



CITY OF DANBURY
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ZONING BOARD OF APPEALS
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ZONING BOARD OF APPEALS
MINUTES
Web-Based Meeting Hosted on Zoom
June 23, 2022
7:00 p.m.

RECORDED FOR RECORD
DANBURY TOWN CLERK

2022 AUG 29 A 11: 08

BY: 

ROLL CALL:

Chairman Joseph Hanna called the web-based meeting to order at 7:00 via Zoom. Present by roll call: Rod Moore, Juan Rivas, Michael Sibbitt, and Rick Roos. Absent: Anthony Rebeiro and Peter DeLucia. Staff present: Zoning Enforcement Officer Sean Hearty and Secretary Mary Larkin

Motion to hear Application No. 22-11 was made by Juan Rivas; seconded by Rod Moore; All in favor with Ayes from Rod Moore, Juan Rivas, Michael Sibbitt, and Rick Roos.

ACCEPTANCE OF MINUTES: May 26, 2022 & June 9, 2022

Motion to accept the Minutes of May 26, 2022 was made by Rod Moore; seconded by Juan Rivas. All in favor with Ayes from those eligible to vote: Rod Moore, Juan Rivas, Michael Sibbitt, and Joseph Hanna.

The Minutes of June 9, 2022 could not be accepted at this meeting.

Chairman Hanna seated Richard Roos as a voting member in place of Anthony Rebeiro for this meeting.

PUBLIC HEARINGS: None

CONTINUED PUBLIC HEARINGS:

#22-11: 4 Lake Rd., (J02031), RA-20 Zone, Sec. 4.A.3 Reduce front yard setback from 30' to 27.8' to roof overhang of proposed covered porch; Reduce side yard setback from 15' to 8.2' to proposed

porch; Reduce minimum side yard from 15' to 8.9' to existing balcony. Sec. 8.A.2.c.(4) Allow bottom edge of excavation from a minimum of 5' to 0' for retaining wall.

Motion to open Application No. 22-11, 4 Lake Road was made by Juan Rivas; seconded by Rod Moore. All in favor with Ayes from Rod Moore, Juan Rivas, Michael Sibbitt, and Joseph Hanna.

Chairman Hanna seated Alternate Richard Roos as a voting member in place of Anthony Rebeiro for this meeting.

Mr. Magner, applicant, appeared on behalf of his application. Mr. Magner indicated he went back to the engineer to design a drainage system in the driveway as previously discussed by the Board. He lowered the landing a full step from the porch. From porch to side yard is 12.4' instead of 8'2. The Arborvitaes are on the plan as well.

Mr. Hanna asked someone to share their screen to show the new drainage plan. Mr. Moore was able to assist. Juan Rivas asked if this was to be approved as it is now and would there be screening or buffering on the balcony side? He doesn't see any there on the south side. Mr. Magner said he would be glad to add that and mentioned the south side grade on his property is 7' lower than the neighbor, and the adjacent owner has his own bushes. Mr. Magner indicated even 10' arborvitaes might not block the view, but he would be glad to do it on his or their property. Commissioner Rod Moore said there was going to be a new plan/survey submitted, and he sees there are changes on the side yard from 8.9' to 12.4', and if they were to approve this, they would have to reference two different surveys. Mr. Moore said the engineered plan is substantial, and asked Sean Hearty if the City Engineer will look at this? Sean Hearty indicated the City relies on the design engineer and that person would have to give a statement stating it will be installed per the plan he designed and is in working order. Later it can be confirmed and filed on the permitting side. Mr. Moore asked if the piece of the application that says 12.4' would be adequate? Mr. Hearty indicated it is taking approximately three months to obtain a survey, so the distance can be confirmed when the survey is submitted through the Permit Center. Mr. Magner confirmed that he intends to place a veneer of stone or stucco on the front wall when asked by Mr. Moore.

Rod Moore and Joseph Hanna would still like to have a construction schedule – suggested one be included in the variance file. Mr. Magner thinks about four months. No further questions.

There being no one present in support or in opposition, a motion to close Application No. 22-11 was made by Rod Moore; seconded by Michael Sibbitt. All in favor with Ayes from Rod Moore, Juan Rivas, Rick Roos, Michael Sibbitt, and Joseph Hanna.

Motion to open for voting was made by Juan Riva;, seconded by Michael Sibbitt. All in favor with Ayes from Rod Moore, Juan Rivas, Rick Roos, Michael Sibbitt, and Joseph Hanna.

Motion to approve Application No. 22-11, 4 Lake Road, was made by Rod Moore to reduce front yard setback from 30' to 27.8' to roof overhang of proposed covered porch; to reduce side yard setback from 15' to 12.4' to porch; reduce minimum side yard from 15' to 8.9' to existing balcony. Sec. 8.A.2.c.(4) Allow bottom edge of excavation from a minimum of 5' to 0' for retaining wall, per plans

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submitted referencing original and subsequent document labeled S-1. Mr. Moore said this is in character with the neighborhood and there are no adverse effects on the health, safety, and welfare of the neighborhood now that the drainage issues have been resolved. Michael Sibbitt seconded the motion. All in favor with Ayes from Rod Moore, Juan Rivas, Rick Roos, Michael Sibbitt, and Joseph Hanna.

OLD BUSINESS: None

NEW BUSINESS: None

CORRESPONDENCE: None

OTHER MATTERS: None

ADJOURNMENT:

Motion to adjourn was made by Michael Sibbitt; seconded by Rick Roos. All in favor with Ayes from Rod Moore, Juan Rivas, Rick Roos, Michael Sibbitt, and Joseph Hanna. Meeting adjourned at 7:17 p.m.

Respectfully submitted,



Mary S. Larkin
Recording Secretary