



CITY OF DANBURY
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ZONING BOARD OF APPEALS
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ZONING BOARD OF APPEALS
MINUTES
June 8, 2023
7:00 p.m.

ROLL CALL:

Chairman Joseph Hanna called the web-based Special Meeting of the Zoning Board of Appeals held via ZOOM to order at 7:00 p.m. Present by roll call were: Peter DeLucia, Juan Rivas, Richard Roos, and Brandon Botelho. Michael Sibbitt and Anthony Rebeiro were absent. Staff present on Zoom were Zoning Enforcement Officer Sean P. Hearty, Secretary Mary Larkin and Secretary Melissa Llera. Chairman Hanna seated Alternate Richard Roos in place of Michael Sibbitt and Mr. Hanna seated Alternate Brandon Botelho in place of Anthony Rebeiro. Mr. Botelho represented he watched the video and read the minutes of the May 18, 2023 meeting.

ACCEPTANCE OF MINUTES: May 18, 2023

Motion to accept the Minutes of May 18, 2023 was made by Peter DeLucia; seconded by Juan Rivas. All in favor by those eligible to vote: Commissioners Peter DeLucia, Juan Rivas, and Joseph Hanna.

The next regular meeting is scheduled for **June 22, 2023.**

Motion to open Public Hearing No. 23-10 and continued Public Hearings Nos. 23-08 and 23-09 was made by Richard Roos; seconded by Peter DeLucia. All in favor with AYES from Peter DeLucia, Juan Rivas, Richard Roos, Brandon Botelho and Joseph Hanna.

PUBLIC HEARING:

#23-10: 4 Lee Mac Ave., J.A.R. Associates, Beecher, Thomas W. Esq., Agent; (K14122), IL-40 Zone. Sec. 6.A.3: Reduce front yard setback from 30' to 27'; Sec. 6.C.2.b: Front yard planting strip from 20' to 15'; Sec. 6.C.2.d: Allow parking in front yard setback; Sec. 8.C.1.c(2): Allow parking in required front yard.

Thomas W. Beecher, Esq., representing J.A.R. Associates, was present along with Tony Rizzo, property owner. This property is in the IL-40 Industrial Zone and J.A.R. owns the abutting properties. The Still River is on the other side and to the rear are the railroad tracks. J.A.R. owns a few industrial properties in the Triangle Street area and has improved the appearances of many of the properties. There is currently a 10,030 sq. ft. building on the property, and they would like to put a 10,020 sq. ft. addition on this building without going closer to Lee Mac Avenue. The front of the property is entirely paved and used for parking. They are proposing a 15' planting strip with landscaping. Regulations require a 20' planting strip. If the variances are granted, the property will be much more conforming than it is now.

Chairman Joseph Hanna asked about the hardship. Mr. Beecher said existing conditions: the site is entirely paved, the building already exists, the odd shape of the lot with railroad tracks, and the need to maintain circulation for truck maneuvering. Mr. Beecher said that a variance can be granted when the granting renders the property more conforming than it currently is.

Chairman Joseph Hanna asked to see the plan and asked if there would be enough parking for the whole building and addition? Ben Doto, P.E., 248 Main Street, explained they do have plenty of parking. The requirement is 30 spaces and they have about 46. The 3' variance in the front will eliminate a jog in the line of the building. They are proposing to improve and widen the existing driveway, and there is another driveway which will be permanently closed. There will be dedicated turning lanes. The 12,300 sq. ft. building to the rear will have plenty of room on site for trucks to turn and exit. Plenty of parking on both sides of the building will be away from trucks and loading. Site is 2.5 acres.

Commissioner Roos asked if there would be any ecological impacts on the river from the construction? Mr. Doto said it is within the 200' regulated area of the Still River. If variances are approved, they will have to go before the Environmental Impact Commission before going to the Planning Commission. He thinks there will be storm drainage and water quality improvements. The Army Corps of Engineers redid this portion of the river decades ago. Impervious surface will be reduced.

Tony Rizzo said if the variances are granted, they will continue the trend they started in the Triangle Street area. In conclusion, Attorney Beecher said if the variances are granted, the site will be vastly improved and make the site more conforming from a Zoning standpoint.

Motion to close No. 23-10 was made by Juan Rivas; seconded by Peter DeLucia. All in favor by roll call with AYES from Peter DeLucia, Juan Rivas, Richard Roos, Brandon Botelho, and Joseph Hanna.

Motion to go to voting session was made by Juan Rivas, seconded by Peter DeLucia. All in favor.

Motion to approve Application No. 23-10, 4 Lee Mac Ave., per plan submitted, as it will upgrade and improve the property and enhance the character of the neighborhood, was made by Juan Rivas; seconded by Peter DeLucia. All in favor with AYES by roll call: Peter DeLucia, Juan Rivas, Richard Roos, and Joseph Hanna. NAY by Brandon Botelho. Motion Granted.

CONTINUED HEARINGS:

#23-08: 21 Marion Street, Cappell, Amy & Sylvain, Caetano Construction, Agent (H22114), RA-20 Zone. Sec. 4.A.3 Reduce rear yard setback from 35' to 19' to enlarge & rebuild deck.

Cleison Caetano of Caetano Construction represented his clients. Mr. Caetano said that his clients want to extend the deck 2.6' as it is now about 3'. Board Member Peter DeLucia said that he visited the residence and suggested they wanted to improve the symmetry of the house and enjoy the property. Chairman Joseph Hanna asked Mr. Caetano about the hardship. Mr. Caetano said it is very tight right now and the variance will enable the deck to be in line with the house. Board Member Juan Rivas asked about the size of the deck. Mr. Caetano said it is 13.4' and extending it by 2.6' will get to the edge of the house to make it 16' x 16'.

There was no one present in support or in opposition to this application.

Motion to close Application No. 23-08 was made by Peter DeLucia; seconded by Juan Rivas. All in favor.

Motion to go to voting session was made by Juan Rivas; seconded by Rick Roos. All in favor with AYES from: Peter DeLucia, Juan Rivas, Richard Roos, Brandon Botelho, and Joseph Hanna.

Motion to approve Application No. 23-08, 21 Marion St., per plan submitted, was made by Richard Roos; seconded by Peter DeLucia. All in favor with AYES by roll call: Peter DeLucia, Juan Rivas, Richard Roos, Brandon Botelho, and Joseph Hanna.

#23-09: 15 Grandview Dr., Araujo, Heber C., (E10058), RA-40 Zone. Sec. 4.A.3 Reduce front yard setback from 40' to 22.1' for front porch and reduce side yard setback from 25' to 6.6' for a two-car garage.

Lucia Demelo, appeared on behalf of the applicant. Ms. Demelo stated that the Board requested floor plans for the proposed addition, and they were submitted to the ZBA. Mr. Hanna indicated he reviewed the plans and does not have any questions. Mr. DeLucia asked if the garage was two or one door. Ms. Demelo said it was two doors. Mr. DeLucia asked if above the garage is a living area. Yes, it is a master bedroom suite Ms. Demelo replied. Roof line will go across at the same level roof line. No balcony on the second floor. Mr. Botelho said he looked at the property and noted an entry way, will that be removed? He asked if it could be a one-car garage. Ms. Demelo said the neighbor is in agreement with the proposed garage. Mr. Rivas asked for a better explanation of the hardship, stating a self-induced hardship is not a hardship. Mr. Hearty said every board member should apply their hardship. Mr. Rick Roos asked if this is city water or well water. Ms. DeMelo said it is well water, and she does not know

exactly where the well is. She said the hardship was induced by Covid as the work-at-home status was made permanent. The homeowner does not want to sell the house and move as their medical expenses have increased due to a medical condition. Mr. Roos said the septic placement and topography could be the hardships to which Ms. Demelo agreed. Peter DeLucia asked if they would consider a one-car garage. Ms. Demelo said the larger houses down the street have two-car garages. No one was present in support or in opposition.

Motion to close Application No. 23-09 was made by Peter DeLucia; seconded by Juan Rivas. All in favor with Ayes from Peter DeLucia, Juan Rivas, Richard Roos, Brandon Botelho and Joseph Hanna.

Motion to go to voting session was made by Juan Rivas; seconded by Rick Roos. All in favor with Ayes from Peter DeLucia, Juan Rivas, Richard Roos, Brandon Botelho and Joseph Hanna.

Motion to approve Application No. 23-09, 15 Grandview Dr., per plan submitted, the hardship being the location of the septic and the topography as it precludes any type of construction elsewhere on the property, was made by Richard Roos; seconded by Peter DeLucia. All in favor with AYES by roll call: Richard Roos, Peter DeLucia, Juan Rivas, Brandon Botelho, and Joseph Hanna.

NEW BUSINESS:

Mr. Hanna asked the Board if they preferred to return to in-person meetings or continue with virtual meetings. The following preferred in-person meetings: Brandon Botelho, Peter DeLucia, Juan Rivas, and Joseph Hanna. Mr. Roos said he would defer to the regular Board members as he is an alternate, therefore, in-person meetings. Mr. DeLucia suggested in the winter time we might return to virtual meetings. The undersigned explained that it could be virtual if scheduled well in advance due to advertising requirements.

Melissa Llera was introduced to the Board Members by the undersigned as the new secretary in the Planning and Zoning Department who will support the Zoning Board of Appeals.

ADJOURNMENT:

Motion to adjourn was made by Juan Rivas; seconded by Peter DeLucia. All in favor with AYES from: Peter DeLucia, Juan Rivas, Richard Roos, Brandon Botelho, and Joseph Hanna. Meeting adjourned at 8:02 p.m.

Respectfully submitted,

Mary S. Larkin
Recording Secretary