



**CITY OF DANBURY**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

ZONING COMMISSION  
(203) 797-4525  
(203) 797-4586 (FAX)

MINUTES  
MAY 23, 2006

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The meeting was called to order by Chairman Jack Knapp Jr. at 7:30 PM.

Present were Theresa Buzaid, Anthony DiCaprio, Theodore Haddad Jr., Helen Hoffstaetter, Richard P. Jowdy (arrived at 7:40 PM), Jack H. Knapp Jr., Robert Melillo, and Alternates Jean Anderson, Victoria Hickey and Joseph Notaro, Jr. Also Present was Planning Director Dennis Elpern.

Absent were Ted Farah, and Donald Kennedy.

Chairman Knapp asked Mr. Notaro to take Mr. Farah's place and Ms. Hickey to take Mr. Kennedy's place for the items on tonight's agenda.

Chairman Knapp led the Commission in the Pledge Of Allegiance.

Mr. Melillo made a motion to accept the minutes of the April 11, 2006 & April 25, 2006 meetings. Mrs. Anderson seconded the motion and it was passed unanimously.

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PUBLIC HEARING:

7:30 PM - Petition of the City of Danbury by Dennis I. Elpern, Planning Dir. to Amend Secs. 3.I.2. , 8.C.2.b.(5) & 8.E.2. of the Zoning Regulations.

Mr. Haddad excused himself and left the meeting at this time. Chairman Knapp asked Mrs. Anderson to take Mr. Haddad's place for the remainder of this meeting.

Ms. Hoffstaetter read the legal notice regarding this petition. Chairman Knapp read the Planning Commission recommendation which was positive. Mr. Jowdy arrived at this time.

Dennis Elpern spoke in favor of this petition. He said it consists of three unrelated amendments and briefly explained them. The first amendment would allow tandem parking in front of a garage in a row house, as long as the vehicle does not block the aisle or roadway. This does occur in many multi-family developments although it is not counted toward the parking calculation. This will help by eliminating unnecessary surface parking lots, which means more green space. The next amendment addresses "usable open space" which is required for all residential development except one, two and three family dwellings. This amendment provides some options as to how it can be provided by adding private patios and terraces, recreational facilities, and common open space as methods of providing it. It will add some flexibility to the design process. The final amendment clarifies signs permitted in multi-family developments of four or more units. Mrs.

Buzaid asked if any of these amendments are retroactive for existing situations. Mr. Elpern said they are not. There were no further questions.

Chairman Knapp asked if there was anyone to speak in opposition to this and there was no one.

Mr. Melillo made a motion to close the public hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously. Mr. Melillo then made a motion to move this item to Old Business. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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OLD BUSINESS:

Petition of the City of Danbury by Dennis I. Elpern, Planning Dir. to Amend Secs. 3.I.2. , 8.C.2.b.(5) & 8.E.2. of the Zoning Regulations.

Mr. Melillo made a motion to approve this petition for the following reason:

- These amendments will add clarity to the Zoning Regulations and encourage more aesthetically pleasing developments. .

Mr. DiCaprio seconded the motion and it was passed unanimously with nine AYES (from Mrs. Buzaid, Mr. DiCaprio, Ms. Hoffstaetter, Mr. Jowdy, Mr. Melillo, Mrs. Anderson, Ms. Hickey, Mr. Notaro and Chairman Knapp).

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NEW BUSINESS:

ZBA Referral: Application #06-55 – Kenneth Anderson, 22 Patch St. (#H12224), Use Variance to Sec. 5.A.2.a., to allow use as a two-family residence in the CG-20 Zone. ZBA hearing scheduled for May 11, 2006

Mr. Melillo and Mr. DiCaprio said they had visited the subject property separately, but they both felt that although there are multi family houses on that side of the street, this might not be a good idea. Mr. Melillo suggested that it would be better if they considered applying for a zone change. Mr. DiCaprio added that they have not demonstrated any hardship. Mr. Melillo made a motion to give this a negative recommendation with the suggestion that they consider applying for a zone change. Mr. DiCaprio seconded the motion and said the reason is: There has been no hardship shown and the best way to rectify this situation is a change of zone.

Mr. Elpern then said he agreed that they make a good case (in their hardship) but not for a variance but for a zone change. They cannot meet the definition of hardship. He continued saying that granting a variance gives a property rights that other properties on the same street don't have. He suggested looking at the overall area rather than a case by case basis.

Chairman Knapp called for a vote on the motion to give this a negative recommendation with the suggestion that they consider applying for a zone change. The motion was passed unanimously with nine AYES (from Mrs. Buzaid, Mr. DiCaprio, Ms. Hoffstaetter, Mr. Jowdy, Mr. Melillo, Mrs. Anderson, Ms. Hickey, Mr. Notaro and Chairman Knapp).

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The Correspondence consisted of five Cease & Desist Orders and one EIC/Notice of Violation. Under For Reference Only were listed the public hearings scheduled for June 13, 2006 and July 11, 2006.

At 9:00 PM, with no further business to discuss, Mr. Melillo made a motion to adjourn. Mrs. Anderson seconded the motion and it was passed unanimously.