



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING BOARD OF APPEALS
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MINUTES – REGULAR MEETING
JULY 26, 2018
Council Chambers, 155 Deer Hill Avenue
7:00 p.m.

ROLL CALL:

At 7:02 p.m. Commissioner Herbert Krate called the meeting to order and explained the proceedings. Chairman Richard S. Jowdy joined the meeting at approximately 7:03 p.m. Also present were Commissioners Joseph Hanna and Rodney Moore and Alternate, Peter DeLucia.

Absent were Michael Sibbitt, Anthony Rebeiro, and Richard Roos.

Motion to hear Applications 18-22 and 18-28 was made by Commissioner Rod Moore and seconded by Peter DeLucia. Motion carried unanimously.

ACCEPTANCE OF MINUTES: June 14, 2018 & June 28, 2018

Motion to approve the minutes of June 14, 2018 was made by Rod Moore; seconded by Joseph Hanna. Motion carried. Motion to approve the minutes of June 28 was made by Herb Krate; seconded by Peter DeLucia. Motion carried.

The next regular meeting is scheduled for **August 9, 2018**

NEW BUSINESS:

#18-28 City of Danbury, Danbury High School, 43 Clapboard Ridge Road, (G10099), RA-40 Zone Sec. 8.E.2.(g): Increase main entrance sign area from 32 sq. ft. to 84 sq. ft.; increase performance arts sign area from 32 sq. ft. to 88 sq. ft.; Sec. 8.E.5.(b): Allow illumination of performance arts canopy sign lettering; Sec. 8.E.5.(b); Sec. 8.E.6.(d): Allow free-standing, LED-illuminated sign with changing messages.

Dan Petrovich, P.E. and Thomas Hughes, Superintendent Construction Services for the City of Danbury, presented this application. Mr. Petrovich explained the recent additions to Danbury High School. Chairman Jowdy asked about the changing (message) sign. Mr. Petrovich will address that aspect as he walks the Commission through the project. He explained the variances

for the three signs. The first variance is for the main entrance, which will indicate the proper location for entering the school. This sign is 224' from Clapboard Ridge Road. The sign has been brought to the edge of the canopy and enlarged. The second variance is for the Performing Arts addition, which is a new black-box theater with canopy over front of building and will have lettering in excess of the allowable square footage. When illuminated, light projects on fascia and gives a halo effect. An LED, free-standing sign will be located at the Performing Arts entrance. An informational brochure (Exhibit A) was handed out to the Commissioners. The sign will be controlled by the school administration and is approximately 570' from East Gate Road and 300' from the nearest property. The variance is for illumination and flashing. Chairman Jowdy asked about the size of the changing size and was told that it was about the same size of the chambers monitors or a television in a vertical position on a stand. Commissioner Herb Krate asked if the sign on Clapboard Ridge Road would be changed. It will not be changed. Commissioner Rod Moore mentioned that the one on Clapboard Ridge Road changes more frequently than permitted. He asked that someone contact the school. Mr. Petrovich indicated this has already been done, and a letter received from Richard Jalbert, Coordinator of Sites and Facilities (Exhibit B) addresses this concern and states the appropriate changes have been made so that sign will not change more than once per day. Mr. Moore asked if the DHS sign on the school is lighted. Dan Petrovich said if lighting comes to be, they will be sure there is compliance with Zoning. Mr. Jowdy asked if there was anyone present in favor or opposed. *There being no one, a motion to close was made by Commissioner Rodney Moore; Commissioner Joseph Hanna seconded. Motion carried unanimously.*

CONTINUATION OF PUBLIC HEARINGS:

#18-22 Romero, Luis & Jovita, 187 Franklin St. Ext. (F11060), RA-40 Zone Sec. 4.A.3 Reduce side yard setback from 25' to 12.7' for proposed addition.

Michael Cruz, Esq. appeared on behalf of the applicant. Attorney Cruz explained the reason for the variance is to add more space in the home. He said the hardship is the age of structure and orientation of existing dwelling. On the map you can see the orientation of the building on the land. Chairman Jowdy asked if the addition would be at the back. Mr. Cruz answered, "correct".

Chairman Jowdy asked the square footage of the main building. The first floor of the current main building is 900 sq. ft. per Mr. Hearty. Herb Krate asked the size of the shed. Mr. Cruz offered 10' x 15'; Mr. Hearty offered 19' x 12'. The carport is 20' x 28' per Mr. Hearty. The shed was permitted, and carport was not permitted. Mr. Hearty indicated the open carport has to go through legalization, and he would discuss that with Attorney Cruz. If carport can't be legalized, it will have to go before Board, be moved, or taken down. Any structure with fixed location has go by detached accessory regulations.

Mr. Jowdy asked if there was anyone in favor or opposed to the application. Mary Waterman of 185 Franklin Street Ext. is opposed to this application. She addressed the Commission and explained that her house is very close to the property line and pre-dates his. The original part

dates back to 1880. She said he added a carport and shed since he moved in. With the proposed addition she would be robbed of sunlight, and it would decrease her property value. She said he runs a landscaping business out of his property, and this is a residential area. She said that the carport holds business equipment. She has lived in her house for 31 years. Mr. Hanna said the addition would not decrease her house value. Her house is 5' or 6' from the stone wall dividing the properties. Herb Krate said the position of the house is pre-existing, non-conforming and said it would be a stretch to deny a neighbor who's going to be further away from the property line (than she is) the right to do that. Mr. Krate said the carport and shed will have to be looked at. Sean Hearty said they found multiple violations at 187 Franklin Street Ext. He said originally there were 15-30 chickens running around, open cooking, and rabbits. The applicant has improved the conditions by removing the chickens, but there is still livestock and open cooking. Sean Hearty distributed pictures of the conditions he found on his first visit and his visit today. Mary Waterman said of the open fires, there is no stopping for drought, no regard for existing regulations nor high winds, and it's still a mess. There are no fire hydrants. She fears a fire from negligence.

Rod Moore said the matter before them is simply the primary residence and the setbacks. She also fears the construction site would be similar to the existing conditions. Herb Krate said that he is apprehensive with the current conditions. Mr. Krate asked how many kitchens were in the house. There is one. Sean Hearty said he was selling wood out of the location. Sean Hearty thinks there are nine cords of wood in the yard. Mr. Cruz indicated that there is no fireplace in the house, but there is a wood-burning stove. Mr. Krate suggested Ms. Waterman submit information to the "Unit" for their help. She asked what good is establishing a setback if they don't hold up? She is concerned that an addition will accommodate more than the basic family unit. Chairman Jowdy asked if Ms. Waterman has witnessed selling of the wood. She said she purchased firewood. She was told he was selling the firewood to a restaurant. Mr. Hearty said we are addressing that. Chairman Jowdy asked where he was cutting the wood. She thinks, by the noise she hears, he cuts it in his yard. Mr. Jowdy said that each variance is considered on its own merit and stated that a change in his addition plan might be something to consider. Mr. Jowdy invited Mr. Cruz back to answer what all the wood is for. Mr. Cruz explained that he burns part of it. Mr. Cruz said, "He grabs the wood from job sites, splits it, and sells to people looking for it." He has ceased selling the wood. He said applicant is in the process of complying so it will not be a problem. The open burning will be remedied and does not expect it to be problem in the future.

Mr. Krate said there were flagrant violations all over the property by the applicant, and he needs to be made aware of what the regulations are. Unfortunately, unless someone complains we are not aware they (violations) exist. Mr. Krate is not inclined to give people things when rules/laws are being ignored. He is not allowed to run a business out of there. Pictures did not indicate any degree of respect for the property to make it look decent. Mr. Krate said, "If he's a landscape person for other people, you would think his place would be pristine." Chairman Jowdy said, "If granted with stipulations and stipulations are not adhered to, a cease & desist would be issued." Rod Moore agrees with the hardship and asked if there was any way to minimize the need for the variance. Mr. Cruz said that minimizing would create a financial hardship. The addition will be two levels/stories and not exceed the existing height of the house. It will be an extension of the

original home. Mr. Cruz said that the applicant has made a good-faith effort to address the issues and now that he (Mr. Cruz) is on board he can effectively communicate and educate Mr. Romero as to the remainder of the issues and concerns. No more questions.

Discussion ensued and Mr. Krate thinks the mindset is troublesome in a residential neighborhood. Mr. Hearty stated in the form of a recommendation, let's say this is issued and that they go to construction and they go for compliance, which is when the Zoning Officer signs off on the zoning permit, if Attorney Cruz would agree that I will be able to hold up the compliance if I don't have full compliance on the property. Mr. Hearty felt this is security for the Board to know that we will agree on compliance for the property before we issue a certificate compliance for the home.

Rodney Moore made a motion to close Application 18-22; Joseph Hanna seconded the motion. Motion carried unanimously.

#18-16 Roy Estate, LLC (owner) & Dorothy Day Hospitality House, Inc. (tenant), 8 & 11-13 Spring St., (H14288 & H14312), RH-3 Zone, for grocery market, office space, emergency homeless shelter, & soup kitchen:

Sec. 4.D.3.a: Reduce front yard setback from 20' to 0.6', reduce side yard setback from 20' to 1.8', reduce rear yard setback from 25' to 1.8';

Sec. 4.D.5.e.(1): Reduce minimum sq. ft. from 20,000 sq .ft. to 13,118 sq. ft.;

Sec. 8.B.1.b.(4): Reduce driveway width from 24' to 8';

Secs. 8.C.4.c.(10) & (11), 8.C.4.f.(4), and 8.C.4.f.(6): Reduce total parking spaces to 16 and waive Sections 4.D.5.e.(2) corner lot requirement; Sec. 4.G.4.a.(1) lot screening;

4.G.4.a.(2) landscaping; 8.C.1.a parking on same lot; and 8.C.2.b. parking space dimensions.

Motion to continue #18-16 to August 9, 2018 was made by Commissioner Rodney Moore, seconded by Commissioner Joseph Hanna. Motion carried unanimously.

OLD BUSINESS:

#18-19 Haddad, Theodore J., Sr., Executor of the Estate of Jeanette Haddad and The Reserve Realty, LLC, The Reserve, Phase 11 (Parcel 15), Woodland Road, (B16003) re Site Plan PND SP01-03/11

To appeal for correction of an alleged error in a decision of the Planning Department/Planning Director, who on 3/23/18 or thereabouts, did grant Toll Brothers and/or Toll CT III Limited Partnership for site plan approval of an application pertaining to the above-

described property in the Reserve. Per Mr. Jowdy, this Application is postponed until the next regular meeting on August 9, 2018.

Motion to go to voting session by Joseph Hanna; all in favor.

DECISIONS:

#18-28 City of Danbury, Danbury High School, 43 Clapboard Ridge Road, (G10099), RA-40 Zone Sec. 8.E.2.(g): Increase main entrance sign area from 32 sq. ft. to 84 sq. ft.; increase performance arts sign area from 32 sq. ft. to 88 sq. ft.; Sec. 8.E.5.(b): Allow illumination of performance arts canopy sign lettering; Sec. 8.E.5.(b); Sec. 8.E.6.(d): Allow free-standing, LED-illuminated sign with changing messages.

Rodney Moore made a motion to approve, per plan submitted, the variances for the City of Danbury, Danbury High School, as there is zero visibility from Clapboard Ridge Road and almost no visibility from East Gate Road of the Performance Arts sign and free-standing digital sign. The application complies with any health, safety, and welfare issues. Herb Krate seconded the motion. Motion carried unanimously.

#18-22 Romero, Luis & Jovita, 187 Franklin St. Ext. (F11060), RA-40 Zone Sec. 4.A.3 Reduce side yard setback from 25' to 12.7' for proposed addition.

Joseph Hanna made a motion to approve per plan submitted. The applicant's attorney indicated that the applicant will clean up all the violations and be in full compliance prior to issuance of compliance for the new addition. Peter DeLucia seconded. Motion carried with AYES from Richard Jowdy, Peter DeLucia, Joseph Hanna, and Rodney Moore. Mr. Krate voted NAY.

OTHER MATTERS: None

CORRESPONDENCE: None

ADJOURNMENT:

Motion to adjourn by Rodney Moore; seconded by Joseph Hanna. Motion carried unanimously at 8:05 p.m.

Respectfully submitted,

Mary S. Larkin
Secretary
Planning & Zoning Department