



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

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ZONING BOARD OF APPEALS  
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DRAFT MINUTES – REGULAR MEETING  
**June 9, 2011**  
COMMON COUNCIL CHAMBERS  
**7:00 PM**

Present were Chairman Richard Jowdy, Gary A. Dufel, Michael E. Sibbitt, Joseph C. Hanna, Herbert Krate. Absent were Alt. Rodney S. Moore, Alt. Richard Roos. Chairman Jowdy called the meeting to order at 7:03 pm. Jowdy introduced tonight's meeting. Krate made a motion to hear the items as per tonight's legal notice. Hanna seconded the motion. The motion carried unanimously. Krate said #11-12 is withdrawn.

OLD BUSINESS:

**# 11-12** – WITHDRAWN - Frank Coscarella, Agent for Leila M. Rasamny-Gorra, 12 Sunset Drive (I05007), Sec.4.A.3., to reduce minimum rear yard setback from 35 ft. to 5.5 ft. for office with deck addition (RA-20 Zone).

NEW BUSINESS:

**# 11-16** – Jorge Vasquez, 5 Pleasant Street (H15255), Sec.8.A.2.c.(4)., to reduce bottom edge of excavation or fill from minimum 5 feet to 0 ft. from property line to allow outside face of stone wall fence to be constructed along property line (RA-8 Zone). Chairman Jowdy introduced this application at 7:04 pm. Jowdy instructed the audience about the procedures for the Public Hearing. I will do it myself, Vasquez said; my interpreter is not coming. Vasquez signed in. He described the history of the wall he began to build, just about 8 feet, in response to Krate's query. Krate asked you had a wall there already? Hanna said you are showing two walls here on the plan. Krate said to Vasquez come over and look. Vasquez approached the dais and explained the fence, the bushes, on the map. Hanna asked Vasquez you have a survey? Jowdy asked who wants you to build on the line. Hanna said no excavation, right? The same level, right? Jowdy asked about the height of the bushes, the fence. Krate said you want to take that one down. Hanna asked are you taking the fence down or just the bushes? Jowdy asked how long has the fence and bushes been there? A long time, Vasquez said. Hanna said to him put in a stone wall with a fence on the top. Vasquez and Jowdy discussed the neighbor and his son. Vasquez said the older man is a beautiful person. Jowdy said okay, that's very good. Dufel asked about the property level, flat (topography). Vasquez replied it's pretty flat. Dufel said is this just a demarcation line? Krate said it's just a three-foot fence. Krate said okay; I have no questions. Jowdy asked is there anyone who wishes to speak for or in opposition to this proposal? Krate made a motion to close this Public Hearing. Hanna seconded the motion. The motion carried unanimously. Jowdy reintroduced this item later in the voting session. He is building a wall on his property line, replacing a fence and some bushes. He didn't understand it; he started the wall already. Krate made a motion to **approve** the request to reduce the bottom edge of excavation or fill from a minimum 5 feet to 0 ft. from property

line to allow outside face of stone wall fence to be constructed along property line per plan submitted. Hanna seconded the motion. The motion carried unanimously at 7:29 pm.

# **11-17** – The Hatcher Family Limited Partnership, 21 Cedar Drive (K04145), Sec.4.A.3., to reduce minimum front yard setback from 30 ft. to 24 ft.; to increase maximum allowed building coverage from 20% to 21.4% for residential rebuild (RA-20 Zone). Jowdy introduced this variance application at 7:11 pm as Michael Mazzucco, PE, took the microphone, and Mr. Hatcher moved forward. Mazzucco identified himself and told the history of the previous application (#11-02), which was partially approved; the lot coverage portion of the variance request was denied. The owner since that time has looked at reducing the house and taking into consideration some of the comments of the neighbors. One of the concerns of the neighbor to the south was the view. To pull the house forward, the neighbor is not losing that much view of the lake. One of the things mentioned at the February hearing, that lot size was not a factor for hardship is coverage, and Mazzucco explained why the coverage in different residential lots may be a hardship in the RA-20 Zone. Krate said it's a pre-existing nonconforming lot. Mazzucco said exactly. Candlewood Lake Authority has not yet been approached on this. Mazzucco added we have to go to EIC still. Krate said so you scaled it down. Mazzucco said we did reduce the coverage. Dufel said a question: you're adjusting the 440 line; it's moving toward the Lake. How do you accomplish that? You're filling on First Light property. You're filling to the septic and you're bumping it down. Mazzucco said the property line established, there could be a slight difference in the aerial topography and the mapping. Dufel said it looks like you're doing something on First Light's property. Mazzucco said the 440 line has changed over time. Dufel asked so does this go to First Light? The Candlewood Lake Authority reviews the environmental, Mazzucco said, and First Light gets notified. The property line by survey and deed is this line. Jowdy asked is there anyone who wishes to speak for or in opposition to this proposal? Two hands went up in the audience. William McCarthy at 23 Cedar Drive came to the microphone. I spoke in opposition at the first hearing. Mike Hatcher and I got together, and I'd like to speak in favor of you allowing them to reduce that; that will help our situation that we had many concerns about at the first hearing. John Sylvester, abutting neighbor to the north side, at 19 Cedar Drive, took the mic, saying I want to reiterate that my wife and I have no objections to the plans; no problems at all with the structure, and we hope you will approve it. Krate made a motion to close the Public Hearing. Hanna seconded the motion. The motion carried unanimously. In the voting session later, Jowdy introduced this item. It is being rebuilt, and he explained what he wanted to do; and there are no objections from both neighbors. Krate made a motion to **approve** the request to reduce the minimum front yard setback from 30 ft. to 24 ft.; to increase the maximum allowed building coverage from 20% to 21.4% for a residential rebuild, per plan submitted. Sibbitt seconded the motion. The motion carried unanimously.

# **11-18** – Matthew Bottali, 66 Starrs Plain Road (H25010), Sec.4.A.3., to reduce the minimum side yard setback from 40 feet to 12 feet 7 inches for a single-family residential replacement dwelling (RA-80 Zone). Jowdy introduced this petition at 7:22 pm. Matthew Bottali signed in and identified himself as the homeowner. We purchased this a few years ago as a fixer-upper, and there is no way to start to family in this layout. I believe the size of the property was divided off, Bottali said. The lot is very narrow and deep. Krate said the addition does not affect the setback. We will reuse three sides of the foundation, Bottali said. Jowdy asked the distance from the road. Bottali said it's about 80 feet from the road. Jowdy asked is there anyone who wishes to speak for or in opposition to this proposal? There are two letters in favor in your file. Krate made a motion to close the Public Hearing. Sibbitt seconded the motion. The motion carried unanimously. Jowdy introduced this petition again later in the voting session. Krate made a motion to **approve** the request to reduce the minimum side yard setback from 40 feet to 12 feet 7 inches for a single-family residential replacement dwelling in the RA-80 Zone per plan submitted. Sibbitt and Hanna seconded the motion. The motion carried unanimously at 7:31 pm.

**# 11-19** – Russell S. Neumann, 5 Shady Knolls (J04016, J04017), Sec.4.A.3., to increase the maximum allowed building coverage from 20% to 32.4%; Sec. 3.G.3.a., to allow detached accessory use in a front yard setback, from 30 feet to 5 ft.; Sec.3.G.3.b., to increase the maximum height of a detached accessory structure from 15 feet to 21.3 feet (RA-20 Zone). Jowdy introduced this request. Krate said we will have to have you **withdraw** this as the application came in differing from the map; as it does not resemble what we are talking about (application requested 32.4% coverage; Fowler map stated 33.3% proposed coverage). The Zoning Enforcement Officer will explain to you, Krate said. He's already done that, Neumann said. Neumann came forward. If it were less, we would not have to re-advertise it, Krate said. Fowler and Neumann said we understand. Jowdy said we are going to withdraw. Secretary Lee said I need a new application; go back to the Zoning Enforcement Officer, and come back in like it never happened. Application **WITHDRAWN**.

ACCEPTANCE OF MINUTES: The ZBA Commissioners decided to wait to approve the minutes from the 5/12/11 meeting until the next meeting.

ADJOURNMENT: Motion to adjourn by Krate. Second by Sibbitt. Motion carried unanimously at 7:32 pm.

NOTE: THE NEXT REGULAR MEETING IS SCHEDULED FOR June 23, 2011, at 7 pm.