

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

ZONING BOARD OF APPEALS MEETING MINUTES
JUNE 7, 2011

Chairman Baird called the meeting to order at 7:07 p.m. at Mallory Town Hall. Commissioners present: Chairman Dale Baird, Joseph Chiaramonte, Kathy Fazzino, and Alternates Lucy Pollack and Gary Smolen. Absent were Helen Bray, William Jones and Samantha Addonizio. There was no audience member recording or video taping the meeting.

Public Hearing

Case #614 Continued: Caroline & Eric Holub – 137 Route 37 South – requesting variances of Section 331.5 “Minimum Setback Requirements” from a front yard setback of 50’ to 20’ and Section 384 “Non-Conformity, Other Than Use” to renovate and add on to the existing garage and construct a half story storage space over the garage.

The applicants, Caroline and Eric Holub were in attendance, as well as Charles Reppenhagen, their architect. Mr. Holub explained that they would like to reconstruct a one story detached garage at the location of a failing existing garage. They are proposing to increase the size of the new garage by 4’ to the south, 3’ to the east and incorporate the existing lean-to. They are also proposing moving the westerly wall to the east by 1’ to ensure there is no additional encroachment on the current setback from Route 37 South. He stated that they have reduced the size of the original proposed garage by eliminating the second half story and by reducing the structure’s width by 1’. Mr. Holub proceeded to say that the lot predates zoning and that there were no setback rules when the garage was originally built. He submitted into record a map dated February 28, 1938 from the Connecticut State Highway Department that shows the existing garage. He also stated that the proposed garage would be in harmony with the historic nature of the property and that locating the garage behind the residence would be exceptionally difficult due to the change in elevation. Also, behind the residence there is the presence of ledge and this location is reserved for septic area. A driveway to this area would cause water runoff and the garage would negatively impact the current drainage issues. He added that the current garage has become unsafe, and granting the variance would maintain the public health, safety and welfare by eliminating the need for an additional driveway on Route 37 due to the property being on a difficult corner with limited sight lines. Mr. Holub said that he is not considering the area above the garage as storage space and that the only door into the garage area will be a side door in case the electricity goes out, rendering the garage doors useless. Commissioner Smolen motioned to close the public hearing. Commissioner Chiaramonte seconded the motion. All voted in favor.

Deliberations

Case #614: Chairman Baird stated that since the last time the applicant was in front of the Board, the proposed garage has shifted 1' further away from Route 37 South, that the height of the existing garage is 12'7" and the previous application was for 23' and the height has now been changed and the overall height is now proposed for 19' to the ridge, that the proposed garage is to extend only 4' toward Leach Hollow Road and that the existing lean-to shed area will be enclosed to make the entire structure 21' x 22' plus front overhang. Commissioner Smolen commented that the applicant listened to what the ZBA had stated at the last meeting and has attempted to minimize the distance toward the road and the overall height of the building has been reduced to eliminate living space. Commissioner Fazzone stated that the proposed changes are adequate. Commissioner Chiaramonte stated that the current garage is not feasible as a garage by today's standards and stated that this was a well prepared application.

Commissioner Smolen motioned to approve the variances for minimum setback requirements and non-conformity, other than use as requested and documented in Exhibit A, pages 1-6. Commissioner Pollack seconded the motion. Commissioners Baird, Chiaramonte, Fazzone, Smolen, and Pollack all voted in favor.

The minutes of November 2, 2010, December 7, 2010, April 5, 2011, May 3, 2011 and May 31, 2011 all need to be approved. Copies of the minutes will be sent to all members for their review and corrections and brought to the next meeting for approval.

Commissioner Smolen motioned for adjournment. Commissioner Fazzone seconded the motion and all voted in favor. Meeting was adjourned at 8:00 p.m.