was inaudible regarding emergency vehicle access. Ms. DiCamillo indicated emergency vehicle access would not be hindered by any obstacles.

No one present in favor or opposed.

Mr. Rivas, through the Chair, had one more question regarding the block wall, and he asked if the wall was going to stay and she said it was like a flower wall and she was unsure if it was going to remain there.

Motion to close Application No. 22-20 was made by Juan Rivas; seconded by Anthony Rebeiro. All in favor with Ayes from Peter DeLucia, Joseph Hanna, Anthony Rebeiro, and Juan Rivas.

Motion to vote on Application No. 20-20 was made by Juan Rivas; seconded by Anthony Rebeiro. All in favor with Ayes from Peter DeLucia, Joseph Hanna, Anthony Rebeiro, and Juan Rivas.

Motion to approve Application 22-20, 53 Cedar Drive, per plan submitted, was made by Anthony Rebeiro; seconded by Juan Rivas. All in favor with Ayes from Peter DeLucia, Joseph Hanna, Anthony Rebeiro, and Juan Rivas.

#22-21: 67-69 North Street, MHRAA, LLC, (I12009), CG-20 Zone. Sec. 5.H.1.b. Eliminate the required 20' wide planting strip along front of property; Sec. 5.H.1.c. Eliminate the 20' wide landscape buffer abutting a residential zone along the westerly property line; Sec. 5.H.2. allow parking in the front-yard setback; Sec. 8.A.2.c.(4) Allow excavation of fill within 5' of the property line to accommodate proposed additional parking grades.

Andrew Buzzi, Esq., property owner, presented a short history of the property. The building was owned by his father and as a teenager he had worked on the landscaping and hauled plywood and sheet rock. This is a rectangular building with eight offices and 13 parking spaces in the rear. His father had office there and later he and his sister also had offices there. Consequently, they had a good idea of traffic issues and parking. Overflow parking would park on the street, which is not wide enough for overflow parking.

He wants to replace worn out things in the building he wants to improve the parking. Offices will require more parking and would like to stop people from parking on the street for closings and other professional purposes. It would be safer to park in a lot, given the issues on the road. The road cannot be widened because of the I-84 overpass, and this is all the space they have. They are requesting expansion of parking in the rear, and it is quite consistent with other lots that abut their property with similar situations.

Dainius Virbickas, P.E., Artel Engineering Group, Brookfield, CT, explained this property was developed early 80's, and additional parking is needed. This variance application is to help ease traffic congestion on the road. Mr. Virbickas indicated more parking on site is limited in size with setback requirements. Mr. Virbickas explained the survey map. The site plan, approved in the 80's, indicates there were 14 parking spaces approved and now they are proposing expansion of the property towards Madison Avenue gaining eight additional spaces on site and providing a handicapped accessible parking space, which currently takes up some of the originally approved parking. There will be a dedicated trash enclosure at the edge of the parking to make use of existing paved area. All of the variances pertain to landscaping and construction in side and front yard buffer areas.

This property is a corner piece burdened with two front-yard setbacks and two side-yard setbacks. Asking for relief from the required landscaping and relief from regulation that states you cannot have parking in front-yard setback. Asking for nothing dissimilar from other properties in same situation. To tidy things up they asking not for a greater encroachment but to legalize the non-conformity/condition that has existed since the original condition of the site. The last variance is regarding the excavation within 5' of the property line. They will be required to work within the 5' buffer to accommodate the parking in the front yard. Basically, this will improve safety on Madison Avenue and is in keeping with the neighborhood. Mr. Virbickas thinks on-site and on-the-road conditions will be improved if the variances are granted.

Mr. Hanna asked if there will be any addition to the building? Answer: No. Several small trees will be removed where the parking will go. They will plant trees again at the ends of the landscape aisles. Mr. DeLucia is concerned about the wall and how high is wall and will obscure the cars from the road. Mr. Virbickas said you will see the hoods of the cars. Mr. DeLucia is concerned about pedestrian safety. Mr. Virbickas explained the road is a little higher than the lot and to maintain grade change they will need the wall. He said they could make the wall a bit higher to make it more obvious to pedestrians.

No one in favor or opposed.

Motion to close Application No. 22-21 as made by Anthony Rebeiro; seconded by Peter DeLucia. All in favor with Ayes from Peter DeLucia, Joseph Hanna, Anthony Rebeiro, and Juan Rivas.

Motion to vote was made by Anthony Rebeiro; seconded by Peter DeLucia. All in favor with Ayes from Peter DeLucia, Joseph Hanna, Anthony Rebeiro, and Juan Rivas.

Motion to approve, per plan submitted with condition for a safe retaining wall noticeable to pedestrians, was made by Peter DeLucia; seconded by Anthony Rebeiro. All in favor with Ayes from Peter DeLucia, Joseph Hanna, Anthony Rebeiro, and Juan Rivas.

CONTINUED PUBLIC HEARINGS: None

OLD BUSINESS: None

NEW BUSINESS: None

CORRESPONDENCE: None

OTHER MATTERS: None

ADJOURNMENT:

Motion to adjourn made by Anthony Rebeiro; seconded by Juan Rivas. All in favor with Ayes from Peter DeLucia, Joseph Hanna, Anthony Rebeiro, and Juan Rivas. Meeting adjourned at 7:31 p.m.

Respectfully submitted:

Mary S. Larkin, Recording Secretary