

**ZONING BOARD OF APPEALS**  
Mallory Town Hall  
9 Route 39 North  
Sherman, Connecticut 06784-0039

**ZONING BOARD OF APPEALS MEETING MINUTES**  
**MAY 1, 2012**

Chairman Baird called the meeting to order at 7:02 p.m. at Mallory Town Hall. Commissioners present: Chairman Dale Baird, Joseph Chiaramonte, Samantha Addonizio, Kathy Fazzino, and Alternates Lucy Pollack, and Gary Smolen. Absent were Helen Bray and William Jones. Michele Battaglia, clerk was also in attendance. There was no audience member recording or video taping the meeting.

**Public Hearing**

**Case #621: Sam Edelman – 12 Briggs Hill Road** – requesting variances of Section 331.5 “Minimum Setback Requirements” for the front yard setback and Section 384 “Non-Conformity, Other Than Use” to allow the construction of a wrap around front porch.

Commissioners Baird, Chiaramonte, Addonizio, Fazzino and Smolen were seated for this case. Mr. Steve Looney was in attendance representing the applicant. He stated that when the property was purchased there was a large amount of water getting into the basement and curtain drains were put in. The drains alleviated the water going into the basement, but not the water that pools along the front of the property. The proposed porch will be elevated 14” above the ground; will be 6’-11” wide and run the length of the house and wrap around the left side over the bilco doors. The new measurement to the front property line would be 34’-7” at the closest point. The property contains 3.18 acres; however the house was placed at the very front of the parcel, hence the request for a variance. Mr. Looney stated that they have exhausted all other options in trying to address the water issue, and that building this porch will allow access to the front of the house. He also stated that the dormers shown on the front elevation are aesthetic only and will be placed on top of the existing roof and they will contain no living space. There was confusion as to whether the dormers were going to increase the non-conformity of the existing house. The Commission requested that a second floor plan be submitted, as well as the height of the proposed dormers. Commissioner Addonizio motioned to continue the public hearing until June 5, 2012. Commissioner Smolen seconded the motion and all voted in favor.

**Deliberations**

**Case #621:** The public hearing is continued until June 5, 2012.

## Public Hearing

**Case #622: Martha Miner Siegel – 21 Island View Drive** – requesting variance of Section 332.5 “Minimum Setback Requirements” for the side yard setback to allow the construction of a garage and foyer addition.

Commissioners Baird, Chiaramonte, Addonizio, Fazzone, and Pollack were seated for this case. Mr. Leigh Overland, Architect and Mr. Nikolas Nelson, were in attendance representing the applicant. The applicant is proposing to build a two car garage on the property. Mr. Nelson stated that the only viable location for the garage is at the front of the house due to very steep topography throughout the entire property, ledge and rock outcrops, a shared driveway that splits to both sides of the property and Candlewood Lake. The variance requested is for an additional 15’ due to the proposed garage location being 10’ from the side line of the adjacent property. The current parking area is awkward and dangerous for the owners in the winter. Mr. Overland stated that the challenge was setting the garage in a spot where it would be safe for the owners. The proposed 2 car garage (22’-11” x 22’-11”) has a foyer/hallway area (5’ wide) that will allow the owners entry into the existing house without having to go down the current steep walkway. The existing driveway has a driveway easement, which gives the adjacent owners the right to pass and repass. It was discussed that the driveway would still be wide enough for vehicles to fit even if the garage was built. An email from the adjacent owner, Mr. Chas Catania, 19 Island View Drive, was read into record, which was unfavorable. A question was raised as to whether the 2 car garage could become a 1 car garage and if there would be any additional parking spaces outside of the garage. It was discussed that if the garage became only a 1 car garage, there would only be 1 additional parking space; whereas, if the 2 car garage was to be built, there would still be an additional space outside. Mr. Overland stated that perhaps the footprint could be made a bit smaller by changing the entryway and making the garage space a bit smaller, but it would still only make it smaller by 2 or 3 feet.

Commissioner Fazzone motioned to close the public hearing. Commissioner Pollack seconded the motion and all voted in favor.

## Deliberations

**Case #622:** The Commission discussed the hardships on the property including the steep slope and rock ledge and they also discussed the shared driveway. They continued with the fact that the garage would make a conforming structure into a non-conforming structure and that there could be other options to lessen or eliminate the need for a variance. However, a few commissioners stated that asking for a 2 car garage is not beyond expectations and that the applicant did their best to keep it undersized. Commissioner Chiaramonte motioned to approve the variance as requested and as per the documents and plans received and to not come closer than 10 feet from the adjacent property line. Commissioner Fazzone seconded the motion. The motion was denied by a vote of 2-3. Commissioners Chiaramonte and Fazzone voted in favor. Commissioners Addonizio, Pollack and Baird voted against.

Commissioner Chiamonte motioned to approve the minutes of October 4, 2011 as amended.

Commissioner Pollack seconded the motion and all voted in favor.

Commissioner Addonizio motioned to approve the minutes of February 7, 2012 as amended.

Commissioner Smolen seconded the motion and all voted in favor.

Commissioner Smolen motioned for adjournment. Commissioner Addonizio seconded the motion and all voted in favor. Meeting was adjourned at 9:04 p.m.

**FINAL**