



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING COMMISSION
www.danbury-ct.gov

(203) 797-4525
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LEGAL NOTICE

At the web-based meeting (hosted on Zoom) held on November 23, 2021, the Zoning Commission of the City of Danbury made the following decision:

DENIED PER RESOLUTION the Petition of 3 Lake Avenue Extension LLC to Amend Sections 2.B., 5.B.2.b.(19), and 5.B.5.g. of the Zoning Regulations. [Amendments to existing definitions, defining a new use (“transitional shelter for the homeless”), & adding this new use as a special exception use to the CA-80 zone.]

Theodore J. Haddad Jr., Chairman

Posted on City Website and Town Clerk's Office on November 24, 2021.

Published in News-Times on November 29, 2021.
Purchase Order No. 2022-174

Town Clerk Filing Attachment: Resolution of Decision dated November 23, 2021.

RECEIVED FOR RECORD
DANBURY TOWN CLERK

2021 NOV 24 P 3: 21

BY: 



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CITY OF DANBURY ZONING COMMISSION
RESOLUTION OF DENIAL
November 23, 2021

**Petition of 3 Lake Avenue Extension LLC c/o Pacific House to Amend Sections 2.B., 5.B.2.b.(19)
and renumber remaining uses, and 5.B.5. to add subsection "g." of the
City of Danbury Zoning Regulations**

Resolution by the City of Danbury Zoning Commission to deny the petition submitted by 3 Lake Avenue Extension, LLC c/o Pacific House to amend Sections 2.B., 5.B.2.b.(19) and renumber remaining uses, and 5.B.5. to add subsection "g." of the City of Danbury Zoning Regulations (hereinafter "the Petition"), as amended, having found, upon review of the Petition, other documents and evidence submitted as part of the record and during the public hearing process, the following:

1. The addition of the new use in Section 2.B. entitled "Transitional shelter for the homeless" with the specific requirements is unacceptable as the use creates a facility that allows emergency shelter beds in an amount greater than 20 beds, which is the maximum number of beds the City has consistently allowed in uses defined as a shelter for the homeless in the C-CBD and RH-3 Zoning Districts.
2. Based on the list of existing uses contained within the Zoning Regulations and commensurate definitions, there is no necessity to add the new use as proposed. A shelter for the homeless is already currently defined.
3. A shelter for the homeless is already permitted by grant of special exception in both the C-CBD and RH-3 Zoning Districts. The Commission finds sufficient land area exists within those two zones to locate a shelter for the homeless as currently defined and regulated.
4. As to the similarity of the proposed use with existing uses in the CA-80 Zone, the proposed new use is not comparable to uses already allowed, as permitted or by special exception, in said Zone.
5. While the Petition presented an opportunity to add affordable units to the City's inventory of affordable housing for the purposes of the Affordable Housing Appeals List and any related moratorium application, the benefit of the addition of units gained as part of a "Transitional shelter for the homeless" is outweighed by the intensity of the use permitted by the Petition and its adverse effects in the surrounding commercial and residential neighborhoods.
6. The Zoning Commission acknowledges that the Planning Commission, on September 21, 2021, issued a positive referral on the Petition finding that, among other reasons as noted in said correspondence, the Petition was consistent with the Plan of Conservation and Development ("POCD").
7. The Zoning Commission has considered the consistency of the Petition with the policies and recommendations of the POCD as required pursuant to CGS Section 8-3(b) and the Zoning Regulations and finds that while aspects of the Petition are consistent with recommendations of the Housing Plan section of the POCD, the use as proposed is dissimilar to and incompatible with existing uses in the general and limited commercial zone as identified on the Land Development Plan map for the parcels within the CA-80 Zone.

8. Notwithstanding correspondence and testimony in support of the Petition, credible testimony from the residents in the vicinity of the existing emergency shelter at 3 Lake Avenue Extension, operated by Pacific House under an Executive Order issued by the Governor of the State of Connecticut, supports concerns that establishment of a permanent transitional shelter facility as could be established if the zoning amendments are approved may result in detrimental impacts to the public health, welfare, and safety of the residents and businesses of the surrounding area and could decrease property values. While the Commission does not question the sincerity and dedication of the petitioner, its representatives, and proponents of the amendments, the Commission finds more credible the evidence as submitted by surrounding area business and property owners that demonstrates the adverse effects on the health, safety, and welfare already experienced with the Pacific House's current operation of the shelter and is not persuaded by the petitioner's promises that the adverse effects will not continue in the future.
9. The amendments as proposed raise the potential argument that they result in spot zoning which is illegal in the State of Connecticut.
10. As the Commission is denying the amendment to define a "Transitional shelter for the homeless" and its addition to the CA-80 Zone, there is no necessity to amend the definition of "Dwelling unit" or "Shelter for the homeless" in Section 2.B. Therefore, these amendments are commensurately denied.

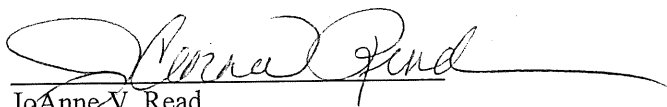
The motion to adopt the Resolution was made by Commissioner **Fay** and seconded by Commissioner **Jowdy**.

The vote on the motion was passed by roll call count with six (6) AYES (from Commissioners Almeida, Fay, Hawley, Hylenski, Jowdy and Haddad and three (3) NAYS (from Commissioners Kelly, Masi, and Melillo).

The motion passed this 23rd day of November, 2021.

This Decision becomes effective the next day following publication in the News-Times.

I HEREBY ATTEST THAT THIS RESOLUTION IS THE TRUE AND ACCURATE RESOLUTION AS ADOPTED BY THE CITY OF DANBURY ZONING COMMISSION ON NOVEMBER 23, 2021 BY A VOTE OF 6-3.



JoAnne V. Read

Planning Assistant & Clerk of Record for the Zoning Commission