



ZONING BOARD OF APPEALS
Regular Monthly Meeting Minutes
August 2, 2016, 7:00 pm
Mallory Town Hall

FINAL

Commissioners Present: Samantha Addonizio, Rick Hudson, Will Jones, Kathy Fazzone and Alternates Rich Lenihan, and Kenric Gubner

Absent: Brooke O'Dwyer

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

Public: Michael Carpanzano

Call to Order: S. Addonizio Called the Meeting to Order at 7:02 p.m.

Alternate R. Lenihan was Elevated to Voting status.

Public Hearing I

Case 663- Cooney, Niall & Valladares, Jennifer -29 Ledgewood Drive (M- 72 , L-17)

Requesting a variance of Section 332.5 Minimum Setback Requirements, Side Yard Setback - to increase the existing vertical non-conformity within the existing set-back from 25 feet to 17.6 feet to allow construction of a revised roofline from the one previously reviewed and approved (Case-656). Also, a variance of Section 384, Non-Conformity Other Than Use, to allow an increase in the existing non-conforming dwelling, and setback from property line, as indicated on an A-2 survey entitled: "Existing Conditions Map, prepared for Niall Cooney & Jennifer Valladares, Deer Run Shores Section "B", Lot 10, Area Easterly of Ledgewood Drive to Record Map Line for "440"= 16,863 S.F. / 0.3871 Ac. 29 Ledgewood Drive, Town of Sherman, County of Fairfield, State of Connecticut. Date: September 21, 2015, Sheet EC.1" prepared by Arthur H. Howland & Associates, and in accordance with provided Floor Plans entitled "Cooney Residence" received June 12, 2016. Zone B.

Chair S. Addonizio reviewed the contents of the application file. The Legal Warning was published in the Town Tribune on July 21 and again on July 28, 2016. Two abutting property owners were identified and sent a Certified letter with the warning. No correspondence was received. There is an Agent letter designating Michael Carpanzano to act on the applicant's behalf. Health Approval has been issued as of February 11, 2016. Also in the file is a letter of hardship which was read into record. Building plans and an A-2 survey map showing the area of proposed activities was also in the file. This property was before the ZBA Board in January this year, seeking a variance from the side yard setback to add a second story addition, and subsequently was granted. The ZEO recommended the applicant return to ZBA due to the fact that the dwelling was demolished down to the foundation with the exception of the retaining wall and another wall and the style of the roof line has been changed. Chair Addonizio asked Mr. Carpanzano to join the table to speak on behalf of the application. Mr. Carpanzano explained the proposed activity in comparison to the granted variance and original application and existing conditions. The original plan showed a larger floor plan, with a gambrel style roof that featured hip roofline. It was determined upon further review by the Architect this roof could leak along the hip and would not be the best option. The plans proposed tonight have a reduction in footprint of approximately 400 square feet and feature a straight gable end wall, which has triggered increased non-conformity from the original variance. Mr. Carpanzano added the neighboring properties are uphill from this property and the view would not be affected, also the height of the roof remains the same as originally proposed. A letter was read into record from Structural Engineer, Edward Silva, dated June 20, 2016 stating "the existing foundation wall is adequate to support a new residential structure, some adjustments or reinforcements may be required, depending on shape and location of the loads of the proposed structure", there were two photographs accompanying the report. The Board reviewed the submitted A-2 Survey and discussed with Mr. Carpanzano the new building plan and reduced areas of construction which were highlighted in pink on the survey. On the non-conforming side of the foundation where the additional wall was left standing, the requested set-back remains at 17.6 feet, however the roof design change creates non-conformity in volume on the same wall. A lengthy discussion

followed regarding the orientation of the roof and the language of the original variance granted. No additional comments were made by the Board or the Applicant.

R. Hudson Moved to Close the Public Hearing for Case 663 - Cooney, Niall & Valladares, Jennifer -29 Ledgewood Drive (M- 72 , L-17)

Seconded by: K. Gubner

Vote: For: Unanimous

Deliberation

Case 663 - Cooney, Niall & Valladares, Jennifer -29 Ledgewood Drive (M- 72 , L-17)

The Board discussed at length the original variance and the roof orientation. The hardship letter was again read into record. Because of the pre-existing non-conforming side of the house which was constructed within the side yard setback, a new the variance for the setback still is relevant for the vertical increase caused by the redesign of the roof. The Board determined they would like additional input from the Zoning Enforcement Officer to clarify the request. The meeting was tabled until input can be discussed by the ZEO.

S. Addonizio Moved to table the Deliberation of Case 663 to request input from the ZEO for procedural clarity.

Seconded by: R. Hudson

Vote: For: Unanimous

Approval of Minutes

Minutes of Regular Monthly Meeting July 5, 2016

R. Hudson Moved to Approve Minutes of Regular Monthly Meeting July 5, 2016 with amendment to remove two typographical errors in the beginning paragraph.

Seconded by: R Lenihan

Vote: For: 5 Abstain: 1 (K. Gubner)

Adjournment

R. Lenihan Moved to Adjourn the meeting at 9:22 p.m.

Respectfully submitted:



Christine Branson, Administrative Clerk

August 4, 2016

APPROVED AS AMENDED AT THE SEPTEMBER 6, 2016 RMM