

**ZONING BOARD OF APPEALS**  
**Regular Monthly Meeting Minutes**  
**February 4, 2014**  
**7:00 pm**  
**Mallory Town Hall**

**FINAL**

Commissioners present: Dale Baird, Joseph Chiamonte, Kathy Fazzone, Alternates: Rick Hudson, Gary Smolen  
Absent: Will Jones, Lucy Pollack and Samantha Addonizio

Also in Attendance, Ron Cooper, ZEO & Christine I. Branson, ZBA Administrative Clerk

Alternate G. Smolen was elevated to voting status, in the absence of two Regular Commissioners.

**Call to Order:**

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

**Public Hearing:**

Case # 641: Korsant, Philip – 20 Spring Lake Road (aka Map 20 Lot 72) Zone A - requesting a variance of Section 324.3B "Generators, Air Conditioners, Pool Filters and Other Noise Generating Equipment" from a 50.0' required front yard setback to allow a 36.4 ft. front yard setback to place a stand by generator as indicated on map entitled "Zoning Location Survey Map – Proposed Generator, prepared for Philip B. Korsant, Lot 1R, 20 Spring Lake Road, Sherman, CT", dated January 13, 2014, Sheet ZL.1R, Prepared by Arthur H. Howland & Associates, P.C.

David Rogers, Acting Agent was present as well an Electrical Contractor from Creative Electric, to speak on behalf of the application. The intent of the request is to place a stand-by generator in a location less than the regulated 50 foot front yard set-back. Mr. Rogers stated the reasoning behind this location was due to the proximity of an underground propane tank and the power service line comes in at the same point. This is an older home and is very close to the road. The Board discussed the proximity of windows with the proposed site. Mr. Rogers stated he had discussions with the Building Inspector, Bill Jenks, and since the windows are fixed the location meets requirement from a Building Inspector's perspective. The Board discussed alternate locations which all met difficult terrain, obstacles, or the need to trench all around the house. The Board recognized there are no abutting neighbors to this property. The applicant stated the intent is to plant shrubs to shield the generator from roadside view.

Commissioner R. Hudson Moved to Close the Public Hearing of Case # 641.  
Seconded by: G. Smolen      **Vote: For: Unanimous**

**Business:**

Case # 641: Korsant, Philip – 20 Spring Lake Road (aka Map 20 Lot 72)

The Commission discussed the request for variance to place a generator in a place a stand by generator as indicated on map entitled "Zoning Location Survey Map – Proposed Generator, prepared for Philip B. Korsant, Lot 1R, 20 Spring Lake Road, Sherman, CT", dated January 13, 2014, Sheet ZL.1R, Prepared by Arthur H. Howland & Associates, P.C. The Commission recognized the hardship in relation to the land and agreed this location was the least intrusive to the property. The hardship was due to the topography of the land, forcing the generator closer to the road as a result. There was question if the application required an additional front yard setback variance. The generator as proposed will be located at 36.4 ft. from the road side.

Commissioner R. Hudson Moved to approve Case # 641: Korsant, Philip – 20 Spring Lake Road (aka Map 20 Lot 72) variance of Section 324.3B “Generators, Air Conditioners, Pool Filters and Other Noise Generating Equipment” from a 50.0’ required front yard setback to allow a 36.4 ft. front yard setback to place a stand by generator as indicated on map entitled “Zoning Location Survey Map – Proposed Generator, prepared for Philip B. Korsant, Lot 1R, 20 Spring Lake Road, Sherman, CT”, dated January 13, 2014, Sheet ZL.1R, Prepared by Arthur H. Howland & Associates.

Seconded by: G. Smolen      Vote: For: Unanimous

**Public Hearing:**

Case #642: Merrell, John & Desiree- 1 Worden Point Road (aka Map 64, Lot 5) Zone B - requesting a variance of Section 332.5 “Minimum Setback Requirements” from a 50.0’ required front yard setback to allow a 30.6’ and 41.6’ setback, variances from the 25.0’ required side yard setbacks to allow 16.5’ and 15.7’ setbacks and variance from Section 383 “Non-Conforming Use of Buildings” to add a front porch, remove an existing carport and create an attached addition of a two car garage with second story living space as indicated on map entitled “Zoning Location Survey, prepared for John R. & Desiree Merrell, 1 Worden Point Road, Sherman, CT” dated November 8, 2013, Revised December 10, 2013. Prepared by: Rirordan Land Surveying.

Agent, Don Federle was in attendance to speak to the Application. The intent of the request is to add an adjoining two story, two bay garage where a car port on a concrete slab exists presently. This lot is .65 acres and shaped irregularly. The existing home is a single story, three bedroom, two bath, dwelling with a finished basement. The proposed 1,350 square foot overall addition would add one bedroom and one bath, the existing downstairs master bedroom will be re-purposed into family living space. The upper space is proposed to become the master bedroom and bath. The applicant stated the addition would decrease the percentage of non-conformity. The roof height would go from 12’ 6” to 28’ from lowest to highest measurement. There is also a proposed front “porch” which would be 19’ x 5’6”, which the applicant would be more decorative than functional.

Commissioner R. Hudson Moved to Close the Public Hearing of Case #642.

Seconded by: J. Chiaramonte      Vote: For: Unanimous

**Business:**

Case #642: Merrell, John & Desiree- 1 Worden Point Road (aka Map 64, Lot 5)

The Board discussed the request for variance to add a front porch, remove an existing carport and create an attached addition of a two car garage with second story living space as indicated. Some struggled with the fact that property is so small and the square footage of the proposed addition would double the size of the existing dwelling. The Board also struggled with finding a hardship for the significant increase of living area of the proposed addition, while understanding the necessity of an enclosed garage.

Commissioner R. Hudson Moved to Approve Case #642: Merrell, John & Desiree- 1 Worden Point Road (aka Map 64, Lot 5) variance of Section 332.5 “Minimum Setback Requirements” from a 50.0’ required front yard setback to allow a 30.6’ and 41.6’ setback, variances from the 25.0’ required side yard setbacks to allow 16.5’ and 15.7’ setbacks and variance from Section 383 “Non-Conforming Use of Buildings” to add a front porch, remove an existing carport and create an attached addition of a two car garage and second story living space as indicated on map entitled “Zoning Location Survey, prepared for John R. & Desiree Merrell, 1 Worden Point Road, Sherman, CT” dated November 8, 2013, Revised December 10, 2013. Prepared by: Rirordan Land Surveying. Seconded by: G. Smolen      Vote: For 0, Opposed: 5

**Public Hearing:**

Case #643: Wahl, Robert & Jean- 6 Lake Shore Woods Road (aka Map 66, Lot 42) Zone B - requesting a variance of Section 332.5 "Minimum Setback Requirements" from a 25.0' required rear yard setback to allow a 21.0' setback to construct an elevated walkway attached to existing deck for egress at rear of home indicated on map entitled "Proposed Zoning Map, prepared for Robert R. & Jean P. Wahl, #6 Lake Shore Woods Road, Sherman, CT" dated October 24, 2013 Prepared by Linwood R. Gee & Son L.L.S.

Commissioner G. Smolen stated he is employed by First Light, an abutting property owner, but feels no conflict with this request. Robert Wahl was in attendance to speak to the Application. The intent of this request is to construct an elevated walkway attached to existing deck for egress at rear of home. The land slopes dramatically at this side of the dwelling. This walkway would cover the slope and end in stairs to the yard, creating egress from an existing deck to the rear of the home. Other options were explored but would be costly and possibly invasive to the lake frontage. This 1950's home is currently undergoing extensive renovations, which is in compliance to setbacks and conforming to the Regulations. Also in attendance was neighbor, Cheryl Hawkins. Mrs. Hawkins stated she was in full agreement to allow Mr. Wahl's proposal, that it would improve the safety of the home and nicely tie together the two decks to allow egress. The Board discussed the 440 line and the proximity of the requested variance.

Commissioner R. Hudson Moved to Close the Public Hearing of Case #643.  
Seconded by: J. Chiamonte      Vote: For: Unanimous

**Business:**

Case #643: Wahl, Robert & Jean- 6 Lake Shore Woods Road (aka Map 66, Lot 42)  
The Board discussed the request for variance to construct an elevated walkway attached to existing deck for egress at rear of home. All members agreed the request for variance was modest and keeping with reasonable use. Members also recognized the land created considerable hardship and exploring alternate options of the placement of the walkway were confined.

Commissioner J. Chiamonte Moved to Approve Case #643: Wahl, Robert & Jean- 6 Lake Shore Woods Road (aka Map 66, Lot 42) Zone B - requesting a variance of Section 332.5 "Minimum Setback Requirements" from a 25.0' required rear yard setback to allow a 21.0' setback to construct an elevated walkway attached to existing deck for egress at rear of home indicated on map entitled "Proposed Zoning Map, prepared for Robert R. & Jean P. Wahl, #6 Lake Shore Woods Road, Sherman, CT" dated October 24, 2013 Prepared by Linwood R. Gee & Son L.L.S.  
Seconded by: K. Fazzino      Vote: For: Unanimous

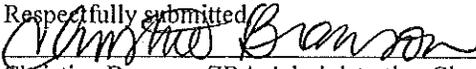
**Approval of Minutes:**

Regular Monthly Meeting of December 3, 2013

Commissioner R. Hudson Moved to Approve the Minutes of Regular Monthly Meeting of December 3, 2013, as amended. Seconded by: K. Fazzino      Vote: For: Unanimous

**General Discussion:**

The Board discussed putting forth a formal request to the Planning and Zoning Commission for consideration of possible revisions to the current Zoning Regulations. Specifically, the ZBA has seen a trend in certain applications that come before their Board and feel a revision of certain regulations could assist in the ZBA process.

Respectfully submitted,  
  
Christine Branson, ZBA Administrative Clerk  
February 7, 2014

\* APPROVED AS AMENDED AT MARCH 4, 2014 RMM\*