



ZONING BOARD OF APPEALS
Regular Monthly Meeting
October 1, 2013
7:00 pm
Mallory Town Hall

FINAL

Commissioners present: Dale Baird, Joseph Chiaramonte, Kathy Fazzino, Alternates Lucy Pollack, and Rick Hudson

Absent: Samantha Addonizio, Will Jones and Alternate Gary Smolen
Christine I. Branson, ZBA Administrative Clerk was in attendance.

Alternate L. Pollack was elevated to Voting Status.

Chairman Dale Baird called the meeting to order at 7:05 p.m. at Mallory Town Hall.

Public Hearing:

Case # 637

Johanson, Donna Rhodes – 40 Spring Lake Road, Sherman, CT (a.k.a. Map 22, Lot 20) requesting a variance of Section 331.5 “Minimum Setback Requirements” from a 50’ 0” required front yard setback to a 35’0” setback and variance from Section 384 “Non-Conformity, Other than Use” to construct a 40’ x 18’ addition to the rear of the pre-existing non-conforming structure in accordance to the A-2 Survey plan submitted and entitled “Zoning Location Survey Map Prepared For Donna Rhodes Johanson, 40 Spring Lake Road, Sherman, Connecticut” Zone A. Dated: September 2013

Donna Johansen, homeowner and Gary Nurenberger, Architect spoke on behalf of the application. The house is a renovated carriage house, originally built in the early 1900s in a pre-existing non-conforming location. The existing structure is very small, the master bedroom and only bathroom are located in an upstairs loft. The master bedroom has no closets, and the majority of this space has less than 6 feet headspace. The intent of this application is to build an 18’ x 40’ ft, 2 story addition on the rear of the home to allow additional living space and an additional bedroom and two bathrooms. The addition would go where a patio exists. Photos of the existing home were shared, along with the architectural drawings of the proposed addition. The measurement from the corner of the proposed edge of the addition to the road was measured and included in the Legal Warning, the Board stated the measurement should have actually been from the steps attached to the addition. The Board closed the Public Hearing.

Business:

Case # 637

Johanson, Donna Rhodes – 40 Spring Lake Road, Sherman, CT (a.k.a. Map 22, Lot 20) The ZBA discussed the application and the size of the existing structure, agreeing this creates a hardship. The Board additionally discussed the difference between the measurement from the corner of the proposed addition as warned and the actual needed measurement off the corner of the staircase. The stairs were not considered in the request for variance of 35 feet. The Board decided to move on the 40’ x 18’ addition but not to include the stairs and notified the applicant they would need to re-apply for the stairs and provide an accurate measurement of the variance request. The Board agreed to try to meet 10/22 (pending availability of members) sooner than the next regular meeting to expedite this process.

Commissioner R. Hudson made a Motion to Grant variance from Section 384 “Non-Conformity, Other than Use” to construct a 40’ x 18’ addition to the rear of the pre-existing non-conforming structure in accordance to the A-2 Survey plan submitted and entitled “Zoning Location Survey Map Prepared For Donna Rhodes Johanson, 40 Spring Lake Road, Sherman, Connecticut”

Seconded by: Commissioner K. Fazzino **Vote: For: Unanimous**

Public Hearing:

Case # 638

Carpanzano, Michael- 9 Cedar Lane, Sherman, CT (a.k.a. Map 73, Lot 24) requesting a variance of Section 321.3 "Lot Width" with reference to Section 321.5 "New Building on Existing Lot" and reference to Section 332.4 "Minimum Lot Dimensions" in accordance to the plan submitted and entitled "Sheet ZL.1, Proposed Zoning Location Map Prepared For Michael Carpanzano, Cedar Lane, Sherman, Connecticut" Zone B. Dated: April 11, 2013

ZBA commissioner K. Fazzone recused herself from this portion of the meeting. Michael Carpanzano, property owner, spoke on behalf of his application, pointing out on the survey submitted no portion of his property is 200' wide. Mr. Carpanzano then, directed the Board to the Zoning Regulations, Section 321.3, Lot Width for Zone B as well as Section 332.4 Lot Dimensions. Mr. Carpanzano additionally read into record a letter dated February 2, 2011 from ZEO Ron Cooper in which the letter states "find the above parcel that was created prior to the adoption of Zoning and Subdivision Regulations in the town of Sherman to be a legal non-conforming lot. Development of the lot must adhere to Sanitary/ Building codes and Zoning regulations that are in effect at that time." The Board discussed this letter. Correspondence from Mr. Carpanzano's Attorney was also read into record. The Board discussed the application at length and agreed more information would be needed before a determination could be made.

Business:

Case # 638: Carpanzano, Michael- 9 Cedar Lane, Sherman, CT (a.k.a. Map 73, Lot 24)

This case was continued to 10/22/13, Special Meeting (pending availability of the members).

Commissioner L. Pollack Moved to Continue the Public Hearing of Case # 638 to the next possible time this Board can meet.

Seconded by: Commissioner R. Hudson. **Vote: For: Unanimous**

Continuation

Case # 636- Continuation

Gorman, Ralph- White Silo Farm- 32 Route 37 East (aka Map 18, Lot 4)- New Cingular Wireless PCS LLC (AT&T) requesting variance of Section 331.5- Front yard Set-Back of 30.4 as indicated on an Plan and Elevation A-1 entitled "White Silo Farm Site SR-2041, 32 Route Thirty Seven East, Sherman, CT 06784 Dated 6/9/2011 Revision 5: Dater 6/6/13, prepared by ProTerra Design Group, LLC. Zone A

Chairman D. Baird read into a record a letter received from Atty. Neil Alexander referencing a decision made by the P&Z Commission regarding a new approved location of the proposed shed where the variance of the front yard setback would no longer be required. AT&T has formally withdrawn the application for variance of Section 331.5- Front yard Set-Back.

Commissioner L. Pollack Moved to Dismiss Case # 636.

Seconded by: Commissioner R. Hudson. **Vote: For: Unanimous**

Election of Officers:

Vice-Chairman

Commissioner K. Fazzone Moved to nominate Joe Chiaramonte as Vice Chairman.

Seconded by: Commissioner L. Pollack **Vote: For : Unanimous**

Approval of Minutes:

May 7, 2013 Regular Monthly Meeting

Commissioner J. Chiaramonte Moved to approve the Minutes of Regular Monthly Meeting, May 7, 2013 as amended.

Seconded by: Commissioner J. Chiaramonte. Vote: For: Unanimous

June 4, 2013 Regular Monthly Meeting

Commissioner K. Fazzino Moved to approve the Minutes of Regular Monthly Meeting, June 4, 2013 as written.

Seconded by: Commissioner R. Hudson. Vote: For: Unanimous

September 3, 2013 Regular Monthly Meeting

Commissioner K. Fazzino Moved to approve the Minutes of Regular Monthly Meeting, September 3, 2013 as amended.

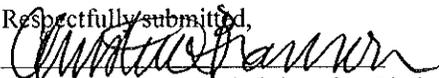
Seconded by: Commissioner J. Chiaramonte. Vote: For: Unanimous

Adjournment:

Commissioner R. Hudson Moved to Adjourn the Meeting at 9:50 p.m.

Seconded by: Commissioner K. Fazzino Vote: For: Unanimous

Respectfully submitted,



Christine Branson, Administrative Clerk

October 8, 2013

*APPROVED AT ZBA RMM OF NOVEMBER 5, 2013