



CITY OF DANBURY
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DANBURY, CONNECTICUT 06810

ZONING BOARD OF APPEALS
(203) 797-4525
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DRAFT MINUTES – REGULAR MEETING
August 23, 2012
City Council Chambers
7:00 PM

ROLL CALL:

Present were Acting Chairman Herb Krate, Michael Sibbitt, Joseph C. Hanna, Rodney Moore. Absent were Chairman Richard Jowdy, Alt. Rick Roos. Staff present were Sean P. Hearty, Zoning Enforcement Officer, Secretary Patricia Lee. Acting Chairman Herbert Krate opened the meeting at 7:04 pm. Krate read the legal notice into the record. Motion to hear the listed applications by Moore. Second by Hanna. Motion carried unanimously. Krate explained the issue of a four-man board and the need for a unanimous positive vote to carry a decision. Krate offered the applicants the right to postpone to the next meeting with no takers.

CONTINUATION OF PUBLIC HEARINGS:

12-22 – WITHDRAWN: Neil R. Marcus, Esq., 114 Triangle Street (K14119, K14120, J14268), Sec.4.B.2.; Sec.11.B.2.(b)., to grant a use variance to allow “metal recycling and scrap yard” in an MooreF-4 Zoning District.

NEW BUSINESS:

12-26 – Richard Rizzo, Agent, 100 Federal Road (K10045), Sec.8.E.3.a.(3)., to allow two free-standing signs within 300 feet of one another on one lot (CG-20 Zone). Krate introduced this petition at 7:05 pm, and Richard Rizzo took the mic. Rizzo introduced himself and gave his address. Before we start I'd like to give the board some exhibits, Rizzo said. Krate said we have that already. Basically, Rizzo said, what we are asking the board to consider is to take an existing sign and the footing, and relocate that sign. Now the signs are 40 feet apart, Kia and Chrysler. We want to relocate that towards the Hyundai location. We are reducing the nonconformity of the sign. Talking about the hardship, it's relatively crowded in there, and the third sheet shows the footing and foundation of the old sign. In addition to that the property is at an incline there, and the location of the new site, you'll see that it's flatter and wider and will enable the sign folks to dig there. They can clear that out rather quickly. The advantages to the City are that we are reducing the nonconformity, and the spacing of the signs. Krate said I think everyone here is familiar with it. Any questions, Krate asked. Rizzo said it is 50 square feet, 20 feet high, within the regulations. Krate asked is there anyone who is in favor or opposition to this application. Krate clarified the procedures for the variance presentation and opposition to the audience. Motion to close the public hearing by Moore. Second by Hanna. Motion carried unanimously to close. Later in the meeting, motion to open up the voting session by Moore. Hanna seconded the motion. Motion carried unanimously. Krate asked, in the voting session, are there questions, discussion and / or a motion? Moore made a motion to

approve to allow 2 free-standing signs within 300 ft. of one another on one lot in the CG-20 zone. The existing two signs are 40 feet apart; this will clear up confusion, and create a better line of sight, per plan submitted. Hanna seconded the motion. Motion carried unanimously.

12-28 – Thomas Edwards, 14 Concord Road (G15209), Sec.4.A.3., to reduce side yard setback from 6 ft. to 3 ft.; Sec.3.G.3.c., to increase total ground floor area of detached accessory building from 430 sq.ft. (50%) to 572 sq.ft. (67%) for replacement garage (RA-8 Zone). Herb Krate introduced this application at 7:12 pm, and Thomas Edwards took the mic, identified himself, and signed in. I'm looking to re-do my garage, Edwards said. The foundation is crumbling, and he described how tight the area is, and his inability to sell the house due to the small garage. Krate asked you are bringing it basically into conformity? No questions, Krate asked? Is there anyone wishing to speak for or in opposition to this request, Krate asked. Motion to close the public hearing by Hanna. Second by Moore & Sibbitt. Motion carried unanimously. In the voting session, Krate reintroduced this item. Hanna made a motion to **approve** Sec.4.A.3., to reduce the side yard setback from 6 ft. to 3 ft.; Sec.3.G.3.c., to increase total ground floor area of detached accessory building from 430 sq.ft. (50%) to 572 sq.ft. (67%) for a replacement garage per plan submitted. Second by Sibbitt. Motion carried unanimously at 7:29 pm.

12-30 – Adams & Ruxton Construction Co., 67 Newtown Road (L12032), Sec.5.A.3., to reduce minimum front yard setback from 25 ft. to 14 ft. for drive-thru canopy (CG-20 Zone). Acting Chairman Krate introduced this item at 7:14 pm. This is the Bank of America building. Tim Ponton spoke on behalf of the applicant. Because of the general nature of the board, if the board could bring any concerns to our attention prior to this presentation; Stonefield Engineering and Design, for 67 Newtown Road. They are moving away from the drive-up teller windows and moving towards drive-up ATMs. We have done a lot of studies. It's what we've determined in national studies, Ponton said. We want the overhang to cover the patron's arm and their vehicle. We are upgrading the lighting for certain ATM safety requirements. That's the proposal. Ponton said I will answer any questions. Transaction times at an ATM are 2 minutes faster than the drive-thru. Krate asked Ponton, they are really going away from drive up tellers? They are kind switching out the drive-up to ATMs. There were no questions. Krate asked is there anyone who wishes to speak for or in opposition to this variance request? Motion to close this public hearing by Hanna. Second by Sibbitt. Motion carried unanimously. Acting Chairman Krate re-opened this petition during the voting session. Motion to **approve** to reduce minimum front yard setback from 25 ft. to 14 ft. for drive-thru canopy per plan submitted by Moore. They will provide better lighting for ATM safety. Moore added there are no issues with the welfare, health and safety of the community. Second by Sibbitt. Motion carried unanimously.

12-31 – Kathy Ann Gobin, 97 Boulevard Drive (D16012), Sec. 4.A.3., to reduce front yard setback from 40 ft. to 19.3 feet to legalize residential additions (RA-40 Zone). Krate introduced this variance and Kathy Ann Gobin took the mic, signed in, and introduced herself and her address. I'd like to give you some photographs of the property; five of them. An addition was made to the front of the house. It is a long, nonconforming and steep lot, and my hired guy was not up to par. I fired the contractor; I employed my dad, Gobin said. Dad's very handy. It is a 100 year old house. What was added, Krate asked? I have a photograph, Gobin said. Moore asked about the distance, and Kathy Ann Gobin explained the previous variance granted on September 25, 2003 (#03-83). On your third page, you can see the awning that comes up to the back of the garage. Tim Williams from New England Home Construction. Any questions, Krate asked? The project is not even completed, she said. It's a 100 year old house, and Hanna said it's a sloped property. is

there anyone who wishes to speak for or in opposition to this variance request, Krate asked? Motion to close the public hearing by Sibbitt. Second by Hanna. Motion carried unanimously. Later in the voting session, Hanna motioned to **approve** to reduce the front yard setback from 40 ft. to 19.3 feet to legalize residential additions. Second by Sibbitt. Hanna said the contactor goofed up; this is per plan submitted. Motion carried unanimously.

12-32 – Patricia Bragdon, 7 Cedar Drive (J04112), Sec. 4.A.3., to reduce side yard setback from 15 ft. to 3.1 feet for attached garage (RA-20 Zone). Krate introduced this petition and Patricia Bragdon's son, Patrick Bragdon, came forward, signed in and introduced himself. I am the son of the name on the docket. I want to build a one-car attached garage on the property. My mother is my neighbor on that side as well. Any questions, Krate asked. Moore said I'm just thumbing through; this is a pre-existing nonconforming lot size. Hanna asked why that side? Bragdon said I'm trying to connect to the mud room. I just pulled up a patio; that's where we'd like it to go. Is there anyone wishing to speak for or in opposition to this request, Krate asked. George Carris at 9 Cedar Drive signed in saying and I am in favor of this application; it's a great property improvement. Krate asked is there anyone who wishes to speak for or in opposition to this proposal? Moore made a motion to close this public hearing. Hanna seconded the motion. Motion carried unanimously. Krate re-introduced this item at 7:26 pm in the voting session. Note that there was no opposition, Krate said. Moore made a motion to **approve** to reduce side yard setback from 15 ft. to 3.1 feet for an attached garage. The hardship is the small non-conforming lot. There are no objections from the neighbor on that side, and this is per plan submitted, Moore said. Hanna seconded the motion. Motion carried unanimously.

ADJOURNMENT: Motion to adjourn by Sibbitt. Second by Hanna. Motion carried unanimously at 7:34 pm.

NOTE: THE NEXT REGULAR MEETING IS SCHEDULED FOR **September 13, 2012**.