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ZONING BOARD OF APPEALS
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DRAFT MINUTES
February 26, 2015
City Council Chambers
7:00 PM

ROLL CALL: Acting Chairman Herb Krate called the meeting to order at 7:03 pm. Present were Krate, Michael Sibbitt, Rod Moore, Joe Hanna. Absent were Chairman Richard S. Jowdy, Alt. Rick Roos, Alt. Anthony Rebeiro. Staff present were Sean P. Hearty, Zoning Enforcement Officer, Secretary Patricia Lee.

Motion to hear all the items listed on the legal notice by Rod Moore. Second by Joseph Hanna. Motion carried unanimously. Herb Krate explained the procedures for public hearings to the audience. Krate asked if everyone is comfortable with a four-person board tonight, and there were no withdrawals.

CONTINUATION OF PUBLIC HEARING: NA

NEW BUSINESS:

15-04 – Luis Curillo (Z.E. Illescas), 40 Mabel Avenue (H08010), Sec.8.A.2.c.(4)., to allow bottom edge of excavation within 5 feet of property line; Sec.8.C.1.c., & Sec.4.G.1., to allow parking in front yard (RA-40 Zone). Luis Curillo came forward at 7:06 pm and signed in, and identified himself. I wanted to make an extra parking spot. Curillo submitted a letter from his neighbor Paul Drumm at 42 Mabel indicating no opposition. Hanna asked is it a one family? Krate said it's a large lot. Curillo said the back is a hill, so we cannot park in the back. Curillo described how they must move cars around. Krate asked is there anyone who wishes to speak for or in opposition to this variance request at 7:09 pm. Sibbitt made a motion to close this public hearing. Hanna seconded the motion. Motion carried unanimously. Moore said to Krate don't make the night any longer than it has to be. Hanna made a motion to **approve # 15-04**, Sec.8.A.2.c.(4)., to allow bottom edge of excavation within 5 feet of a property line; Sec.8.C.1.c., & Sec.4.G.1., to allow parking in a front yard in the RA-40 Zone, per plan submitted. He needs some parking spaces, Hanna added. Moore seconded the motion. Motion carried unanimously.

15-05 – Annabel Canhao & Joshua Peryea, 4 Reservoir Road (K19006), Sec.4.A.3., to reduce minimum required side yard setback from 30 ft. to 0.8 ft.; to reduce minimum rear yard setback from 30 ft. to 1.8 ft.; to increase maximum allowed building coverage from 15% to 16.9% for detached accessory use (RA-80 Zone). The applicants came forward as Krate read the petition into the record. Annabel Canhao & Joshua Peryea identified themselves at the microphone and distributed their photos. We built a shed without a permit, and now we are trying to

comply with the City. I have no storage, Peryea said. They described the items stored in the shed, 12 feet by 17 feet. Krate interjected that's a large shed. Peryea said we store patio furniture, a snow blower, a generator. He submitted photos and explained that half the house is built within the setbacks. Moore discussed had you come before us before you put up the shed. Peryea described the series of events leading from the shed construction, the Cease & Desist Order (from T. Rosati, AZEO), and the application for the variance. Krate asked is there anyone who wishes to speak for or in opposition to this request? Kari Cooper from 1 Martino Lane and Patricia Preston from 3 Martino Lane both came forward. Cooper said I think the shed is too large and too close to my property. Cooper read her letter stating no permit, no variance, her worries about decreased property value, her privacy, the runoff from snow and rain; it poses a fire hazard as it's too close to other structures, and the possibility of toxic fumes. Preston complained that they were not notified, stating I've had numerous people tell me that it is an eye sore, thereby decreasing my property value. Is there anyone else in opposition, Krate asked at 7:18 pm. Josh Peryea rebutted, stating it is not overhanging her property. And it's no where near the back of Preston's property. I don't see how a shed will decrease the property values of the neighbors, Peryea added. Canhao said it will look identical to our house. It's quite large; had you come here we probably would have had you come back with a smaller structure, Krate said. It's about 10 feet high, with 8-foot walls and a 2-foot roof, Josh Peryea said. Hanna asked where is the neighbor that is complaining. It's in between both neighbors' homes; I left enough room, Peryea said. The guy did the survey before we could cut the plywood back. I can push my lawn mower between the fence and the shed. Moore and Hanna had questions on the sides and the survey depiction. Hearty scaled the Zoning Location Survey. Krate said thank you at 7:21 pm. Motion to close this public hearing by Moore. Hanna seconded the motion. Motion carried unanimously. In the voting session, Moore said I have a bit of a problem with that big shed. Krate agreed the problem is it's so big. He seems to care about his property; no house is that close to it. I don't see a problem either, I guess; it's a single-story house and they don't have any storage. Hearty said drainage was raised as an issue. Krate said it's over grass. Moore said the septic does as indicated. Hanna made a motion to approve the request to reduce minimum required side yard setback from 30 ft. to 0.8 ft.; to reduce minimum rear yard setback from 30 ft. to 1.8 ft.; to increase maximum allowed building coverage from 15% to 16.9% for detached accessory use in the RA-80 Zone, per plan submitted. It's a small home and they need a shed and there's no other place to put it, Hanna added. Krate asked for a second. Krate asked for a vote on this one. The vote was three ayes, and one nay by Sibbitt. **Denied without prejudice**, Sean Hearty announced.

15-06 – Charles Williams, 52 Shady Lane (K05095), Sec.4.A.3., to reduce minimum req'd. side yard setback from 6 ft. to 4 ft.; Sec.8.A.2.c.(4)., to allow bottom edge of excavation or fill to be less than 5 ft. from property line for detached accessory use/ garage (RA-20 Zone). The applicant has requested to **continue** to the March meeting.

15-07 – Mark Edwards, 13 Moody Lane (I06009), Sec.4.A.3., to reduce minimum req'd. side yard setback from 15 ft. to 4.3 ft. for residential addition (RA-20 Zone). Edwards came forward and signed in at 7:24 pm. He identified himself, residing at 7 Moody Lane, Danbury. Tell us what you are doing, Krate said. Edwards said they built a bungalow house in 1945; it's a strange configuration, and he showed his photos to the commission. I want to build an addition straight back. That's why I bring the pictures, Edwards said. It is hard to make a good layout. I'm just squaring the building. Krate asked is there anyone who wishes to speak for or in opposition to this variance request?

Motion to close the public hearing by Moore. Hanna seconded the motion. Motion carried unanimously at 7:26 pm. It was nothing much at all, Krate said, later in the voting session. Moore motioned to approve, Sec.4.A.3., to reduce minimum req'd. side yard setback from 15 ft. to 4.3 ft. for residential addition in the RA-20 Zone. It is just squaring up the house, Moore added, per plan submitted. Hanna and Sibbitt seconded the motion. Motion carried unanimously.

15-08 – Ridge Properties Joint Venture, LLP, 193 & 195 Long Ridge Road (J25003,J25006,J25007), Sec.4.A.4.a.(1)., to vary requirement for vehicular access to collector or arterial street; Sec.4.A.4.a.(6)., to vary requirement that Church site needs public water & sewer if in water company watershed (RA-40 Zone). Krate introduced this application and Attorney Thomas W. Beecher, signed in and identified himself and his firm. Ben Doto is our project engineer. Mr. Judge and Mr. Kelly..... had a meeting to discuss the neighbors' concerns. Okay, Krate said, we will continue this until 3/12/15, if you want to express your opinion. Audience members asked could they express their objections tonight, since they've come out; and when is the neighborhood meeting. Sandra Verner said I live directly across the street and I was not notified of any meeting. Beecher said we did send out notices to all the abutting neighbors. The owners are Prescott V. Kelly and Bryan Judge. Edward Manual next spoke, and said I have letters in objection. Bonnie Baker said we were not notified. Beecher said we mailed letters to a number of neighbors. We request to continue, Attorney Beecher said. Moore made a motion to **continue** this to March 12th. Hanna seconded the motion. Motion carried unanimously at 7:33 pm.

15-09 – Westconn Properties, Inc. & 237 White Street, LLC, 233 White Street (J13146,J13144,J13145,J13181), Sec.5.H.1.b., to reduce perimeter planting strip from 20 ft. to 0 ft. along Locust Avenue, to 3 ft. along White Street, and to 3 ft. along Meadow Street; Sec.5.H.2., to permit parking in a front yard along Locust Avenue, White Street, & Meadow Street; Sec.8.C.1.c., to permit parking in a front yard along Locust Avenue, White Street, & Meadow Street; Sec.8.C.3.b.(1)., to eliminate requirement for landscape island along western end of the 9 spaces fronting White Street; to eliminate requirement for 1 street tree every 40 feet along Meadow Street & Locust Avenue; to eliminate requirement for 1 street tree every 40 feet along White Street in the CG-20 Zone. Krate introduced this item, and asked the Long Ridge Road people from the audience to please take it outside. Krate read the variance requests at 7:34 pm. Ben Doto, III, PE, took the mic and signed in, identified himself and his address. I am going to ask tonight that this be tabled; I got a phone call today. Our entire hardship is based on the proposed road widening of White Street and the existing conditions. Okay, Krate said, we have a request to continue this hearing. Hanna made a motion to **continue** this to the March 12th meeting. Sibbitt seconded the motion. Motion carried unanimously at 7:35 pm. Remo DeGrazia asked to read his letter. Krate told Remo and Romulo DeGrazia to come back in March.

#15-10 – German J. Coraizaca, 49 Wildman Street(J14225), Sec.4.B.3.a., to reduce minimum side yard setback from 15 ft. to 8.0 ft. to existing roof overhang; to reduce front yard setback from 20 ft. to 16.6 ft. to existing roof overhang for two-family residence (RMF-4 Zone). Krate said I will screw up this pronunciation. German Coraizaca signed in as Krate read the requests into the record. Did you do this already? Unfortunately it is already done, Coraizaca replied. Being a first time buyer, I did not know. The house of my dreams has become my biggest nightmare. We had two permits. Hearty said they had to knock the whole thing down. German Coraizaca explained the history of the project. Hanna asked about the foundation. Krate said I understand your difficulty. He had to tear down the old building as it was all rotten. Krate asked do you have a saw? I have two letters in favor of this application from 45-47 and 10 Austen Street. Mr. Coraizaca's niece came forward.

Jessica Coraizaca explained that it causes no damages, the neighbors have no problems; he has been through so much; no damage to anyone. Krate said we got it. Thank you for your input. There is no one left to oppose you, Krate said to Coraizaca. We will decide tonight, Krate added. Motion to close the public hearing by Hanna. Moore seconded the motion. Motion carried unanimously. Any questions, discussion, Krate asked. Hanna made motion to **approve #15-10, Sec.4.B.3.a.**, to reduce minimum side yard setback from 15 ft. to 8.0 ft. to existing roof overhang; to reduce front yard setback from 20 ft. to 16.6 ft. to existing roof overhang for a two-family residence in the RMF-4 Zone, per plan submitted. Moore seconded the motion. Motion carried unanimously at 7:52 pm.

OTHER MATTERS: NA

ACCEPTANCE OF MINUTES: The meeting minutes from January 8, 2015, could not be approved by this four-person board.

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

Richard S. Jowdy, Chairman