

ZONING BOARD OF APPEALS

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

**ZONING BOARD OF APPEALS MEETING MINUTES
DECEMBER 7, 2010**

Chairman Baird called the meeting to order at 7:05 p.m. at Mallory Town Hall. Commissioners present: Chairman Dale Baird, Joseph Chiaramonte, Lucy Pollack, Samantha Addonizio and Alternate Gary Smolen. Absent were commissioners Helen Bray and William Jones. There was no audience member recording or video taping the meeting.

Public Hearing

Case #610 Continued: Richard & Kerri Ann Hofer, 8 Route 37 East: Requesting variance of Section 321.6 “Additions or Structural Alterations” to allow the demolition and replacement of a deteriorated shed with a new, larger shed.

Mr. Richard Hofer was in attendance. He stated that he wants to take the existing shed on the property, demolish it, and build a new, larger shed. At last months meeting, a question was raised as to the height of the proposed structure. Mr. Hofer stated that it will be 19 feet in height. Mr. Ron Cooper, ZEO was in attendance. He went over the history of the property. Back in 1982 the owners of the property wanted to subdivide the property, splitting off the barn from the main residence. The owners went to ZBA and asked for a variance of Section 331.2 in order to permit the division of a five-acre parcel and barn from a residence lot, which was granted. Years later, Mr. Hofer purchased the lot with the barn on it. Also on the lot was an older shed, which at one time was used as a goat shed. This particular shed was never shown on any map. However, Mr. Bart Burns (6 Route 37 East) stated that the registry of historic places does recognize the goat shed on its maps. Mr. Hofer is looking to tear down this shed, and rebuild a larger shed. The issue is that this shed would be a 2nd accessory structure on a parcel of land that does not have a primary structure. It was discussed that the shed can be repaired, but it cannot be taken down and replaced with a larger shed.

Deliberations

Case #610 Continued: Richard & Kerri Ann Hofer: The Commission discussed the fact that a hardship has not been shown. They agreed that the hardship in this case is more personal, rather than land based. It was posed that if the applicant wanted to replace the shed in the same footprint, it would be allowed, but that this shed is a much larger shed.

Commissioner Chiamonte motioned to grant the variance as requested. Commissioner Smolen seconded the motion. All were opposed (0-5). Variance was denied. Commissioners Baird, Chiamonte, Pollack, Addonizio and Smolen all voted.

Additional Business

Commissioner Smolen motioned to accept the 2011 ZBA Schedule. Commissioner Pollack seconded the motion. All voted in favor (5-0).

Commissioner Addonizio motioned to accept the minutes of October 5, 2010 as amended. Commissioner Smolen seconded the motion. All voted in favor (5-0)

The minutes of November 2, 2010 were reviewed and revised. The minutes will be revised and sent to everyone for their final comments.

Commissioner Addonizio motioned for adjournment. Commissioner Smolen seconded the motion and all voted in favor. Meeting was adjourned at 8:15 p.m.