



ZONING BOARD OF APPEALS
Regular Monthly Meeting Minutes
December 3, 2013
7:00 pm
Mallory Town Hall

FINAL

FEB 12 2014

2:00 PM

PAH

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

Absent: Will Jones and Samantha Addonizio

Christine I. Branson, ZBA Administrative Clerk was in attendance.

Chairman D. Baird called the meeting to order at 7:02 p.m. at Mallory Town Hall.

Public Hearing:

Case # 640

DiResta, Peter J., 7 Candleview Drive, Sherman, CT (a.k.a. Map 69, Lot 75) requesting a variance of Section 332.5 "Minimum Setback Requirements" from a 50' 0" required front yard setback to a 34'0" setback and variance from Section 384 "Non-Conformity, Other than Use" to construct a roof over an existing deck and stair providing access to the front door entry to the pre-existing non-conforming structure in accordance to the A-2 Survey plan submitted and entitled "Property Survey prepared for Peter J. & Sandra DiResta, 7 Candle View Drive, Town of Sherman, Fairfield County, CT, Dated October 26, 2013." Prepared by PAH, Inc. Land Surveyors. Zone B

For the record, Chairman Baird stated the applicant is her neighbor, but feels no conflict in relation to this application. Also for the record, K. Fazzino stated she was the listing Agent for the sale of this property to the Applicant, but feels no conflict acting upon this application. Joseph Rynn, acting on behalf of the applicant stated he was comfortable with the composition of the Board and wished to proceed. The intent of the application is to request variance for a roof over the existing front deck, which would provide safe passage to the dwelling. The front door is the only access to and from the dwelling. The Board discussed the hardship stemming from the revision of the Zoning Regulations. In the 1970's when the dwelling was constructed, the front yard setbacks were 35' 0", the Regulations were revised in 2006 and now require a minimum front yard setback of 50' 0". There was discussion in reference to the plans showing a 3' bump out at the front door. The Board suggested eliminating the bump-out, which would decrease the percentage of non-conformity. The Agent indicated this bump out is an architectural embellishment, intended to mimic the existing roof line of the house and would not affect the integrity of the roof over the deck. The applicant agreed to modify the plans to eliminate the bump out. When the DiResta's purchased this property, they also purchased the lot next to it to combine the two making the whole property slightly under an acre. This lot line revision did not affect the front yard setback.

Business:

Case # 640

DiResta, Peter J., 7 Candleview Drive, Sherman, CT (a.k.a. Map 69, Lot 75) the Board discussed the application at length. The consensus was to allow the roof to provide shelter and safe passage to and from the only entrance to the dwelling without the 3 ft bump-out which would decrease the percentage of non-conformity. The Board also recognized the change in regulations has created the hardship.

Commissioner J. Chiamonte Moved to Approve Case # 640 to grant variance of Section 332.5 "Minimum Setback Requirements" from 50' 0" to allow 37' 0" front yard set-back to construct a roof over an existing front deck and stair which will provide shelter and safe passage to the only access to the dwelling, modified without the 3' 0" bump-out in accordance to the A-2 Survey plan submitted and entitled "Property Survey prepared for Peter J. & Sandra DiResta, 7 Candle View Drive, Town of Sherman, Fairfield County, CT, Dated: October 26, 2013." Prepared by PAH, Inc. Land Surveyors.
Seconded by: Commissioner K. Fazzone Vote: For: Unanimous

Approval of 2014 Schedule of Regular Meetings:

Commissioner J. Chiamonte Moved to Approve the 2014 Schedule of Regular Monthly Meetings.
Seconded by: Commissioner G. Smolen Vote: For: Unanimous

Approval of Minutes:

October 1, 2013, Regular Monthly Meeting

Commissioner J. Chiamonte Moved to Approve the Minutes of Regular Monthly Meeting of October 1, 2013 as amended.
Seconded by: Commissioner R. Hudson Vote: For: Unanimous

October 22, 2013, Special Meeting

Commissioner J. Chiamonte Moved to Approve the Minutes of Special Meeting of October 22, 2013 as amended.
Seconded by: Commissioner G. Smolen Vote: For: Unanimous

Reports:

The Board discussed the desire to approach the Planning & Zoning Commission while they are in the process of Regulation review, with a request to consider modifications to Regulations which the ZBA most frequently is presented for Variance. ZEO, R. Cooper will be invited to attend the next Meeting to discuss these items. Chairman D. Baird will reach out to the Land Use Atty. for additional advice.

ZBA Application and fees review

This discussion was tabled until the January Meeting.

Adjournment:

Commissioner G. Smolen Moved to Adjourn the Meeting at 8:40 p.m.
Seconded by: Commissioner R. Hudson Vote: For: Unanimous

Respectfully Submitted by,

Christine Branson
December 11, 2013

*APPROVED with amendments, February 4, 2013