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ZONING BOARD OF APPEALS
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DRAFT MINUTES – REGULAR MEETING
March 8, 2012
COMMON COUNCIL CHAMBERS
7:00 PM

ROLL CALL: Present were Chairman Richard S. Jowdy, Joseph C. Hanna, Rodney Moore, Alt. Rick Roos. We are opening up with a four man board, and Jowdy explained that applicants have the right to withdraw and wait for a five-man board. Motion to hear tonight's petitions by Hanna. Second by Rick Roos. Motion carried unanimously. Absent were Herb Krate, Michael Sibbitt. Chairman Jowdy called the meeting to order at 7:04 pm. Jowdy explained the procedures for people in the audience in favor or in opposition to a petition.

NEW BUSINESS:

12-12 - Union Savings Bank (Yush Sign), 116 Main Street (I14134), Sec.8.E.4.a.(7).(b)., to allow east & west signs to be located 25 ft. 9 in. above ground level increased from 20 feet (C-CBD Zone). Chairman Jowdy introduced this petition at 7:05 pm. My name is Herb Glick, president of Yush Sign, representing the bank here tonight. I am trying to implement the signs on the new bank that is under construction right now. Sean indicated that I need a variance when I was going for the sign permit. Two of the signs that are on the building are above the height restriction of the central business district zone, and he explained it's only 20 feet in the C-CBD zone. I have some handouts that I think will be helpful, which Glick distributed. Glick described the pages in his packet, the relevant drawings, the resolution, the Main Street redevelopment project, where the signs are located on the building, the east elevation, 4th page in, west elevation on the 5th page in. Jowdy asked a question about the two different entrances; it's a corner lot. Glick said these are the drawings that were originally submitted. The last is a rendering of the building. Glick described the vestibule preventing moving the sign down. That's why I'm here. The vestibule is already constructed, and we'd have to demolish it and redesign the building. Jowdy asked about the side sign on Boughton, and Glick described each side of the building. Hanna, Jowdy and Glick described the sign height; only 16' feet. Jowdy said that sign was put there because of the configuration of the building. I'm just trying to put it together, Jowdy said. Moore said the west side. Roos clarified the views of the building to Mr. Jowdy. This front one on the north, on Boughton is fine, Roos said. The hardship is the vestibule is in the way; there is a tree in the way. The bank is planting new trees on Main Street. Moore asked about the west elevation; what's the hardship there. Glick said the hardship there is two things. The signs on the west side are supposed to match in height and look. There are provisions on the west side; there's a raised frame on the west side that creates a niche for the sign. If we were not to use it, they would have to redesign that fascia there. Hanna said you can move the sign; you are making a new building. Roos said you're creating your own hardship. Is the vestibule already done, Roos asked? Roos reiterated Glick's contentions. That I understand, Roos said to Glick. The west elevation; you are

creating the hardship that you want relief from, Roos said. Glick said the building is designed; I'm just the sign guy. The plan submitted back in 2011 had the signs on them. Now the builder says, OK, Herb, now make the signs, Glick said. Jowdy and Glick and Hanna discussed at the dais lowering the one sign; you don't have to put it up so high. Hanna said the tree is not a hardship. Jowdy said to Glick they gave you a tough job; and Jowdy discussed the ZBA's mission. Glick said this tree does not exist. It's the vestibule. Jowdy and Glick discussed the appearance of the new building. There's no hardship because the tree that blocks that sign is not there. Glick said, "Yet". Moore said the vestibule is there? Glick said yes. Jowdy commented on how the signs could be mounted. Glick said at 225 Main Street that we have a variance for, there are windows here, and windows here. Jowdy said you then had a hardship. Glick said the hardship is that the vestibule is there; it's not in the design. Jowdy said it can go there with no variances. Glick said you need access to that triangle; you have to be able to get behind it. We know what other people have had to do. Jowdy described the vicinity, the church across the street, and the need to find a real hardship; nothing against the sign. Jowdy asked are there any other questions? Is there anyone who wishes to speak for or in opposition to this proposal? Glick said thank you at 7:25 pm. Roos made a motion to close the public hearing. Hanna seconded the motion. Motion carried unanimously.

In the voting session at 8 pm, Jowdy summarized the requests, saying open for discussion and / or vote. Hearty said they did not get a sign permit till later, but when it came through my office, I picked up that it needed variances; it went all through Planning as these plans. Moore said I fail to find a hardship here. I motion to **deny** allowing east & west signs to be located 25 feet 9 inches above ground level increased from 20 feet in the C-CBD Zone. Jowdy said, if by denying this thing, are we going to cause a hardship, and his opinion of how it would look if the variance were approved. Roos and Moore and Jowdy discussed the signs going on those faces at that size. Roos seconded the motion to deny. Motion carried unanimously. No hardship was shown. The bank is a great asset to the town, but rules are there to be followed, Roos said.

12-13 - Tag I, LLC, Norman Buzaid, 138 Deer Hill Avenue (I15118), Sec.4.A.3.a., to reduce min. required lot width for 3-family dwelling from 100 ft. to 81 ft.; Sec.8.A.2.c.4., to reduce bottom edge of excavation or fill from 5 ft. to property line to 1 ft. from property line (RH-3 Zone). Chairman Jowdy introduced this item at 7:26 pm. Atty. Jaber, Michael Mazzucco, PE, and Norman Buzaid came forward. Jaber signed in and identified himself. The applicant and owner is Tag I, LLC, and the principal is here, Norman Buzaid, and Michael Mazzucco is also here. Jaber put the plan on the easel prepared by Surveying Associates, PC, Zoning Location Survey. Jaber described the vicinity, the neighboring condos and law offices; it's a Victorian property with a large porch in the front, and Jaber stated the dimensions. The Talarico property is now owned by Fiorita. And Deer Hill Arms goes all the way back to Williams Street; probably 75 to 100 units, Jaber said. It's the RH-3 Zone, residential high rise, and Jaber stated the permitted uses there, with offices allowed there as a special exception. Jaber stated the sections he's asking to vary: lot width being the first. Buzaid would like to construct six apartments in two buildings, the existing building and one additional building; three in each building. In addition, there's a request to perform excavation within one foot of the property line. Jaber gave the history of the property. It's vacant right now. The existing front house will be a three-family house. The property slopes from front to rear. The second building would be built behind that barn; that barn would be torn down. Deer Hill Avenue is one of the City's premier streets, and Jaber elaborated on its merits. The hardship, there are three reasons: the lot configuration, narrow and deep, typical of many lots on Deer Hill Avenue. Secondly the regulations don't deal with preservation and rehabilitating a historical home. Jaber continued, thirdly, the main one, the lot width; that was put into effect let's say five years ago, and the reason was to limit someone building three-family homes on a lot whose appearance would be

objectionable. Jaber described the rehabilitation of the existing building; all parking will be behind the building. Jaber described the alternative discussed with the Planning Department. If he was to build three two-family dwellings, which is permitted, we would prefer not to do that, and Planning Department would prefer we don't do that, Jaber said. They've owned it for 60 years now, and we think it would be beneficial to do what we are proposing. Jaber described the old buildings; the old Dr. Sunderland's office, completely rehabilitated, my building was completely rehabilitated, Fiorita's building completely rehabilitated. So it really would, in our judgment, be beneficial to allow this to remain with its porches, and one other added building. Mazzucco will next speak. Mazzucco began, I've been working on this since 2008 actually, and Mazzucco described the properties Buzaid owns, and the steep grade, and the long and narrow configuration of the lot. We went back and forth a number of times, and one of the last proposals that we looked at was this proposal. We came up with this plan, Mazzucco said, and the City was really in favor of keeping the character of the house and the neighborhood. Mazzucco described the lot and what is proposed. We do have some grading, and it is such a narrow lot; so we have some grading that must be done. Jowdy said you are across the street from City Hall, and described the neighborhood and the parking. Moore said I'm all for preserving an existing dwelling; but how is it a hardship to put in a two-family? Jaber said to do that he would have to take down the front house, and Jaber explained the reason that the excavation/ fill rule was put in the regulations for a different scenario. There would be no violation, so to speak, of the purpose of the regulation, Jaber said. Jowdy and Mazzucco discussed the long and narrow lot and the hardship. Roos made references to speaking to people from the City, and asked Hearty if that was precise. Hearty agreed they had. Moore made a motion to close the public hearing. Rick Roos and Hanna seconded. The motion carried unanimously at 7:45 pm. In the voting session at 8:04 pm, Jowdy re-introduced this item and the hardship of the exact interpretation of the zoning regulations. Roos said I'd like to say, personally, I'd like to ask these people to go back and hear this before a five man board. I'm worried about the integrity of Deer Hill Avenue. Moore said maybe you're saying what I'm thinking: I feel like we are somehow being held hostages, regarding the alternative. I am not sure it rises to the level of not granting it, so I'm on the fence, Moore said. Jowdy discussed that the zoning code itself sometimes creates the hardship; just one man's opinion. Hanna made a motion to **approve** Norman Buzaid, to reduce the minimum required lot width for a 3-family dwelling from 100 ft. to 81 feet; to reduce the bottom edge of excavation or fill from 5 feet to the property line to 1 foot from the property line to keep the old house architectural integrity and that of Deer Hill Avenue, per plans submitted. It is much better than putting up three two-family dwellings. Rick Roos seconded the motion. Motion carried unanimously.

12-14 - Marcie E. Gemza, 4 Spruce Mountain Trail (G20003), Sec.4.A.3., to reduce minimum side yard setback from 30 ft. to 6.0 ft. for detached accessory building (RA-80 Zone). The Chairman introduced this issue at 7:45 pm. Marcie Gemza signed in. Hearty said you're good to go. Gemza identified herself, her Dad Attorney Theodore Gemza, and her partner Bill. She described the variances and the vicinity for the proposed barn. I would like a second floor on the barn. I have a very tiny home, hence the need for storage, Gemza said. The hardship is the terrain; it's a rock on top of Spruce Mountain. Hearty said the advertisement was incomplete, and it has to be **re-advertised**. Secretary Lee apologized. The Gemza's left at 7:49 pm. **Continued**; she can come before us at the next meeting.

12-15 - Woodbranch Partners, Ltd., East Pembroke Road (H06002), Sec.4.A.4.d.(1); Sec.3.H.3.b., for relief from requirement of measurement to be taken at front yard line; Sec.9.B.1.a., for relief to allow private recreational area as of right (RA-80 Zone). Chairman Jowdy introduced this petition at 7:49 pm and Paul Jaber, Attorney, came back to the

microphone. Jaber reidentified himself and the principal, Mr. Jed Manocherian, and it is located on the lot. He handed out a vicinity sketch. It's located directly behind the Federal prison on the water. The cross-hatched parcel is the property in question. We have attached to the application a colored drawing; it shows the Federal prison, the Lake, and the three other properties. There's no access to any road; it's an RA-80 Zone. Jaber described what the property owner wants to do, for recreational purposes only, which is permitted. The issue here is the required lot width of 50 feet. The lot width is a minimum of 500 feet at its narrowest point, Jaber said. Manocherian's family built Poet's Landing, and he owns a unit there and a dock there, and he will take his family to this picnic and hiking area. The EIC has approved this application (see EIC **902**). FirstLight issued a consent letter, and it went to the Candlewood Lake Authority as well. It's a large stone picnic area, and he'll probably put some hiking trails in there, and a dock, which is what FirstLight consents to. Jaber explained where the zoning regulations apply; a recreation park is a permitted use in the zone. It's very unique, in that the person would not be able to use his property for anything. There is no street line here, so there's no way to measure lot width; we don't comply in the City's opinion with the definition of lot width on a street, Jaber said. Jowdy asked about no way to get to it. It could be taxed as an approved lot, Jaber said. Hanna asked about restrooms possibly for a large picnic population. There are several islands on the lake that are used for picnics. It did not look like it had a restroom, Jaber said. Hearty said I don't think your approval is required for that. There are a lot of islands, and they don't have restrooms, Jaber said. It's a permitted use that he is seeking. Is there anyone who wishes to speak for or in opposition to this proposal, Jowdy asked. Motion to close the Public Hearing by Rick Roos. Hanna seconded the motion. Motion carried unanimously at 8 pm. Jowdy reviewed the petition at 8:09 pm in the voting session, saying there is no road frontage, and use of the parcel is recreational activities. Rick Roos said, with all due respect for the City, I think the City is at a point that it is difficult to prove that there is enough space there. Based on that, because of that, and approved by a couple of other commissions that have given their blessing, Rick Roos said I would be inclined to approve it, since there are no roads up there. Moore said there's no road; there's no frontage. Rick Roos made a motion to **approve** for the relief from the requirement of measurement to be taken at front yard line; and for relief to allow a private recreational area as of right. There is no way to accurately measure frontage as it is landlocked, so that's why I am making my motion, per plans submitted, Roos said. Hanna seconded the motion. Motion carried unanimously at 8:13 pm.

ACCEPTANCE OF MINUTES: The January 12, 2012, and February 23, 2012, minutes could not be voted on. Rick Roos said nobody's been here, and he explained.

ADJOURNMENT: Motion to adjourn by Rick Roos. Second by Joe Hanna. Motion carried unanimously at 8:14 pm.

NOTE: THE NEXT REGULAR MEETING IS SCHEDULED FOR **APRIL 12, 2012**.