

**MEMORANDUM**

May 4, 2017

**TO:** Zoning Board of Appeals – Andy Conroy, Chairman

**FROM:** Aline Rochefort - Zoning Inspector

**SUBJECT:** 17-0504-01 - Firetree, Ltd. - 17 Quintard Avenue. - APPEAL

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**17-0504-01 Firetree, Ltd. - Appeal of Zoning Enforcement Officer's denial of Tenant Occupancy Permit and Certificate of Zoning Compliance for 17 Quintard Avenue. Section 118-1410 A (1) in a C Residence Zone. Property Located at 17 Quintard Avenue. District 2, Block 87, Lot 32. CAM**

**REQUEST -** Applicant is appealing zoning's denial of Tenant Occupancy Permit and Certificate of Zoning Compliance for the property at 17 Quintard Avenue.

**BACKGROUND –**

- February of 1975 a zoning permit was issued to change an existing residence to a drug rehab center (rooming house). The owner was Norwalk Area Ministry AKA Pivot House.
- 1987 halfway houses were added to the C residence section of the zoning regulations and then amended in 1990. (Prior to 1987 the zoning regulations did not allow for halfway houses.)
- Zoning sign-off was issued in 1992 for removal of exterior wall to enclose a front porch to consolidate habitable space for Pivot House Ministries Residential Building.
- March 10, 2014 no known zoning violations letter issued.
- March 13, 2014 a letter was issued to Attorney Elizabeth Suchy of Carmody Torrance Sandak & Hennessey LLP regarding the use of 17 Quintard Ave and what specific permits had previously been issued.
- Zoning permit was issued June 2, 2015 to allow renovation to an existing drug rehabilitation facility (owner Pivot Ministries Inc. - applicant was Firetree/Pivot however, no mention of who Firetree is or what business they conduct) Renovations to existing rehab center not a new owner operator. The permit allowed for brick and mortar upgrades only and did not include a tenant use change.
- July 2015 zoning staff made aware of proposed use of property by complaints from neighbors.

- July 2016 Firetree writes to Michael Wrinn, Assistant Director Planning & Zoning outlining proposed services.
- October of 2016 a letter was issued requiring that a tenant fit-up be applied for by the new owner/operator and that a complete description of the proposed use be included.
- On February 8, 2017, an application for a tenant occupancy permit and certificate of zoning compliance was denied by the zoning enforcement officer. That denial is the subject of this appeal.

**ANALYSIS/FINDINGS –**

The appeal should be denied as the staff has not made an error. A permit was not issued for the new tenant and upon review of the proposed use, correctly concluded that the use was different than the previous use and not allowed as of right. The applicants have stated that the proposed use “is to continue the same non-conforming use of the property as Pivot Ministries previous use of the property – that is a transitional living facility” (also known as a halfway house).

The original approval for the facility was a faith based drug rehab facility falling under eleemosynary or philanthropic uses. The proposed use is a prison halfway house. Clearly different uses, therefore not an error on the part of staff not issuing a permit.

BUILDING INSPECTOR'S OFFICE

City of Norwalk, Conn.

Application for Building and Zone Permit

(Note: All questions must be answered. If material or question does not apply mark "none")

The undersigned hereby applies for permission to construct CHANGE USE OF EXIST 2 1/2 STORY SPRING RES TO DRUG REHAB CENTER (L.R ROOMING HOUSE)

the same to be in all respects in accordance with the laws and building regulations of the State of Connecticut and the City of Norwalk and as set forth in the accompanying drawings and specifications in so far as the same shall be found not to conflict with the aforesaid State and City laws and building regulations.

Application No. 195 Date 4-21 1975 Fee Estimated cost
Application made by KEITH BLAIR Applicant's address 540 OLD STAMFORD RD
Location of building WEST side of QUINARD between BURRITT and SHERIDAN
Owner of land NOLK BREEK MINISTRY Address 12 QUINARD AVE
Owner of building Address
Architect's name Address
General contractor APPLICANT Address

ZONING REQUIREMENTS

No. of families Building or premises to be occupied as REHAB CENTER
In what zone is the proposed building located B-2C Within fire zone Yes No
Occupancy of other buildings on the lot NONE
Does building conform to set-back line on street Lot: Interior Corner
Does proposed building come under the provisions of State Tenement House Law? Yes No
Area of lot Area of building Existing Proposed
Front yard set-backs Rear yard Right-side yard Left-side yard
Size of accessory buildings NONE Use of accessory buildings
Distance from street line-Front Side Rear
Tax Assessor Lot No. 32 Bk. No. 87 Dist. No. 2 Vol. No. Pg. No. Filed Map Number Norwalk Land Records

BUILDING REQUIREMENTS

Dimensions of main building-Front 32' EXIST Side 49' EXIST
Dimensions of wings-Front Side
Dimensions of accessory buildings-Front Side
Type of construction WOOD FRAME EXIST No. of stories 2
Material of footings EXIST Thickness Below grade
Material of foundation EXIST Thickness Below grade
Height of stories-Basement or cellar First 10' Second Third NONE
How is building heated EXIST ON FRESH HOT AIR No. of chimneys 1
Size of flue EXIST Kind of lining Wall thickness
Size of columns (cellar) EXIST Kind Size of footings EXIST
Size of girders EXIST Material Longest span
Size of sill EXIST Floor joists 1st 2nd 3rd Ceiling beams Spacing on center
Longest main rafters EXIST Size of rafters Spacing on center Carrying cap. per sq. ft. of roof
Floors-Material and safe carrying capacity per sq. ft. WOOD 1ST FLOOR = 90CBS 2ND FLOOR = 30CBS
Size of headers or trimmers 2-2x6" Size of plates 2-2x4"
Roof covered with EXIST Outside wall covered with 1 STEEL
No. of staircases Width of same 3FT Type Outside 2 MASONRY Inside RUBBER
Kind of fire stops 2 WOOD ST Material and thickness of division walls 2x4 + DRY WALL

The laws and building regulations of the State of Connecticut and City of Norwalk shall at all times have precedence over drawings and specifications. Anything contrary to said laws and regulations that may at any time appear in drawings and specifications, or in the work as executed, shall be corrected without delay upon the receipt of due notice from the Building Inspector. The granting of a permit for the proposed work shall not be assumed or construed any right or permission to do anything contrary to the laws and regulations aforesaid, under any circumstances whatsoever.

I hereby certify that all of the statements herein contained are true and correct.

Signature of Applicant: Keith Blair
Address: 540 Old Stamford Rd, N.C. Conn.

Signature of Owner: Keith Blair
Address: 540 Old Stamford Rd Norwalk

6,250 S/0.FT.  
LOT "117"

FRONT SIDE DECK

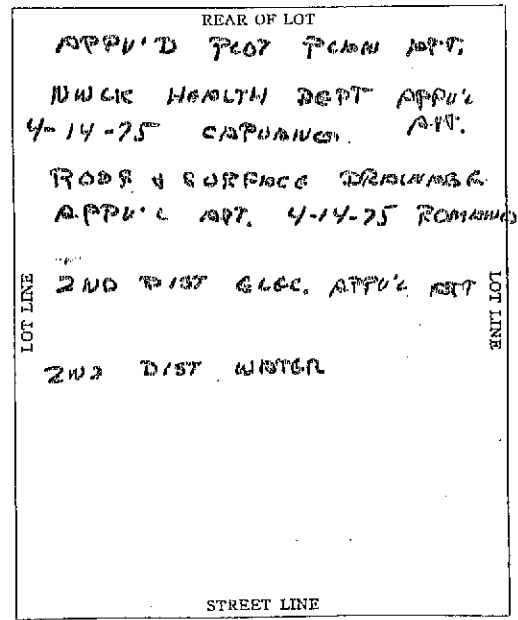
Indicate plat by diagram in space below, showing streets, lot lines, front yards, set-backs, building lines, present and proposed buildings, dimensions of same and distances from lot and building lines, and dimensions of courts and yards. If any present structure is to be removed, so indicate.

Approved by Fire Marshal YES 4-25-75  
Approved by State of Conn. VERDIA  
Dept. of Labor, Factory Inspection Division

REMARKS OR MEMORANDA

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\_\_\_\_\_  
\_\_\_\_\_

M.E.B.



NO PLUMBINGS

W

APPLICATION FOR CERTIFICATE OF OCCUPANCY

Date \_\_\_\_\_ 19\_\_

I hereby apply for a certificate of occupancy for the building and use described in this application for permit.

Signed Keith Blair

agent for owner

9500  
32.00  
pl.  
C-2425-74

**BUILDING AND ZONE PERMIT** CITY BENNET

Permit No. 195 Board of Health No. \_\_\_\_\_

Date of Application 4-25 19 75

Estimated Cost 10,000

Actual Cost \_\_\_\_\_

For CHANGE USE OF EXIST 2 1/2 STY FRAME RES TO DRUG REMOV CENTER (L.2) INT. HEAT. APTS.

Location 17 QUINTARD AVE

Zone \_\_\_\_\_

Owner NWLK AREA MINISTRY

Address 17 QUINTARD AVE NWLK CT

Applicant KEITH BLAIR

Address 540 OLD STAMFORD RD NEW CANON CT.

Architect \_\_\_\_\_

Address \_\_\_\_\_

Contractor APPLICANT

Address \_\_\_\_\_

Permit Issued Apr. 25, 19 75

Approved by William J. ...

Certificate of Occupancy Issued March 25 1976

Approved by William J. ...

Send permit to E-258

REMARKS:

APPROX 5400  
338-7685

# APPLICATION FOR ZONING APPROVAL AND ZONING COMPLIANCE

(This application shall be accompanied by three (3) plot plans and three (3) sets of architectural



plans showing existing buildings and proposed construction.  
Date June 2, 2015 FEE \$ 110.00

Proposed Use Renovations to existing residence - rehab center per attached back-up documentation

Project Location 17 Quintard Ave ZIP 06854

Owner/Lessee Pivot Ministries, Inc. Tel. \_\_\_\_\_

Address 485 Jane St. Bridgeport, CT ZIP 06608

Applicant Firetree, Ltd / Pivot Ministries, Inc. Tel. \_\_\_\_\_

Address 800 W. 4th St. Williamsport, PA ZIP 17701

Builder MARK JEMMERLE Tel. 203 244 3398

Address 17 RICHMONDVILLE AV. WESTPORT CT 06880 ZIP 06880

Architect Anthony H. Visco, Jr. Tel. 570 322 3460

Address 800 W. 4th St. Williamsport, PA ZIP 17701

### ZONING INFORMATION AND APPROVALS

Zone CRes Map Page 16 NE District 2 Block 87 Lot 32

Coastal Area yes Flood Zone X

P&Z Comm. (CAM, SP, SPR, SUBD) \_\_\_\_\_

Non-Conformities / ZBA Variances \_\_\_\_\_

Notes \* Amended 5-3-16 to add 3 A/C units along side of structure