



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING BOARD OF APPEALS
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MINUTES
Web-Based Meeting Hosted on ZOOM
September 10, 2020
7:00 p.m.

ROLL CALL:

Rodney C. Moore, Acting Chairman, called the meeting to order at 7:00 p.m. Present by roll call: Joseph Hanna, Michael Sibbitt, Juan Rivas, Anthony Rebeiro, and Peter DeLucia. Mr. Moore seated Anthony Rebeiro as a regular member in place of Richard Jowdy. Mr. DeLucia excused himself from voting. Mr. Moore continued by explaining the procedures.

Absent: Richard Jowdy and Rick Roos

ACCEPTANCE OF MINUTES: July 9, 2020 & August 13, 2020

Motion to accept the minutes of July 9, 2020, as submitted, was made by Michael Sibbitt; seconded by Juan Rivas. Motion passed with Ayes from Rod Moore, Joseph Hanna, and Juan Rivas.

Motion to accept the minutes of August 13, 2020 was made by Joseph Hanna; seconded by Juan Rivas. Motion passed with Ayes from Joseph Hanna, Juan Rivas, and Michael Sibbitt.

Acting Chairman Rod Moore indicated that the Bylaws dictate the order of the agenda, therefore, he would like to make a motion to change the order of the agenda so that all five applications can be heard with decisions following the last application. Mr. Moore said that this would be more efficient for the ZOOM meeting. Mr. Hanna seconded the motion. All in favor with Ayes from Joseph Hanna, Rodney Moore, Anthony Rebeiro, Juan Rivas, and Michael Sibbitt.

Mr. Hearty confirmed with Mr. Moore that the Board would close each application individually and later go to voting. Mr. Moore concurred.

Mr. Moore explained the procedure for the hearing. He reminded applicants that once the hearing is closed, no more information can be requested or offered.

The next regular meeting is scheduled for **September 24, 2020.**

PUBLIC HEARINGS:

OLD BUSINESS: None

NEW BUSINESS/PUBLIC HEARINGS: Pursuant to Executive Order No. 7I Section 19.c., Notice is hereby given that Item Nos. 20-24, 20-25, 20-26, 20-27, & 20-28 will be heard.

Motion to hear these items by Michael Sibbitt; seconded by Anthony Rebeiro. Motion passed with Ayes from Rod Moore, Joseph Hanna, Anthony Rebeiro, Juan Rivas, and Michael Sibbitt.

#20-24: Lapan, Dawn, 1 Elizabeth Rd., (J09074), RA-20 Zone, Sec. 4.A.3 Reduce minimum front yard setback from 30' to 20.3' for portico.

Dawn Lapan appeared and offered the reason for the application: When she applied for a permit for a full second floor on the house, she was asked if she was changing the footprint. She did not know that a portico would change the footprint of the dwelling. After the fact, she was informed that the portico did change the footprint of the house. Her hardship is that without the portico, there is a safety hazard because of falling ice and water. When asked by the Board, she indicated the house was completed in July 2020. Upon Zoning inspection she had it surveyed, because Zoning denied the approval. She then applied for the variance. Mrs. Lapan stated that if she had known that a portico would constitute a change of footprint, she would have completed the application properly at the beginning.

No questions from the Board. No one in favor or opposed.

Motion to close No. 20-24 by Joseph Hanna; seconded Michael Sibbitt. Motion passed with Ayes from Rod Moore, Joseph Hanna, Anthony Rebeiro, Juan Rivas and Michael Sibbitt.

#20-25: Stone Ridge Development LLC, Steve Hiteshew, Lot 4 Liberty Ave., (K15064), RA-8 Zone, Sec. 4.A.3 Reduce minimum rear yard setback from 35' to 17.7' for proposed deck and from 35' to 26.9' for proposed dwelling.

Steve Hiteshew, the contract purchaser of the property, appeared on behalf of this application. He explained that this lot was created before current zoning regulations, and that is the hardship. The deck will provide egress for safety and comfort. Mr. Hiteshew spoke about the two measurements from the rear yard and said he placed the house as far forward as is allowed. Mr. Rebeiro asked if it was a vacant building lot. Mr. Hanna asked if it is served by City sewer/water. Mr. Hiteshew answered yes to both questions. Mr. Rivas asked the square footage of the proposed house. Mr. Hiteshew said it will be a 2,000 sq. ft. home, a 1,000 sq. ft. footprint, a raised ranch. No one in favor.

In opposition: Miryam Lapaix, 27 Liberty Avenue and Carmine Santopolo & his wife, Eliete, 16 High Street Extension objected to the proposal.

Mr. Santapolo said it will be an invasion of their privacy. They've lived on High St. Ext. for about 20 years and objects to the size. He said three other neighbors he spoke with are also opposed.

Miryam Lapaix, neighbor at 27 Liberty Avenue, said it would be behind her back yard. She has lived in the house for 16 years. It is private, she wants her privacy, and does not want someone so close to the border of her property. She stated that it will bring a lot more traffic.

Mr. Moore consulted the map for the lot size, and noted that the building is not exceeding the coverage for the lot. Mr. Rebeiro asked the neighbors the size of their homes. Mr. Santapolo said his house is 1,200 sq. ft., and he said that Miryam's is probably about 1,000 sq. ft. The new dwelling will be too close to his and Miryam's property. Mr. Sibbitt said they have a right to build a house on their property.

Mr. Moore said all of the comments would be taken into consideration. Mr. Hiteshew said he understands their concerns. The house will have only a one-car garage, he has already made the deck smaller and has done as much as he can with the size of the house. Shrinking it much more would not work. He's offering to improve the yard with trees and fencing to make it more palatable to the neighbors. Mr. Hanna asked if would be willing to plant some evergreen trees between this property and two neighbors. Mr. Hiteshew said, "Yes," and he already put up a 6' fence on one side of the property. Mr. Hanna thought the trees would be better. Mr. Hiteshew understands the neighbors' concerns. He said he has already staged a 12' arborvitae for neighbors to see how it would work. He is willing to do that on both sides as a good neighbor. No other comments or questions.

Motion to close No. 20-25 by Joseph Hanna; seconded by Tony Rebeiro. Mr. Hearty asked for clarification about which borders the trees would be hedgerowed. Fence on one, trees on the other per Mr. Hanna. Per Mr. Hiteshew, arborvitae would be on the rear of his lot and a fence would be on the property line. On the other side, near Miryam's, there is a hedgerow, which is overgrown. He will maintain it on his property, put up a fence and put up some trees to buffer the deck and the corner of the house.

20-26: Parlo, Christopher & Lisa, 12 Lake Terrace Drive, (J03107), RA-20 Zone, Sec.4.A.3
Reduce south side yard setback from 15' to 12.5' and reduce north side yard setback from 15' to 7'; increase maximum building coverage from 20% to 28%.

Attorney Thomas Beecher, Collins Hannafin Law Firm, representing the applicants. His clients would like to retire and reside in this home on a year-round basis. The ground floor footprint would be expanded to allow for a galley kitchen and downstairs bathroom and master bedroom.

The proposed addition will be located in a gap between the existing home and the garage on the on the property. The home and garage will not be connected. The addition will occupy the existing porch area. This addition will allow them to rebuild the narrow stairs going up to the second floor for safety.

Mr. Beecher spoke about FirstLight ownership of the lake and the amount of property that FirstLight owns does not count toward coverage percentages for homeowners. The hardship is the pre-

existing, non-conforming lot, the home location, and the size and shape of lot along with the unique status of lake ownership.

Mr. Moore also asked about taking one foot off of each side of the addition. Mr. Beecher called on Mr. Parlo for his opinion. Mr. Rebeiro said the foot also includes the overhang. Mr. Moore raised the question about reducing the square footage. Mr. Parlo said it might be doable and from the chimney to the front, he thinks it would look weird to jut in; they are trying to maintain the line and are certainly willing to listen to Mr. Moore's suggestions. He spoke to the smallness of the kitchen. They will also make safety repairs to the staircases for the future. The homeowners do not want to go higher, as it would block the lake view of their across-the-street neighbors, and they are trying to match the character of the neighborhood. Mr. Moore read two letters in favor into the record. Mr. Beecher read into the record the third letter, which was an email. No one else in favor, no one opposed.

Motion to close by Michael Sibbitt; seconded by Tony Rebeiro. Motion passed with Ayes from Rod Moore, Joseph Hanna, Anthony Rebeiro, Juan Rivas, and Michael Sibbitt.

#20-27: CPD Properties, Inc., 445 Main St., (H12078), CL-10 Zone, Sec. 8.E.3.a(3) Allow the height of one freestanding sign from 20' to 29'. leased from Four-Star realty. CL-10 Zone.

Attorney Thomas Beecher, Collins Hannafin Law Firm, is representing CPD Properties. Mr. Beecher explained that this property is located at the bottom of Hillside Avenue near the I-84 underpass. The sign is at the low point of the property. Sign is barely visible from westbound I-84. The hardship is topography of the property and location. Maximum sign height in this area is 20' and they are asking for 29'. Mr. Beecher said it will not be overly disproportional looking. He indicated the existing sign is also barely visible on southbound Main Street. He said the request has been scaled down.

Michael Sibbitt asked if the Shell icon would be smaller than the existing sign. Mr. Beecher could not answer definitively. Mr. Beecher did not have the existing dimensions. Mr. Sibbitt thinks everyone in town will want to follow suit with a sign sticking up in the middle of the air. Mr. Beecher suggested continuing the public hearing to obtain the information. Discussion ensued about why there weren't signs along the highway indicating what gasoline brands are available off the exit. Mr. Moore asked the hardship – Mr. Beecher stated the topography, and Mr. Moore asked when the owners obtained the property. Mr. Beecher thought Four-Star acquired the property around 1999. Rod Moore asked if topography had changed. Attorney Beecher indicated that Gary Michael said they had actually had a higher sign originally. No one else in favor or opposed. Mr. Moore said that Mr. Sibbitt needs more information regarding the size of the Shell icon before approving. Mr. Beecher asked for a continuance to obtain the additional information.

Motion to continue No. 20-27 was made by Joseph Hanna; seconded by Michael Sibbitt. Motion passed with Ayes from Rod Moore, Joseph Hanna, Anthony Rebeiro, Juan Rivas, and Michael Sibbitt

#20-28: Padilla, Carlos Marin, 32 Hillside Ave., (H11168), RA-20 Zone, Sec. 4.A.3 Reduce front yard setback from 30' to 15' to roof overhang for proposed addition. Sec. 9.C.2.b. Allow extension or expansion of nonconforming structure.

David Coffin, architect working with Mr. Padilla, is representing him. He said even though they are looking for a reduction in front yard setback in actuality there is an existing porch that comes within 20.4' of the front yard. The addition is on south side of property and 20.4' is actually where the porch is. This lot is a corner lot. Three sides are front yards, and he thinks there were four lots that were combined at one point. Mr. Padilla purchased this property as one lot, and there were existing non-conformities. Mr. Coffin said Mr. Padilla has done a lot of work improving the property with a stone wall alongside Hillside Avenue and a tremendous amount of landscaping and construction of a patio. With the addition, it would enhance the lifestyle of his large family and children, and the existing house does not have enough bedrooms or bathrooms for everyone to have their privacy, and a larger living area. The depth of porch will increase, width will be the same.

Mr. Coffin said there are many non-conforming homes in the neighborhood. He continued stating that most were probably built prior to existing regulations. They are trying to carry through the existing design, roof lines, dormers, etc. and will be in character with the existing homes in the area.

Joe Hanna asked if this is a corner property. Mr. Coffin said, "Yes". Mr. Rivas asked if there is a reason to come out the extra 4 ½ feet? Mr. Coffin said reducing it would create unusable bedrooms and not meet the code requirements especially with the stairs; it would be impossible to lay out properly. No other questions. No on in favor or opposed.

Motion to close No. 20-28 was made by Joseph Hanna; seconded by Michael Sibbitt. Motion passed with Ayes from Rod Moore, Joseph Hanna, Anthony Rebeiro, Juan Rivas, and Michael Sibbitt.

Mr. Moore announced that all public hearings are now closed.

DECISIONS:

Motion to go to the voting session was made by Joseph Hanna; seconded by Michael Sibbitt. Motion passed with Ayes from Rod Moore, Joseph Hanna, Anthony Rebeiro, Juan Rivas, and Michael Sibbitt.

#20-24: Lapan, Dawn, 1 Elizabeth Rd., (J09074), RA-20 Zone, Sec. 4.A.3 Reduce minimum front yard setback from 30' to 20.3' for portico.

Motion to approve No. 20-24 was made by Tony Rebeiro; seconded by Joseph Hanna. Motion passed with Ayes from Rod Moore, Joseph Hanna, Anthony Rebeiro, Juan Rivas, and Michael Sibbitt.

#20-25: Stone Ridge Development LLC, Steve Hiteshew, Lot 4 Liberty Ave., (K15064), RA-8 Zone, Sec. 4.A.3 Reduce minimum rear yard setback from 35' to 17.7' for proposed deck and from 35' to 26.9' for proposed dwelling.

Mr. Rivas asked to comment, and said that it looks like it will be a tight fit, and there could be a problem with privacy as stated by the neighbors. Mr. Moore reminded the Board members that an approval can include stipulations. Mr. Hanna said Mr. Hiteshew agreed to put up arborvitae on the rear

line and then on the side he spoke about a fence. Mr. Hanna said rear yard line agreed to trees; and side yard, a fence. Juan Rivas asked if both fencing and tree could be conditioned?

Mr. Rivas said the brush was waist high, not tall enough to set any privacy between property lines. On the south side of the property there is a white plastic panel fence that provides more privacy.

Joseph Hanna made a motion to approve No. 20-25 with stipulation that builder/owner plants evergreen trees on two sides of property on side line to create privacy for neighbor and attractive landscaping, per plan submitted – no fencing. Mr. Rivas made a motion to amend the stipulation by adding privacy fencing in addition to trees. Mr. Sibbitt seconded Mr. Rivas' motion. Motion passed with Ayes from Rod Moore, Joseph Hanna, Anthony Rebeiro, Juan Rivas, and Michael Sibbitt. Mr. Sibbitt then seconded Mr. Hanna's motion with the stipulation and amended stipulation. Motion passed with Ayes from Rod Moore, Joseph Hanna, Anthony Rebeiro, Juan Rivas and Michael Sibbitt

20-26: Parlo, Christopher & Lisa, 12 Lake Terrace Drive, (J03107), RA-20 Zone, Sec.4.A.3 Reduce south side yard setback from 15' to 12.5' and reduce north side yard setback from 15' to 7'; increase maximum building coverage from 20% to 28%.

Motion to approve No 20-26, per plan submitted, by Tony Rebeiro; seconded by Michael Sibbitt. Motion passed with Ayes from Rod Moore, Joseph Hanna, Anthony Rebeiro, Juan Rivas, and Michael Sibbitt.

#20-28: Padilla, Carlos Marin, 32 Hillside Ave., (H11168), RA-20 Zone, Sec. 4.A.3 Reduce front yard setback from 30' to 15' to roof overhang for proposed addition. Sec. 9.C.2.b. Allow extension or expansion of nonconforming structure.

Motion to approve No. 20-28, per plan submitted, by Michael Sibbitt, the hardship is the three front yards; seconded by Joseph Hanna. Motion passed with Ayes from Rod Moore, Joseph Hanna, Anthony Rebeiro, Juan Rivas, and Michael Sibbitt.

CORRESPONDENCE: None

OTHER MATTERS: None

ADJOURNMENT:

Motion to adjourn by Tony Rebeiro; seconded by Michael Sibbitt. Motion passed with Ayes from Rod Moore, Joseph Hanna, Anthony Rebeiro, Juan Rivas, and Michael Sibbitt at 8:13 p.m.

Respectfully submitted,

Mary S. Larkin