

ZONING BOARD OF APPEALS

Mallory Town Hall
9 Route 39 North
Sherman, Connecticut 06784-0039

ZONING BOARD OF APPEALS MEETING MINUTES**May 4, 2010**

Chairman Baird called the meeting to order at 7:00 p.m. at Mallory Town Hall. Commissioners present: Chairman Dale Baird, Vice Chairman William Jones, Joseph Chiaramonte, Lucy Pollack, Alternate Gary Smolen, Alternate Samantha Addonizio, Alternate Helen Bray and Jessica Weiss, Clerk. Absent: Commissioner John O'Connor and clerk Michele Battaglia. There was no audience member recording or video taping the meeting.

Public Hearing

Case #606 - Continuation: Gani Lekaj – 17 Hillside Drive – requesting variances of Section 332.5 “Minimum Setback Requirements” and Section 384 “Non-Conformity” to allow the raising of an existing roof. Also requesting variances of Section 332.5 “Minimum Setback Requirements” and Section 384 “Non-Conformity” to construct a roof over the existing concrete patio, as shown on the plan submitted and entitled “Zoning Location Survey prepared for Gani Lekaj (Lot 76, Holiday Point) located in Sherman Connecticut, dated March 31, 2010”.

Alternate Smolen was seated for this case due to Commissioner O'Connor's absence. Gani Lekaj discussed his application to request variances for his property. This property was purchased by Mr. Lekaj approximately three months prior. The request is to raise the roof in order to replace the current spiral staircase, which is not up to code. The staircase is the only one within the house that accesses the second level, which contains a bedroom. Mr. Lekaj explained that no additional living area will be added with either the raising of the roof or the construction of a roof over the patio. He added that the purpose of the roof was to pitch water away from the door. He also clarified that the proposed roof extending over the existing patio will not be closed in. Mr. Lekaj advised the Board that he will be correcting all of the building code issues that the home has during his renovation of the property and will go through all required processes and procedures to obtain the necessary approvals. The Board question whether, in renovating the home, there would be another location for the stairs which the roof which would not require the roof to be raised. Mr. Lekaj replied that due to the square footage of the home, as well as, the location of a steel beam for structural purpose, another location is not possible. Also, Mr. Lekaj clarified that the patio size will not be increased as the concrete is being replaced with flagstone and will actually be smaller than the original patio footprint.

Chairman Baird moved discussion into a business session at 7:41 p.m.

Deliberations

Case #606 – Continuation: Gani Lekaj – The Board reviewed the history of this property as presented by the applicant, as well as, research made available through the town property report card and visual aids provided by the applicant. The Board noted that the requested variances do not alter the footprint of the home. The Board confirmed that the dimensions of the roof will be 9'6" X 10' and that no additional living space would be added if these variances were approved. The Board provided positive feedback that the applicant is

attempting to bring the house up to code. The Board reiterated that granting the variance to permit a roof to be built over the patio in no way provides any right to the current or future homeowner to enclose the patio at a later date.

Commissioner Chiamonte motioned to grant a variance for Section 332.5 “Minimum Setback Requirements” and Section 384 “Non-Conformity” to allow the raising of an existing roof. Commissioner Smolen seconded. Motion carried unanimously 5-0. Commissioners Baird, Jones, Chiamonte, Pollack and Smolen all voted.

Commissioner Jones motioned to grant a variance for Section 332.5 “Minimum Setback Requirements” and Section 384 “Non-Conformity” to construct a roof over the existing concrete patio and that the area will remain open. Commissioner Pollack seconded. Motion carried unanimously 5-0. Commissioners Baird, Jones, Chiamonte, Pollack and Smolen all voted.

Additional Business

- Minutes of January 5, 2010 meeting reviewed and revisions requested to case #602 to include a count of who was in favor and who objected as well as who was seated on the case. Minutes of April 6, 2010 meeting reviewed and revisions requested to case #605. Chairman Baird will forward comments to Michele to amend minutes. The board discussed a more streamlined process for revisions to be provided for minutes and determined that minutes from previous meetings be reviewed and comments brought to next meeting in which Chairman Baird will collect all comments and provide to Michele to amend the minutes. If a board member will not be able to attend the meeting, comments should then, in this instance, be emailed to Michele.
- Commissioner Chiamonte requested that the postcard outlining the board members located on the bulletin board at Mallory Town Hall be updated to reflect the proper members. Chairman Baird to notify Michele to have this updated.
- Chairman Baird to discuss with Michele a more formal process with regard to when the files are turned over to the board and also to ensure that in each packet directions to the property are included.

Commissioner Chiamonte motioned for adjournment. Commissioner Jones seconded the motion and all voted in favor. Meeting was adjourned at 8:26 p.m.