



CITY OF DANBURY
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ZONING BOARD OF APPEALS
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DRAFT MINUTES
April 25, 2013
CITY COUNCIL CHAMBERS
7:00 PM

Present were Chairman Richard S.Jowdy, Herb Krate, Michael Sibbitt, Rodney Moore, Alt. Anthony Rebeiro, Joseph Hanna, New Alt. Vincent DiGilio.

Absent was Alt. Rick Roos.

Staff present were Sean P. Hearty, Zoning Enforcement Officer, Secretary Patricia Lee. Chairman Jowdy read the legal notice into the record. Motion to hear tonight's petitions by Krate. Second by Hanna. Motion carried unanimously at 7:01 pm. Jowdy welcomed Mr. Vincent DiGilio and read his appointment letter, and Jowdy added he just had a baby girl two weeks ago. Michael Sibbitt arrived at 7:02 pm. Jowdy explained the procedure for Public Hearing to the audience.

NOTE: THE NEXT REGULAR MEETING IS SCHEDULED FOR May 23, 2013.

CONTINUATION OF PUBLIC HEARINGS: NA

NEW BUSINESS:

13-15 – Ridgefield Waterside Properties, LLC, 74 Sugar Hollow Road & Sugar Hollow Road (G25018, G25009), Sec.5.C.2.a., USE Variance, to allow employee and vehicle inventory parking for auto dealership located on contiguous property in Ridgefield (LCI-40 Zone). Attorney Chris Donohue of Riefberg, Smart, Donohue & NeJame, PC, took the mic and signed in. Donohue identified himself on behalf of the petitioner. The map before you could be confusing; it is confusing, Donohue said. It is difficult to tell what's in Danbury and what's in Ridgefield. The blue part is in Danbury; the blue squiggle. It's an official word. This is the property that is adjacent to Ridgefield BMW and is currently the Ridgefield Athletic Center. My client is the contract purchaser. Donohue described what the proposal is asking for. There are no plans to take out the dome at this time. You need a hardship, Donohue continued. In this case there is a hardship. The property is landlocked. There is no way to access that property from Danbury, and he explained who the abutting neighbors are. My client wants to make the use of parking available, which is not allowed in the LCI-40 zone. It does not burden the property in any way that I can see, Donohue said. Jowdy asked the size of the parcels. Two acres almost in Danbury; the peninsula is half an acre. The pie shaped piece is 1.4 acres, Donohue replied. Krate said there has to be an easement. Attorney Donohue replied yes. Then it's not landlocked, Krate said. We can't be sure the easement will transfer with the transfer of property, Donohue said. Hearty said I agree with the attorney; we can't be sure all easements transfer with the sale of property.

Hanna, Jowdy, Donohue, Krate discussed what Donohue is looking to do. Jowdy said if you're saying it's only 38 feet wide, you can't really access that. Hanna and Jowdy discussed the plan. Donohue clarified the peninsula is not the area where we wish to park. Moore said we've established that not all easements transfer with the land. Can we verify that this one will transfer, Moore asked. Donohue said it may, and it may not. I have drafted many easements. Jowdy read into the record the positive recommendation from the Planning Commission, dated 4/18/13 signed by Arnold Finaldi, Jr., Chairman. It passed unanimously. Krate said I have a question: wouldn't it be moreis your principal here with you? Ed McGill came to the mic and said I am the principal. McGill signed in. McGill said my purpose is to combine the two properties, and operate it as part of my business. Krate said there is a lot of weakness in your hardship; it is supposed to be something other than financial. We don't have any indication whether that easement will transfer with that property. We don't know the answers to the questions, Krate said. Jowdy said you have so many cars in front there; it is hard to get in and out. McGill said I have a remote lot down the road, and we use that for employee cars and inventory cars. Jowdy and McGill clarified that the employee parking may be a hardship. Donohue said there is no desire now to expand the business. McGill came back to the mic: I am consolidating the properties. Jowdy asked is there anyone who wishes to speak for or against this petition. Hearty said the fact that the parcel is landlocked does not mean it is inaccessible. Donohue said that consolidation is not part of our application at this point with this variance petition. Is there anyone who wishes to speak for or in opposition to this variance request, Jowdy asked. There were none. Motion to close the **13-15** public hearing by Krate. Moore seconded the motion. Motion carried unanimously. In the voting session, Jowdy said we had a full board here tonight, and he explained we only had three applications tonight. Jowdy reviewed the request for the use variance. Jowdy said he does put his cars down the road. Open for discussion and vote, Jowdy added. Hanna made a motion to **approve** the **13-15** use variance, to allow employee and vehicle inventory parking for auto dealership located on contiguous property in Ridgefield. The portion located in Danbury, because the land is almost locked, the water side property is to buy. Hanna continued it does not affect the welfare, health and safety of the community. Krate seconded the motion. Motion carried unanimously.

13-16 – Joshua Isaacson & Stacey Wall, 5 Danfred Street (H21076), Sec.4.A.3., to reduce minimum required front yard setback from 30 ft. to 12.5 ft.; to reduce minimum required side yard setback from 15 ft. to 8.5 ft. for deck (RA-20 Zone). Jowdy introduced this item and read the request at 7:19 pm. Joshua Isaacson identified himself at the mic. I am requesting the variance because we would like to increase the size of our deck. Due to location of the septic in our backyard, there is no other place that we can use. Krate and Jowdy spoke at the panel. Jowdy said continue on. The hardship is due to the location of the septic, Isaacson said. Krate said this is not problematic. With that, I pass, Krate said. Jowdy asked is there anyone here who wishes to speak for or in opposition to this proposal. There were none. Krate made a motion to close the public hearing. Hanna seconded the motion. Motion to close carried unanimously. Jowdy read this variance request again in the voting session. Krate made a motion to **approve 13-16**, to reduce minimum required front yard setback from 30 ft. to 12.5 ft.; to reduce minimum required side yard setback from 15 ft. to 8.5 ft. for a deck. The hardship is location of the septic. This is per plan submitted, and will not affect the welfare, health and safety of the neighborhood. Moore seconded the motion. Motion carried unanimously at 7:29 am.

13- 17 – Michael Trolle, 17 Carol Street (H23037), Sec.4.A.3., to reduce the minimum required front yard setback from 30 ft. to 27.8 feet to add exterior insulation and window feature to the residence (RA-20 Zone). Jowdy introduced this item and read the request. Michael Trolle signed in at 7:23 pm. Trolle introduced himself. Krate said this is pretty cut

and dried. The hardship is the pre-existing nonconforming location of the dwelling on the lot. It's just a bay window and adding insulation to make the house more efficient. Moore said I'm going to assume there's no opposition. Trolle said the road is not centered. Krate said to Trolle never volunteer information. I have support letters from my neighbors, Trolle added. Jowdy asked is there anyone who wishes to speak for or in opposition to this variance request. Krate made a motion to close this public hearing. Sibbitt seconded. Motion carried unanimously at 7:25 pm. Jowdy restated this request at 7:30 pm in voting session. Krate said I have one question: if he was to rebuild the house on the exiting footprint, does he have to legalize the front? Sean replied as long as it's less. Krate said it's more. Moore brought out the plan and gave it to Hearty. Krate said you may need two variances, to Michael Trolle. Krate said I'm sorry; the front yard; there's no problem. He's good, Hearty said. Hanna made a motion to **approve** the request to reduce the minimum required front yard setback from 30 ft. to 27.8 feet to add exterior insulation and a window feature to the residence per plan submitted. Krate seconded the motion. Motion carried unanimously.

ACCEPTANCE OF MINUTES:

The January 10, 2013, meeting minutes; we cannot approve these without Rick Roos, Krate said. Hearty said we've got to get Rick in here. Motion to accept the minutes for April 11, 2013, as presented by Krate. Second by Sibbitt. Motion carried unanimously at 7:34.

ADJOURNMENT: Motion to adjourn by Moore. Second by Hanna. Motion carried unanimously at 7:35 pm.