



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING BOARD OF APPEALS
(203) 797-4525
(203) 797-4586 (FAX)

DRAFT MINUTES – REGULAR MEETING
February 23, 2012
COMMON COUNCIL CHAMBERS
7:00 PM

Acting Chairman Herb Krate called the meeting to order at 7:03 pm. Present were Krate, Michael Sibbitt, Joseph C. Hanna, Rodney S. Moore, Alt. Rick Roos. Absent was Chairman Richard S. Jowdy. Staff present were Sean P. Hearty, Zoning Enforcement Officer, Patricia Lee, Secretary. Krate explained to the audience the procedure for approval with a four-man board present.

NEW BUSINESS:

12-07 – Paul E. & Linda D. Zwahlen, 1 Birchwood Lane (I05024), Sec.4.A.3., to reduce minimum required front yard setback from 30 ft. to 16.2 ft. for front stoop roof (RA-20 Zone). Krate read the legal notice into the record with a four man board, and Rick Roos motioned to hear tonight’s agenda. Hanna seconded the motion. Motion carried unanimously. Paul Zwahlen and Frank Coscarella came forward and both signed in, as Commissioner Michael Sibbitt took his seat on the board. Coscarella showed photographs to the commissioners. Krate asked you built this already? Coscarella said yes. We are requesting a front yard setback from 30 ft. to 16.2 ft. for the front stoop roof. The previous setback was what, Herb Krate asked. So you never had a variance? The hardship is the lot configuration with two front yards, and the pre-existing location of the dwelling on the lot. We did build a 6 ft. by 5 ft. overhang over the roof. We remodeled the whole house. Krate and Coscarella and Moore discussed the existing house and the remodeled front porch. We generally look very unfavorably upon stuff that’s done without a variance, Krate said. Coscarella said we were not aware that we needed a variance. I figured that was all set. Hearty said the point is moot now. It’s downstairs. Krate asked are there any questions, gentlemen? Moore, Hanna and Krate discussed the dimensions. Questions? There were no questions. Krate asked is there anyone who wishes to speak in favor or opposition? Motion to close the public hearing by Moore. Sibbitt seconded the motion. Motion carried unanimously. Rick Roos made a motion to open up the public hearing session later on after all petitioners were heard. Krate asked for any questions and / or a motion. Moore said the fact is that there were steps there already, and the overhang probably improves the health and safety and looks of the stoop. Moore made a motion to **approve** to reduce the minimum required front yard setback from 30 ft. to 16.2 ft. for a front stoop roof per plan submitted. Roos seconded the motion. Motion carried unanimously at 7:30 pm.

12-08 - William Weber, 113 Padanaram Road (F06007), Sec.3.G.3.d., to allow 2-car detached garage between dwelling and the front lot line; to reduce front yard setback from 50 ft. to 10 feet; Sec. 4.A.3., to reduce side yard setback from 30 ft. to 6 ft.; Sec.3.G.3.c., to

allow an increase from 50% to 64% for accessory buildings total ground floor area (RA-80 Zone). Krate introduced this issue at 7:14 pm and read the requests into the record. William Weber signed in and identified himself and his address. What you have before you is an application for a two-car single story detached garage. Right now, if you look at the location, this is where we park our two vehicles. We want to get them out of the weather, Weber said. You've got some nerve, Krate joked. There's a big oak tree there and the septic tank, Weber said. The tree is about 130 years old, and he showed the locations on the lot. We wouldn't be asking for any more parking spaces. That's the location of the garage. Any questions, gentlemen? I believe you have letters from my neighbors at 111 Padanaram and 115 Padanaram Road, Weber said. Anyone here in favor or opposition to this application? Mrs. Weber said I'm in favor. Rick Roos made a motion to close the Public Hearing. Sibbitt seconded the motion. Motion carried unanimously. Krate reintroduced this later in the voting session saying now that he has kicked his kids into the cold. Rick Roos made a motion to **approve** to allow a 2-car detached garage between the dwelling and the front lot line; to reduce front yard setback from 50 ft. to 10 ft.; Sec. 4.A.3., to reduce side yard setback from 30 ft. to 6 ft.; Sec.3.G.3.c., to allow increase from 50% to 64% for accessory buildings total ground floor area per plan submitted. Second by Sibbitt. Motion carried unanimously. Krate and Weber conferred privately at 7:32 pm.

12-09 – Noah Gurock, 23 Paul Street (H21069), Sec.4.A.3., to reduce minimum side yard setback from 15 ft. to 6.7 ft. for residential addition (RA-20 Zone). Noah Gurock identified himself and said I co-own the house with my brother. We are asking for a variance because the old porch is deteriorating; also to upgrade the house by upgrading the kitchen. Do you have any larger pictures for us, Krate asked? It's a rebuilding, rather than an addition. Gurock discussed the existing dimensions versus the proposed porch and kitchen expansion. Any questions, Gentlemen? Is there anyone in favor or opposition, Krate asked. Mrs. Gurock said I want a new kitchen, from the audience. Rick Roos made a motion to close the public hearing. Sibbitt seconded the motion. Motion carried unanimously. Krate reintroduced this item in the voting session and described that they will be less into the setback then they were. Rick Roos said it's less nonconforming on a preexisting nonconforming lot. I make a motion to **approve** to reduce the minimum side yard setback from 15 ft. to 6.7 feet for a residential addition per plan submitted. Sibbitt seconded the motion. Motion carried unanimously. So approved, Krate said.

12-10 – David & Martha Sutton, 4 Beech Trail (H04022), Sec.4.A.3., to reduce the minimum required rear yard setback from 35 ft. to 23 ft. for residential addition (RA-20 Zone). Krate at 7:19 pm as Mr. Sutton came forward and signed in. Sutton identified himself and explained the small addition he wants to add to his house. Due to the position of the house and the septic and the well location, this is where I wish to put the addition. Commissioners looked at the plans and Krate asked Sutton the number of feet; 10-1/2 feet? And he is asking for a rear yard setback. Krate and Hearty conferred about the rear yard setback. That's the only reasonable place, Sutton said. There is a pre-existing nonconforming rear yard setback, but he's required to get it anyhow. Any questions? Moore said I think I got it. Any in favor or opposition, Krate asked. Neighbor said I'm not in opposition, I just have questions. I'm the neighbor in the back, James Novak, Jr., and he signed in. My only concern coming off the back is my septic is actually behind my house. So it has no impact on me. Thank you. Anyone else in opposition? Rick Roos made a motion to close this Public Hearing. Sibbitt seconded the motion. Motion carried unanimously. Krate introduced this residential addition saying Sean's got a lot of nerve confusing me. Rick Roos made a motion to **approve** to reduce the minimum required rear yard setback from 35 ft. to 23 ft. for a residential addition per plan submitted, because of the pre-existing,

nonconforming location of the house, the well and the septic system on the parcel. Joe Hanna seconded the motion.. Motion carried unanimously at 7:34 pm.

12-11 – Cajado, LLC, 174-176 Osborne Street (J12194), Sec.5.A.3., to reduce minimum front yard setback from 25 ft. to 5.5 ft.; to reduce side yard setback from 20 ft. to 16.7 ft. for patio roof overhang cover (CG-20 Zone). Mr. Caesar Lopes came forward and signed in. Good evening. I built this for Atlantic Restaurant, and they handed me the print, and he stated the size the patio was supposed to be. When zoning went out there, they said the overhangs should be included. Krate asked Lopes have you got a circular saw? You guys are supposed to know better, Krate said; no if's. Lopes said they had a letter that the overhangs should be included. Krate said I don't care; this is what counts. Krate asked any questions, Gentlemen? Hanna had a question on the overhangs versus the patio size. It's a foot and a half because of the gutters, Lopes said. Krate: sometimes screwing up hurts. Gentlemen, any questions at 7:29 pm. Anyone in favor or opposition. Motion to close by Rick Roos. Second by Joe Hanna. Motion carried unanimously. Krate reintroduced the petition at 7:34 pm. Rick Roos said, in fairness, with the first issue of the night. Krate said this is on a busy road, where we would not ordinarily grant a variance. We granted it with good intentions. I just don't know how many times we have to grant builders relief. You are going to be 5 ½ feet from a major road. Hearty said there was some confusion during the application process, you can't really blame it all on the builder; there was a miscommunication between Departments. Krate: I understand. Moore, looking at the map, said this will be 5.5 feet from the end of the travel-way; how close traffic is. We're you supposed to put stanchions up? Lopes said we put up a concrete wall. It would definitely keep a vehicle back; it's got rebar in it. Hearty said it's better than a bollard. Any questions, Krate asked? Joe Hanna made a motion to **approve #12-11** at 7:39 pm, to reduce the minimum front yard setback from 25 ft. to 5.5 ft.; to reduce the side yard setback from 20 ft. to 16.7 ft. for patio roof overhang cover, because of a miscommunication with the permit, and it's already done. It's not a really big patio. Rick Roos seconded the motion. Motion carried four to one at 7:40 pm. Sibbitt was in opposition. I'm tired of bailing out builders that make a mistake, Sibbitt said.

ACCEPTANCE OF MINUTES: January 12, 2012. **Not** approved.

(The January 26 and February 9 meetings were cancelled.)

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

NOTE: THE NEXT REGULAR MEETING IS SCHEDULED FOR **March 8, 2012.**