



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING BOARD OF APPEALS
City Council Chambers

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DRAFT MINUTES
January 8, 2015

Chairman Jowdy called the meeting to order at 7:03 pm.

ROLL CALL: Present at 7:03 pm were Richard S. Jowdy, Chairman, Michael Sibbitt, Joseph Hanna, Rodney Moore, Alt. Anthony Rebeiro.

Absent were Herb Krate, Alt. Rick Roos.

Staff present were Sean P. Hearty, Zoning Enforcement Officer, Secretary Patricia Lee.

Jowdy read the legal notice into the record. Moore made a motion to hear tonight's listed applications. Hanna seconded the motion. Motion carried unanimously at 7:04 pm.

CONTINUATION OF PUBLIC HEARING WITHDRAWN:

14-40 – WITHDRAWN: Gem Pat Realty Corp., 36A Padanaram Road (H10132), Sec.5.E.2.a., USE Variance to allow a medical office, specifically a dental office, on the seconded the motion. floor of the premises (CN-20 Zone). Continued from 11/13/14, then **withdrawn**.

NEW BUSINESS:

15-01 – Tag I, LLC – Norman Buzaid, 12 George Street (I15110), Sec.4.B.3.a., to reduce minimum required lot width from 125 ft. to 97.33 ft.; to reduce minimum side yard setback from 20 ft. to 14.2 feet (east side) for garden apartments (RMF-4 Zone).

Attorney Paul Jaber, Michael Mazzucco, PE, and owner Norman Buzaid came forward. Jowdy instructed the audience about the procedures for public hearing. Paul Jaber, Attorney at Law, took the mic saying Happy New Year, and he introduced himself, representing Tag I, LLC, Norman Buzaid, who is here this evening with Michael Mazzucco, the engineer. Jaber described the acreage at 12 George Street in the RMF-4 Zone and described the two variance requests before them tonight. Using the map on the easel, Jaber mentioned 138 Deer Hill Avenue and its variances, which adjoins this lot, but it was ultimately sold to Dr. McKenna. That adjoins this lot, Jaber said. Dr. McKenna will be remodeling his building and putting in some parking, and Jaber gave the distance, and "quite a bit of green space" between. Jaber continued the applicant wishes to build one building with 18 parking spaces; two stories tall; a 2240 square-foot footprint, which under current zoning regulations, this lot would permit 8 units. They could construct four two-family buildings on the lot, and we have a plan that shows that. It's a little hard to see, Jaber said; we have on here three 2-family buildings to show you the excessive density that would create, and Jaber gave the square footage for each of the 6 units; what could be built. We

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obtained wetland approval to build this. Mr. Buzaid feels that one building would make a better design for this area, and allow greater separation from the river, on the west side of the property: Blind Brook; the entire Western boundary. So it's away from the River, with less coverage with respect to the flood plain: a significant benefit. The lot width regulation was adopted within the last 10 years. It would be more in line in the concept of that building, Jaber continued. The lot is pre-existing and the building design conforms more to the intent of the regulation. The proposal has less impact with impervious surface, and is more in conformity with the intent of that lot width regulation, Jaber said. Jowdy asked would they be the same size? Hanna said a lot bigger. Jaber said not a lot bigger. A lot less people, Jaber and Jowdy agreed, and less parking. This is on George Street; it backs up to Deer Hill Avenue, Hanna clarified. It fits better on the lot, Jaber said; the homes are all multi-family homes. Michael Mazzucco, PE, went to the easel and described the neighbors that exist. It's essentially one building on one lot, Jaber continued. This proposal would more conform to the neighborhood than what is permitted. We propose 16 parking spaces, more than required, Jaber explained to Moore. Jowdy said thank you. Michael Mazzucco, PE, signed in 7:16 pm, again going to the map. The lot shape is pretty narrow and long, and in a floodplain; a wetland issue, and Mazzucco explained the building orientation in the floodplain; it was a different design. This makes it a whole lot better to deal with. There are many problems with Blind Brook and flooding; it will all come on the east side, and we'll provide more flood storage. It (flooding) does overtop George Street. Mazzucco continued, as Paul (Jaber) mentioned, the intensity is significantly less. Any questions, Mazzucco asked. Jowdy said good presentation. Jowdy asked is there anyone who wishes to speak for or in opposition to this variance request at 7:20 pm. Motion to close the public hearing by Rebeiro. Sibbitt seconded. Motion carried unanimously.

In the voting session, Jowdy summarized the request. Hanna made a motion to **approve** Buzaid, Sec.4.B.3.a., to reduce minimum required lot width from 125 ft. to 97.33 feet; to reduce minimum side yard setback from 20 ft. to 14.2 feet (east side) for garden apartments in the RMF-4 zone, per plan submitted. It is much more reasonable, Hanna added. Second by Rebeiro. Motion carried unanimously.

15-02 – Laura B. Cahill, 168 Osborne St.(J12191), Sec.5.A.2.a., USE Variance, to allow a residential use in a CG-20 Zone.

Jowdy introduced this item as Attorney Edward Kelleher, from 57 North Street, identified himself and signed in 7:21 pm. Hearty asked Jowdy to read the letter from the Planning Commission into the record, a positive recommendation and the reasons stated (see letter dated 1/8/15 signed by Arnold Finaldi, Jr., Chairman, Planning Commission), the lack of on-site parking for retail use; much less intensity, and less welfare, health and safety impact. Kelleher said thank you, we appreciate the positive recommendation. Laura and Doris Cahill are here, Mrs. Cahill's daughters. The site is Cahill's Liquor Store, on the edge of the CG-20 Zone. Kelleher continued it's a small lot with a 3000 sq.ft. building: a liquor store for years. We really have not been able to use the second floor. The building is close to the street, and Kelleher described the parking limitations. If you are familiar with the neighborhood, Kelleher described the adjacent residences and the The Atlantic Restaurant, and the surrounding residential uses all around it. So this is in harmony with the neighborhood. Kelleher went to the map at the easel. We are proposing to remove a spot in front and replace it with 5 parking spaces in back. It's a total of four bedrooms. One of difficulties with the property is that the back slopes down steeply; difficult to access; a difficult spot. Kelleher continued the tenant for the liquor store moved and took up space at 186 Osborne Street, so we cannot put another liquor store in here. Proposed is a two-bedroom apartment with 5 parking spaces; remove the unsightly shed, and put green space in the front. It's a less intensive use and safer; we received positive feedback from the Zoning Enforcement Officer and a positive recommendation from the Planning Commission. Jowdy said he

is familiar with the site. Is there anyone who wishes to speak for or in opposition to this proposal, Jowdy asked at 7:30 pm. Hanna made a motion to close this public hearing. Rebeiro seconded the motion. Motion carried unanimously. Jowdy introduced this item at 7:37 pm in the voting session. He described the hazardous parking currently in the front. This is open for discussion, and / or a vote. Moore asked Hearty about the shared driveway. Hearty said those issues will be dealt with at the permit level. Rebeiro made a motion to **approve**, Sec.5.A.2.a., a USE Variance, to allow a residential use in a CG-20 zone, per plan submitted. Hanna seconded the motion. Motion carried unanimously at 7:34 pm.

15-03 – Peter & Maryann Hill, 131 Brushy Hill Road & Old Post Road (I19004), Sec.3.G.3.a., to increase detached accessory building coverage from 50% of the total ground floor area of all principal buildings to 60.4% for barn (RA-80 Zone). Maryann and Peter Hill came forward and signed in at 7:30 pm. We want to build a 4-stall barn with a tack room to exceed what we are allowed. We want a 36 ft. x 36 ft. barn, and she stated the amount of land she has. We just want to go a little bigger than what is allowed. Jowdy said we are familiar with Brushy Hill. Jowdy asked are there any questions from the board. Moore said I see why you need the larger barn, but I'm not quite finding the hardship with the land. Maryann Hill said the hardship is the land is a big piece of land, and because of the size of the dwelling. Jowdy asked about adding other buildings to the property. Hill said no. There is a little shed there. The shed is really part of the original dwelling because it was a farm at one time, Hill said. Jowdy discussed a stipulation that could be placed on the approval. Hearty explained to Moore what was previously discussed. Hill said I will store hay in the shed. Jowdy asked is there anyone who wishes to speak for or in opposition to this proposal at 7:34 pm. Motion to close the public hearing by Moore. Hanna seconded the motion. Motion carried unanimously. Jowdy reintroduced this item in the voting session later. The building will not overpower the property, Jowdy said, and the applicant agreed that a stipulation could be added to allow no further residential use on lot. Hanna made a motion to **approve** Sec.3.G.3.a., to increase detached accessory building coverage from 50% of the total ground floor area of all principal buildings to 60.4% for barn (RA-80 Zone). She needs a big barn to house the horses, and to use the accessory building for supplies, per plan submitted, with a stipulation that they cannot build any further residences on the property. Hearty stated why a stipulation is not required. Rebeiro seconded the motion. Motion carried unanimously.

OTHER MATTERS: NA

ACCEPTANCE OF MINUTES: December 11, 2014. Motion to accept these minutes as presented by Moore. Second by Hanna. Motion carried unanimously.

ADJOURNMENT:

Motion to adjourn by Moore. Hanna seconded the motion. Motion carried unanimously at 7:42 pm.

Respectfully submitted,

Patricia Lee, Secretary



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Public Hearing Sign In Sheet

Date JAN - 8 2015

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Signature

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148 DHA

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