



CITY OF DANBURY  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

ZONING BOARD OF APPEALS  
(203) 797-4525  
(203) 797-4586 (FAX)

**DRAFT MINUTES**  
**July 11, 2013**  
CITY COUNCIL CHAMBERS  
7:00 PM

---

ROLL CALL: Present were Chairman Richard Jowdy, Michael Sibbitt, Herb Krate, Joseph Hanna, Alt. Anthony Rebeiro, Alt. Vincent DiGilio. Absent were Rodney S. Moore, Alt. Rick Roos.

Staff present were Zoning Enforcement Officer Sean P. Hearty, Secretary Patricia Lee. Jowdy called the meeting to order at 7 pm. Krate made a motion to hear tonight's items. Hanna seconded the motion. Motion carried unanimously. Jowdy reminded the chairmen to use their microphones, and he explained the procedure for public hearing to the audience.

THE NEXT REGULAR MEETING IS SCHEDULED FOR AUGUST 8, 2013.

CONTINUATION OF PUBLIC HEARINGS:

**#13-22** – CONTINUED to 7/11/13: John & Leslie Shain, 4 Pocono Point Road (K02011), Sec.4.A.3., reduce min. side yard setback from 15 ft. to 5 ft. for residential deck (RA-20 Zone). Krate explained that #13-22 and #13-24 are four-man boards. Jowdy explained that a four man board requires a unanimous vote. We'll do the continuations after, Jowdy said. Hearty said let's get them over with. Jowdy said OK. Ms. Leslie Shain came forward and signed in. Krate asked why was this continued, and Hearty explained that the previous map was not done by a surveyor and now they are back with a proper A-2 survey. Shain said I have nothing to add. Jowdy said the petitioner is back with a certified map. Any questions, Jowdy asked? Is there anyone who wishes to speak for or in opposition to this variance request? Motion to close the public hearing by Krate. Hanna seconded the motion. Motion carried unanimously. In the later voting session, this is open for discussion and or vote, Jowdy said. DiGilio made a motion to **approve #13-22**, to reduce the minimum side yard setback from 15 ft. to 5 ft. for a residential deck, per plan submitted. Hanna seconded the motion. Motion carried unanimously at 7:50 pm. That was my first motion, DiGilio said.

**#13-24** – CONTINUED to 7/11/13: Thomas J. Mascola, 15 Deepwood Drive (M09067), Sec.4.A.3., to reduce side yard setback from 15 ft. to 14 ft.; and front yard setback from 30 ft. to 27 ft. for deck (RA-20 Zone). Jowdy introduced this item and Tom Mascola came forward and signed in. Hearty brought the commissioners up to speed on the plan that was submitted; we met with a building official and myself and discussed the structure with the applicant, since the roof is going to be called a canopy. We discussed the drainage issues and the gutter design. They look good. The plans are sound in a preliminary presentation. Our recommendation was for revised plans, Hearty said. Mascola said I did copies of the drawings if anyone wants to see them, and he distributed them. Krate said I have read the

meeting minutes so I can sit on it. Jowdy asked is there anyone who wishes to speak for or in opposition to this variance request? Motion to close the public hearing by Krate. Second by Rebeiro. Motion carried unanimously. In the voting session, the variance would be, to amend the distances for canopy structure, and Hanna made a motion to **approve** this and read the revised request into the record: to reduce side yard setback from 15 ft. to **13** ft.; and front yard setback from 30 ft. to **26** ft. for a deck. DiGilio seconded the motion. Motion carried unanimously at 7:53 pm.

#### NEW BUSINESS:

**#13-25** – Eileen C. Michael, 78 Stadley Rough Rd. (K06002), Sec.4.A.3., to reduce min. side yard setback from 25 ft. to 11.5 ft. for a 2-story residential addition (RA-40 Zone). Jowdy introduced this item, and Michael Mazzucco, PE, took the mic and signed in and identified himself. Mazzucco described the vicinity; a very narrow and long lot, and that is part of the hardship for the Michael's who want to put a small addition on. They bought the house in 1977, so the only logical place for that is the south side, and Mazzucco discussed the odd shape of the lot making the site reasonable. We did soil testing. It's two bedrooms now, and there's a room upstairs that is like a half of a room, so they will put their master bedroom downstairs. Krate asked about the square footage and Mazzucco replied. Krate joked it's an ideal lot for a fast food operation. Hanna said you show 11-1/2 feet for the addition. Mazzucco replied that takes into the account the overhang. There's allowance for a gutter; I think it's about a foot. Hanna said you are asking; okay, sorry. No more questions. Jowdy asked is there anyone who wishes to speak for or in opposition to this variance request? There were none. Krate made a motion to close this public hearing. Sibbitt seconded the motion. Motion carried unanimously. In the voting session later, Jowdy reviewed the petition. Hanna made a motion to **approve** the variance to reduce the minimum side yard setback from 25 ft. to 11.5 ft. for a two-story residential addition, per plan submitted. Rebeiro seconded the motion. Motion carried unanimously.

**#13-26** – Zachary Rapp, Agent (Merullo), 5 Circle Drive, Aqua Vista (I05087), Sec. 4.A.3., to reduce min. front yard setback from 30 ft. to 1.9 ft. for proposed roof overhang; Sec.8.A.2.c.(4), to reduce min. bottom edge of excavation from 5 ft. to 0.0 ft. to property line for residential expansion (RA-20 Zone). Jowdy introduced this petition and Zach Rapp came forward and signed in at 7:12 pm. Zach Rapp explained the proposal for a vertical expansion. We will not go further than the existing wood deck, Rapp said at the easel. This is the proposed front of the house. Jowdy said you are asking for a zero side line. Rapp said that's for excavation. Krate said, anyway, to pare it back so you're not so close to the road line. Rapp said that's due to the overhang of the covered porch. It still makes you about 2 feet off the road. Krate continued they could bring that road to the property line if they chose to. Krate asked to see that elevation; that's the covered porch? Krate said okay. Rapp said I do have some photos. The architect changed the plan after we submitted. It will be squared off, yes, Rapp said. Your physical structure is no longer a square. Rapp and Krate discussed what you are showing; then this map is no longer accurate, Krate said. You're changing the configuration of the house. Rapp said can we continue it? Krate said we cannot act on this given on what you've submitted. Jowdy said any approval will be per plan submitted. Rapp said the setbacks do not change. Sibbitt asked a question about the front of the house. Rapp said I can't answer that since the architect changed my plan. We are still coming out that distance. Krate said since it's no longer a straight shot, you might want to think about a smaller proposal. Rebeiro, Hearty and Jowdy discussed the overhang, and encroaching further; the corner; the 3.5 feet, the roof overhang. Krate made a motion to **continue** this. Sibbitt seconded the motion. Motion carried unanimously at 7:23 pm.

**#13-27** – Paul A. Hiro, Agent (Rodrigues), 5A Golden Hill Rd. (H12265), Sec.8.C.1.c., to allow parking in front yard (RA-20 Zone). Paul Hiro, LLS, signed in and identified himself and I have a handout, a copy of the map that was approved in 2006, built by Habitat for

Humanity. The present owners moved in in February 2006. It shows a 1 or 1 and a half car driveway. Over the years, the driveway has gotten wider; if someone comes over. The back goes steeply downhill, the main reason is the safety coming out onto busy Golden Hill Road. Their son is 16 and begin driver, so they are thinking of his safety. They just want to improve it for the winter months. Jowdy: I went by there and they had a car on the road, and that's dangerous. It's a busy hill, Jowdy and Hiro agreed. He's trying to really improve the area; right now it's processed gravel. Technically, you are parking in the front yard anyway, Jowdy said. You're extending the thing that was approved. Hiro said it's been used like that for the last 4 or 5 years. Krate: I am 100% against what you're doing. I'd rather see them; they have room on the right hand side. We bend over backwards for Habitat for Humanity as it is; I don't like that since that changes the whole character of the neighborhood. It's the beginning of the neighborhood deterioration. Put a driveway next to the house. Hiro and Krate discussed where they park now. Krate suggested that they fill it in and make it right. This is a huge piece of covered ground. You have enough room as it is. Hanna said you should see the grade, the slope. Krate asked has any other alternative been tried, or is this just coming here because it was the easy way to go? Hiro replied I don't know if they've looked at any alternatives. Krate reiterated that if they are doing this, it is illegal. Hiro said someone called when he was putting processed down. Krate: the original approval was for a single car driveway. Now you are going; you've got a used car lot. The original plan was approved with a small driveway. Krate estimated the size. Jowdy asked Hiro about the grade; the drop-off. Hiro said it drops right off. Hanna said if you fill about 4 or 5 feet, you'd be fine. Jowdy discussed the width, and how many cars you could park within that width. Jowdy agreed, just fill that in. Hiro said I'm just showing what is approved and what is being done. He is trying to make the surface a better surface; he tried to improve it, Hiro said. DiGilio said I have two questions, or comments. He asked about the ability to back out, if you had three cars. Jowdy and Krate and Hiro and Hearty said it's already been ceased. Motion to **continue** this by Krate. Second by Hanna. Motion carried unanimously.

**#13-28** – David & Geraldine Hutchings, 7 Mountain Laurel Lane (F07073), Sec. 4.A.3., reduce rear yard setback for detached accessory use (shed) from 30 ft. to 18 ft. (RA-80 Zone). David & Geraldine Hutchings came forward and signed in, and identified themselves at the microphone. Geri and David said they have been at this residence for 17, going on 18 years. Our property is very hilly; one of those things that go up. Geri said I wanted to do it in order. We had it surveyed; I got his map, so we asked him to come back, and that's when we realized it's actually up in here more. These are our septic fields. It is correct, but it is visually deceiving; we could not tell from this. Hearty said due to the topography. We preferred to do this without getting a variance, Geri said. David said it goes straight up; we have ledge. Geri said so we decided to just to go for the variance. Geri said, so the shed would go right in here, referring to a photograph. We got letters from the neighbors and they are in favor. It's all rock; it's all ledge. DiGilio said Mountain Laurel Lane. Jowdy asked is there any other questions? Do we have to get another permit, Geri asked? Hearty said we can talk about that later. Jowdy asked is there anyone who wishes to speak for or in opposition to this variance request. Krate made a motion to close. Rebeiro seconded the motion. Motion carried unanimously at 7:44 pm. In the voting session, Jowdy said we're going to Hutchings. He reviewed the petition and the disturbance of the 3 large trees. Krate made a motion to **approve #13-28**, to reduce rear yard setback for detached accessory use (shed) from 30 ft. to 18 feet per plan submitted. Sibbitt seconded the motion. Motion carried unanimously.

**#13-29** – Paul Zwahlen, 1 Birchwood Lane (I05024), Sec. 4.A.3., to reduce side yard setback from 15 feet to 12.1 feet for proposed deck. (RA-20 Zone) Paul Zwahlen identified himself at the microphone and signed in. The side yard setback we wish to reduce from 15 to 12 feet, Zwahlen said. We have two front yards, and it's a very small lot. Jowdy asked you are not projecting out further? Krate asked it is an open deck? Krate said you brought it out. Zwahlen explained about the new furniture. Wife, Mrs. Robin Zwahlen, said I bought

the furniture. She came forward and signed in. Hearty said so the hardship is that you bought the furniture? Twelve feet, Jowdy said, that's what you are talking about, and Krate said that's up near the road. It's a small thing you want to do, Jowdy said. Jowdy said is there anyone who wishes to speak for or in opposition to this variance request? Motion to close the public hearing by Krate. Sibbitt seconded. The motion to close carried unanimously. In the voting session at 7:55 pm, Jowdy said it does not project out further; it's a side line variance. Krate said I wonder if that furniture could fit in 11 feet. Jowdy said we have to take that into serious consideration. Hanna made a motion to **approve # 13-29**; to reduce the side yard setback from 15 feet to 12.1 feet for a proposed deck. It is not encroaching further; this is per plan submitted, and this will not interfere with the welfare, health and safety of the community. Rebeiro seconded the motion. Motion carried unanimously at 7:57 pm.

ADJOURNMENT: Motion to adjourn by Krate. Second by Sibbitt and Hanna. Motion carried unanimously at 7:58 pm.

No minutes were approved as they were incomplete from 6/11/13 meeting.