



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

FINAL

Commissioners present: Dale Baird, Joseph Chiamonte, Kathy Fazzone, Rick Hudson and Alternates: Gary Smolen and Samantha Addonizio

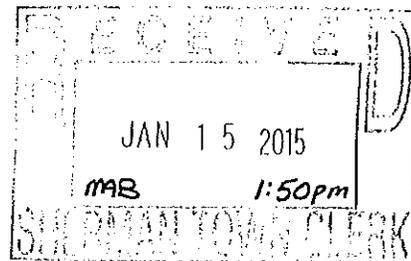
Absent: Will Jones, and Alternate: Lucy Pollack

Also in Attendance: Christine I. Branson, ZBA Administrative Clerk

Call to Order:

Chair, D. Baird Called the Meeting to Order at 7:03 p.m.

The Public Hearing for Case # 647 has been Continued as per the request of the Applicant.



Public Hearing:

Case: 648- Williams, Gregory & Catherine, 7 Laurel Hill Road South (aka Map- 48, Lot -39)
Requesting variance from Section 384 "Non-Conformity, other than use" and 332.5 "Minimum Setback Requirements" from 25 feet rear yard to 13 feet , 3 inches to allow construction of a second story addition within the existing footprint of a pre-existing, legal non-conforming dwelling. Zone B

In attendance to speak were Gregory and Catherine Williams as well as Architect, Scott Yates. The Legal Notice was published in the Citizen News on September 24th, and October 1, 2014. A total of 18 abutting property owners were sent Certified Legal Notices. The Board reviewed the file and plans for the addition. The Applicant elaborated on the difficulty presented when they were seeking a suitable location for an addition. The topography of the land creates a unique problem, the reserve septic, existing septic, well, shed and driveway have consumed all viable placement options. The applicant stated the only alternative was to build a second floor. The existing dwelling, built in 1954, consists of three bedrooms and one full bathroom. The total square footage of the proposed addition is approximately 1,000 square feet. The number of bedrooms will not increase, two bedrooms will be re-located upstairs and a bathroom and a half will be added. The existing roof cannot be viewed from the road. The highest point of the proposed addition will be 21 feet 9 inches above nominal grade, located on the rear dormer. Abutting to the rear of the property is 50 acres of open space owned by the Sail Harbor Association. One third of the proposed addition is outside of the conforming building envelope. This application has received Health Department approval.

K. Fazzone Moved to Close the Public Hearing for Case # 648.

Seconded by: R. Hudson

Vote: For: Unanimous

Old Business:

Case: 648- Williams, Gregory & Catherine, 7 Laurel Hill Road South (aka Map- 48, Lot -39)

The Board discussed details of the application. The existing 1,300 square foot home contains 3 bedrooms and one full bath was built in 1954. The proposed addition would add approximately 1,000 square feet and a second story; move two bedrooms upstairs as well as add an additional full bath and half bath. The combined square footage will total 2,300 sq. ft. The Board agreed the proposal was modest and in keeping with the neighborhood. Four of the five voting members agreed the hardship was caused by the

abundance of rock and ledge on the property. One member did not agree that there was a hardship, in that reasonable use already existed. The house was purchased only a few years ago, and a growing family does not constitute a hardship. Mr. Chiamonte suggested the homeowners consider seeking revision to the current Regulations (perhaps reverting back to the original setback requirements at the time the house was constructed). Ms. Addonizio stated she felt the topography was the greatest hardship, and this application would need a variance no matter what.

R. Hudson Moved to Approve Case 648- Williams, Gregory & Catherine, 7 Laurel Hill Road South (aka Map- 48, Lot -39) variance from Section 384 "Non-Conformity, other than use" and 332.5 "Minimum Setback Requirements" from 25 feet rear yard to 13feet, 3inches to allow construction of a 1,000 square foot second story addition within the existing footprint of a pre-existing, legal non-conforming dwelling.
Seconded by: K. Fazzone **Vote: For: 4 Against: 1 (J. Chiamonte)**

Approval of Minutes:

Tabled until next meeting.

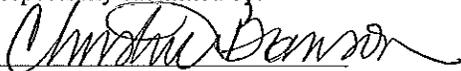
Chairman's Report:

D. Baird reported to the Board that she and Vice-Chair J. Chiamonte attended a Planning & Zoning Workshop in reference to the attached letter that ZBA sent. In it, the ZBA had requested P&Z review vertical additions, the Federal Project Boundary Line (440 Contour Line), and changes to set back requirements. P&Z has agreed to review these regulations with the Land Use Attorney.

Adjournment:

G. Smolen Moved to Adjourn the Meeting at 8:35 p.m.
Seconded by: R. Hudson **Vote: For: Unanimous**

Respectfully submitted by:



Christine Branson, ZBA Administrative Clerk
October 14, 2014

*Approved with Amendments at the January 6, 2015 Meeting



ZONING BOARD OF APPEALS
TOWN OF SHERMAN

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May 30, 2014

Dear Sherman Planning and Zoning Commission,

The Sherman Zoning Board of Appeals has compiled a database of all of the variances requested over the past years. We have reviewed the database and there are two distinct variance requests that are consistently being requested and one additional update required.

Since the zoning regulation review is ongoing, we respectfully request that you review the following regulations for changes to eliminate or reduce the requests for variances:

The most common variance request is for Section 332 Zone B Residential Zone

- Section 332.4 minimum lot dimension
- Section 332.5 minimum setbacks
- Section 332.6 maximum building coverage

There are many homes in this zone that were conforming when built before 1979 and are now nonconforming because of the regulation change. These are approved building lots and buildings that could be held to the prior regulations which they were sanctioned under and not require a variance. There is no land based hardship for these properties especially as it relates to historic homes; the hardship was/is created by the regulation creation/change.

The second most common variance is for Section 332.5 minimum setback but it is created by Section 212.

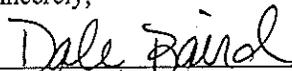
- In the above descriptions, any reference to Lake Candlewood or to the shoreline of Lake Candlewood means the 440-foot contour line surrounding the Lake. Land below the 440-foot contour line shall not be used as part of a building lot except in accordance with Section 213 noted below. No building shall be constructed in this area.

We recommend that the Federal Project Boundary, commonly referred to as the 440 contour should not define the property line. There are many houses that own property below the 440 contour and meet our zoning regulations for setback. Yet they require a variance because the 440 contour intersects their property and renders their home or proposed construction non-conforming. Of course any building below the 440 contour will be controlled by the property owner – currently FirstLight.

We thank you in advance for updating the fee structure section 454, which we understand is in process.

We would be happy to attend a Planning and Zoning meeting and go over the proposed regulations and explain the issues they create.

Sincerely,


Dale Baird, Chairman Zoning Board of Appeals

Rec'd
5-30-2014
RIR@