



ZONING BOARD OF APPEALS
Regular Monthly Meeting
June 4, 2013
7:00 pm
Mallory Town Hall

FINAL

Commissioners present: Dale Baird, Joseph Chiamonte, Samantha Addonizio, Rick Hudson and Kathy Fazzone
Absent: Will Jones, Lucy Pollack, and Gary Smolen
Christine I. Branson, ZBA Administrative Clerk was in attendance.
There were audience members, but none recording or video-taping the meeting.

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

Public Hearing:
Case # 631

McQuaid, Edmond & Mary- 2 Timber Lake Road- (aka. Map 50, Lot 8) – requesting variance of Section 332.5 “Minimum Setback Requirements” from side yard setback and Section 384 “Non-Conformity, Other Than Use”, to raise the walls of the existing 22’D x 20’ W x 9’H attached garage up 6ft without changing the footprint of the existing structure, making the new dimensions 22’D x 20’ W x 15’ H, as indicated on an A-2 Survey Map entitled “ Property Survey prepared for Marylee Lawre, 2 Timber Lake Road, Town of Sherman, Fairfield County, CT dated February 2, 2005, prepared by Paul A. Hiro, P.C.” Zone B.

Edmond McQuaid spoke on behalf of his application. His intention is to raise the second floor of the existing garage an additional 6 feet to allow enough room to stand in all areas of the upper floor. This addition would not impact the footprint of the structure only a vertical change. At the highest point of the roof (24 feet at peak) the maximum height still conforms within the maximum height allowed (34 feet). In keeping with the height change the applicant wishes to replace the existing small windows with larger windows, and add an additional window on the Western side of the building. From the audience, abutting property owner Tom Joyner stated he had no objections to the proposed plans.

Deliberation:
Case # 631

Chairman Baird outlined the proposed application. The Commission discussed various points identified in the hardship letter. Commissioner Fazzone stated the increase of the size of the window also increases the safety of the room. Commissioner Chiamonte stated he struggled to find a true hardship. The Commission recognized over 80% of the existing garage is compliant with the regulated set back requirements.

Commissioner J. Chiamonte made a Motion to approve Case # 631 as presented.
Seconded by: Commissioner R. Hudson. Vote: For: 4 (Baird, Addonizio, Hudson, Fazzone)
Against: 1 (J. Chiamonte) **GRANTED**

Public Hearing:
Case # 632

Hall, Daryl- 27 Chapel Hill Road- (aka. Map 006, Lot 016) – requesting variance of Section 332.1 “Minimum Setback Requirements” from front yard setback and Section 384 “Non- Conformity, Other Than Use”, to build an addition for a kitchen, bedroom, bathroom and covered porch, as indicated on an A-2 Survey Map entitled “ Zoning Location Map- Proposed Construction, prepared for Daryl Hall, 27 Chapel Hill Road, Town of Sherman, Fairfield County, CT dated May 14, 2013, Zone A

Catherine Cooke of Spring Lake Designs and Paul Szymanski of Arthur Howland & Associates spoke on behalf of the applicant. The A-2 Survey Map was discussed. Various obstacles were pointed out which create numerous hardships on the development of this parcel. Because of the layout of the house, access to the kitchen is through a basement entrance and then up a flight of stairs or around the other side of the house away from logical parking. The Commission asked if consideration was given to locate the addition on a compliant section of the property. Cooke stated many other options were explored but each met with multiple obstacles. The addition, where it is proposed would allow ADA compliant access to the kitchen and bath on the ground level, which is necessary for the family. Szymanski stated a pump septic system is necessary, the property currently has a cesspool which does not conform to the Connecticut State Health standards. There will need to be a reserve septic area additionally. Szymanski showed on the Survey large sections of the property which are designated as wetlands and rocky ledge. During the construction of the proposed addition, an existing non-compliant shed and patio will be removed which are within the wetlands buffer. The proposed addition equals 2,071 square feet of space, of which 12.8% is non-compliant. Cooke stated, preserving the historic character of this home is the intent and the proposed placement of the addition reflects the most logical option.

Deliberation:
Case # 632

Discussion of the proposed addition followed. The addition would increase the number of bedrooms from 3 to 4 and add two bathrooms. The Commission recognized many limitations within the property, and appreciated the modest area of non-conformity in the proposed addition. The Commission agreed hardship has been demonstrated many times over due to the configuration of the land, close proximity to the road and various wetland issues on the property.

Commissioner R. Hudson made a Motion to approve Case # 632 as presented.
Seconded by: Commissioner S. Addonizio **Vote: For: Unanimous** **GRANTED**

Public Hearing:
Case # 633

J. O'Brien, 4 Echo Road- (aka. Map 052, Lot 061) – requesting variance of Section 332.5 “Minimum Setback Requirements” from front yard setback and Section 384 “ Non-Conformity, Other than Use” to build a second floor addition to include a bedroom and one full bathroom, as indicated on an A-2 Survey Map entitled “ Property Survey prepared for Joan M. O'Brien, 4 Echo Road, Town of Sherman, Fairfield County, CT dated March 13, 2013, Zone B

Attorney Tom Beecher of Collins Hanafin, P.C. spoke on behalf of the Applicant, pointing out this version of the proposal has been pared down 65% from previously applied Case # 630. The property is a half of an acre, the existing 2 bedroom, 1 bath dwelling is 1088 sq. ft. built in 1951. This property is unique in the fact that it fronts two roads, requiring two 50 ft. setbacks. The new proposal encroaches one set back only. Additionally, the property has wetlands confining the septic system and reserve area to the only “buildable” space on the property. The addition would add 662 square feet to the home. A total of 18 letters from neighboring properties were submitted in support of the addition.

Deliberation:
Case # 633

The Commission carefully considered the proposed addition in respect to the set back. The addition consists of adding 662 square feet to the existing dwelling, of which, 260 feet are non-compliant. The Commission discussed how the regulation change to minimum lot size has impacted improvements to small lots. The Commission sympathized with the want for the proposed addition, however did not find the hardship to be land imposed.

Commissioner R. Hudson made a Motion to approve Case # 633 as presented.
Seconded by: Commissioner S. Addonizio **Vote: For: 2 (Baird, Addonizio) Against: 3**
(Chiaramonte, Fazzone, Hudson) **DENIED**

Public Hearing:
Case # 634

Sherman Library Association- 1 Sherman Center- (aka. Map 77, Lot 31) -- requesting relief of Section 384 " Non-Conformity, Other than Use", Section 351.2 Coverage to allow building coverage for Public Libraries from a maximum of 10% to 15.6% and relief of Section 351.3 Setbacks and Parking for Public Libraries on the West side along Saw Mill Road as indicated on an A-2 Survey Map entitled " Proposed Zoning Location Map for Required Variances, prepared by Michael A. Natale, L.S. and Paul Szymanski, P.E. dated , May 7, 2013." Zone D- Historic District and Zone C- Business District.

Paul Szymanski of Arthur Howland & Associates spoke on behalf of the application. Details in reference to placement of the utility pole were discussed. The utility company had verbally agreed to the location as shown of the map and variance was granted previously. The Commission agreed, the current location of the pole is hazardous and this must be moved. In the Audience, First Selectman C. Cope requested the Commission act quickly to move the utility pole before someone gets into an accident.

Deliberation:
Case # 634

The Commission briefly discussed safety issues regarding the current placement of the utility pole, and agreed immediate action is necessary. In addition the Commission discussed modifications to previously granted variances.

Commissioner K. Fazzone made a Motion to approve Case # 635 as presented.
Seconded by: Commissioner S. Addonizio. Vote: For: Unanimous

GRANTED

Adjournment:

Commissioner R. Hudson made a Motion to Adjourn the Meeting at 9:44p.m.
Seconded by: Commissioner S. Addonizio Vote: For: Unanimous

Respectfully Submitted by,


Christine Branson
Planning and Zoning Administrative Clerk
June 11, 2013

Approved with Amendments at October 1, 2013 Meeting.