



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

ZONING BOARD OF APPEALS  
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DRAFT MINUTES – REGULAR MEETING  
**October 25, 2012**  
CONFERENCE ROOM 3C  
**7:00 PM**

RECEIVED FOR RECORD  
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BY: *UK*

Present were Chairman Richard S. Jowdy, Herb Krate, Rodney Moore, Joseph C. Hanna  
Absent were Michael Sibbitt, Alt. Rick Roos.

Staff present were Sean P. Hearty, Zoning Enforcement Officer, Patricia Lee, Secretary.  
Chairman Jowdy introduced the applications before the commission tonight. Krate motioned to hear the items on tonight's agenda. Hanna seconded the motion. Motion carried unanimously. Jowdy explained a four-person board and offered the applicants the opportunity to wait till the next meeting. No one did.

CONTINUATIONS OF PUBLIC HEARINGS:

**#12-33** – REVISED APPLICATION: Peter DeLucia, 59 West Wooster St. & 1-3 Division St. (H15345 & H15346), Secs.5.E.3., 5.H.2. & 8.A.2.c.(4), reduce minimum side yard from 20 ft. to 1.6 feet for roof overhang; and minimum front yard on West Wooster St from 20 ft. to 17 ft. to allow off-street parking in required front yard for one parking space, and to reduce bottom edge of excavation from 5 feet to 1 foot to property line for proposed parking lot. (RMF-4 & CN-5 Zones) Jowdy introduced this application as Attorney Peter Buzaid came forward saying we have altered our plan as the neighbors requested at the last meeting. They are not here tonight, but they were at the last meeting. This is to provide off-street parking. There is absolutely no off-street parking in this neighborhood. We tried to accommodate the neighbors who objected losing the hedge and the lawn, Buzaid continued. Jowdy and Buzaid and Krate discussed the new plan. Krate asked would Mr. DeLucia have a problem with another tree or two. DeLucia said no problem; I probably could not plant them till the spring. Krate said you can't be legal until you plant them. Jowdy reiterated four trees. Moore reviewed the original parking spaces proposed. Krate said that area needs off-street parking. It looks like they accommodated what we previously asked. Jowdy asked is there anyone who wishes to speak for or in opposition to this variance request. The commissioners voted to close this public hearing. In the voting session at 7:35 pm, Jowdy opened this application for a vote. Krate made a motion to **approve #12-33**, Peter DeLucia, 59 West Wooster St. & 1-3 Division St., Secs.5.E.3., 5.H.2. & 8.A.2.c.(4), reduce minimum side yard from 20 ft. to 1.6 feet for roof overhang; and minimum front yard on West Wooster St from 20 ft. to 17 ft. to allow off-street parking in required front yard for one parking space, and to reduce bottom edge of excavation from 5 feet to 1 foot to property line for proposed parking lot, per plan submitted. There is a revised map here, with the addition of two trees so marked by the Chairman. Hearty asked the type of tree the ZBA wants. Hanna and commissioners said evergreen, conifer trees, 2 or 2-1/2-inch caliper; four trees on the south side of the site. Hearty said south side. Hanna seconded the motion. Motion carried unanimously at 7:38 pm.

**# 12-35** – Holiday Inn, Agent: Permit Me Please, 80 Newtown Road (L11029), Sec.8.E.5.a.,

to reduce minimum allowed distance from front lot line for pylon sign from 10 feet to 1.5 ft. (CG-20 Zone). Jowdy introduced this item as Tammy Zinick came forward. Krate, Hearty and Zinick joked about getting information from the DOT. Hearty said Mr. Sibbitt was correct and Tammy Zinick agreed. I was missing a picture, Zinick said. Zinick clarified the old sign placement and admitted she was mistaken at the last meeting. She discussed the 1973 easement. The majority of that sign does fit within that 10-foot easement, but our modern sign is 2.6 feet beyond that. Jowdy asked are there any questions from the board. Jowdy asked is there anyone who wishes to speak for or in opposition to this proposal. Motion to close public hearing by Krate. Second by Hanna. Motion carried unanimously. Jowdy said she's been before us, in the voting session and opened this for discussion. Krate made a motion to **approve** to reduce the minimum allowed distance from front lot line for a pylon sign from 10 feet to 1.5 ft.. Let it be noted that it's per plan submitted and the DOT has approved the site, Krate said. Hanna seconded the motion. Motion carried unanimously at 7:40 pm.

#### NEW BUSINESS:

**# 12-38** – Par Hillcroft, LLC, 10 Clapboard Ridge Road (H12003), Sec.3.G.3.b., to increase max. allowed building height from 15 feet to 28 ft. 6 inches for detached accessory building / clubhouse (RMF-4 Zone). Jowdy introduced this item and read the dimensions. Attorney Thomas Beecher came forward. Krate said you do understand the four-man board? Beecher replied we do. Beecher submitted new letters from Hillcroft residents in favor of the application, and introduced the project engineer and the hierarchy of the Hillcroft membership present here tonight. They will speak in a moment. Beecher said if you look at the site plan you can see the clubhouse is in the center, and it's the only logical place it can go. Unfortunately this location is on a steep slope. You can see the tight topo lines on this same map. I circulated some photos also, which Beecher put on the easel, and he discussed the access to Hillcroft and what one sees as they approach. Jowdy asked how far above is that road; what is the visibility? David Parisier answered Jowdy's and Krate's concerns about visibility. This map shows an undisturbed forest area on the slope. Krate said that's the question: topography. Beecher showed the commissioners an aerial photo of the site layout. This building is considered an accessory use, like a shed, although this is larger than a shed, according to the zoning regulations. Beecher showed the building elevation saying we would almost comply if it were not for that slope. Krate joked about the duration of the board at Hillcroft. Moore asked a question of Beecher, who explained how the height measurement is taken. Hearty said the City has been working with Hillcroft to find a site for this building. Planning and Zoning have not yet approved it, pending ZBA approval, Hearty said. David Parisier, introduced himself, representing Hillcroft, with 192 units, and we have tremendous support from the residents of the community. We are the only property in Danbury of this size that does not have a facility of this nature. It is an important amenity. Two different ownerships before us have contemplated this, Parisier said. Krate complemented the improvements to Hillcroft outside. Parisier said it's on the inside too. It will make it more attractive and more competitive, and add to the quality of the complex. Beecher said there is no issue of welfare, health and safety of the community, and the hardship is obviously the topography. Jowdy asked are there any questions. Jowdy asked is there anyone who wishes to speak for or in opposition to this variance request. Moore made a motion to close the public hearing. Krate seconded the motion. Motion carried unanimously.

In the voting session later, Jowdy introduced this new business and opened it for discussion or vote. Krate made a motion to **approve** to increase maximum allowed building height from 15 feet to 28 ft. 6 inches for a detached accessory building / clubhouse. Do they need

an exception for a clubhouse? Moore asked the size of the clubhouse is not an issue? Hearty replied no, and explained that everything else has been worked out by Planning. The hardship is topography, Krate continued. Hanna seconded the motion. Motion carried unanimously at 7:42 pm.

ACCEPTANCE OF MINUTES: October 11, 2012. We cannot approve the minutes, commissioners agreed.

NOTES: THE NEXT REGULAR MEETING IS SCHEDULED FOR December 13, 2012 at 7 pm.

ADJOURNMENT: Motion to adjourn by Krate. Second by Hanna. Motion carried unanimously 7:44 pm.