



**ZONING BOARD OF APPEALS**  
**Regular Monthly Meeting Minutes**  
**April 4, 2017 7:00 pm**  
**Mallory Town Hall**

**FINAL**

**Commissioners Present:** Rick Hudson, Will Jones and Alternates: Brooke O'Dwyer, Richard Lenihan and Kenric Gubner

**Absent:** Samantha Addonizio and Kathy Fazzino

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

**Public:** J. Burruano, M. Lord, S. Vazquez, M. Mazzucco, R. Baptista, W. Mercer, P. Raphael, J. Beatty, E. Salamack, W. Mercer, and P. Raphael

**In the absence of Chair S. Addonizio, R. Hudson will act as Chair for this Meeting.**

**Alternates Brooke O'Dwyer, Rich Lenihan and Kenric Gubner were all elevated to Voting Status for the Meeting.**

**Call to Order:** **R. Hudson Called the Meeting** to Order at 7:08 p.m.

**Public Hearing I**

**Case 667: Salamack, Ellen & Bicho, Julia - 8 Echo Lane South-(M-47, L-43)** Requesting a variance of Section 332.5, Minimum Setback Requirements, Front yard setback from 50' to 36.8' for construction of house, Front yard setback from 50' to 33' for construction of porch, Front yard setback from 50' to 31.7 for construction of garage. Additional variance from Section 332.5 Minimum Setback Requirements- Side Yard from 25' to 11.5' all in the exact footprint as shown on submitted A-2 Survey entitled "Property Survey, Julia Bicho & Ellen Salamack, 8 Echo Lane South, Town of Sherman, Fairfield County, Connecticut". Dated December 20, 2016. Prepared by The Office of PAH, Inc. Land Surveyors, as shown on site plan entitled, " Proposed Site Development, 8 Echo Lane South, Sherman , CT" Dated 01/06/2017, prepared by Michael J. Mazzucco, P.C. and in accordance with submitted floor plans entitled "Bicho/ Salamak Residence, 8 Echo Lane South, Sherman, CT". Dated 03/10/2017. Prepared by R. A. Baptista & Associates, LLC. Zone B.

Acting Chair R. Hudson reviewed the contents of the application file and read the Legal Warning into record. The Legal Warning was published in the Town Tribune on March 23, 2017 and again on March 30, 2017. Also in the file and read into record was a letter of hardship written by Agent Michael Mazzucco. A letter authorizing M. Mazzucco to act on behalf of the Applicants was in the file. Four abutting property owners were identified and sent Certified notice of the meeting with the warning. No correspondence was received prior to the start of the Meeting. At the Hearing E. Salamack (property owner ) notified the Board that she received 25 letters of support from surrounding neighbors in reference to this application. These letters were all in favor of the Application and were read into record. An A-2 survey map was in the file showing the proposed activity and site plan. Additionally submitted were Building Plans, showing the details of the proposed renovation. Professional Engineer M. Mazzucco spoke on behalf of the application, and read the letter of hardship into record, stating the proposed activity includes the construction of an addition, however due to the confining lot size, considerable slope, wetlands, 100 year flood zone, and recent changes to the Health Code which must maintain a minimum of 25' from to any down gradient property line, the best solution would be to build vertically on the existing footprint on the property. Civil Engineer R. Baptista also spoke on behalf of the application, stating the original intention for the application was to utilize the existing foundation , however upon inspection the foundation was determined to not be structurally sound for the proposed build. Extensive repairs would be necessary to maintain use of the existing foundation. The applicants are proposing to build within the existing footprint a new three bedroom home with a new driveway and garage. The plans show they will be reducing the number of bedrooms from four to three. Variances being requested are Front Yard Setback for the House- from 50' reduced to 36.8', for the porch from 50' reduced to 33', and for the garage from 50' reduced to 31.7'. The Side Yard Setback variances requested are from 25' reduced to 11.5'. The Board reviewed

and discussed the plans that were submitted. From the audience, several people read a letters of support into record; W. Mercer, P. Raphael on behalf of Tax District President S. Lanker, P. Raphael ( on his own behalf). There were no additional comments or questions from members of the audience. There were no further questions or comments from the Board.

**W. Jones Moved to Close** the Public Hearing of ZBA Case 667: Salamack, Ellen & Bicho, Julia - 8 Echo Lane South.

**Seconded by:** B. O'Dwyer

**Vote: For: Unanimous**

### **Deliberation of Public Hearing I- Case 667**

Acting Chair R. Hudson re-read the letter of hardship into record. The Board discussed and recognized the pre-existing non-conformity of the existing dwelling which does not have a garage nor a driveway The Board also recognized the limitations created on this property caused by wetlands, flood zone and odd configuration and size of the lot being less than the average in the area. The Board discussed the close proximity of the neighbor's septic, as well as the need to stay a minimum of 25 feet from property lines for the septic for this property. The Board recognized that the existing conditions do not support a driveway or a garage and with the proposed plans it will create a safer parking solution. The Board considered the letters of support that were previously read into record, and statements that were made in support from those in attendance.

**W. Jones Moved to Approve Case 667- Salamack, Ellen & Bicho, Julia - 8 Echo Lane South-(M-47, L-43)** Variance of Section 332.5, Minimum Setback Requirements, Front yard setback from 50' to 36.8' for construction of house, Front yard setback from 50' to 33' for construction of porch, Front yard setback from 50' to 31.7' for construction of a garage. Additional variance from Section 332.5 Minimum Setback Requirements-Side Yard from 25' to 11.5' all in the exact footprint as shown on submitted A-2 Survey entitled "Property Survey, Julia Bicho & Ellen Salamack, 8 Echo Lane South, Town of Sherman, Fairfield County, Connecticut". Dated December 20, 2016. Prepared by The Office of PAH, Inc. Land Surveyors, as shown on site plan entitled, " Proposed Site Development, 8 Echo Lane South, Sherman , CT" Dated 01/06/2017, prepared by Michael J. Mazzucco, P.C. and in accordance with submitted floor plans entitled "Bicho/ Salamak Residence, 8 Echo Lane South, Sherman, CT". Dated 03/10/2017. Prepared by R. A. Baptista & Associates, LLC.

**Seconded by:** B. O'Dwyer

**Vote: For: 4, Against: 1 (R. Lenihan)**

### **Public Hearing II**

**Case 668: Woodage, Vincent & Nanette - 28 Wanzer Hill Road- (M-48, L-48)** Requesting a variance of Section 332.5, Minimum Setback Requirements, Front yard setback from 50' to 43' for the construction of a home attached to a pre-existing legal non-conforming garage. The increase of non-conforming footprint by 137 square feet, and increase volume of roof elevation to meet structural and mechanical design parameters to change the orientation of the roof all in the exact footprint as shown on submitted A-2 Survey entitled " Proposed Zoning Location Survey, Lots 8 & 9 Laurel Hill, Prepared for Vincent H. & Nanette C. Woodage, 28 Wanzer Hill Road, Sherman, CT". Dated 02/28/2017. Prepared by CCA, LLC and in accordance with floor plans entitled "New Home Construction, Woodage Residence, 28 Wanzer Hill Road, Sherman, CT. Prepared by Sibertek, LLC. Zone B.

Acting Chair R. Hudson reviewed the contents of the application file and read the Legal Warning into record. The Legal Warning was published in the Town Tribune on March 23, 2017 and again on March 30, 2017. Also in the file and read into record was a letter of hardship submitted by Chris Siburn of Siburtek, LLC and a letter authorizing Chris Siburn of Siburtek, LLC to act on behalf of the Applicants. One abutting property owner was identified and sent Certified notice of the meeting with the warning. No correspondence was received prior to the start of the Meeting. An A-2 survey map was in the file showing the proposed activity and site plan. Additionally submitted were Building Plans showing existing conditions and the details of the proposed renovation. Agent Chris Siburn of Siburtek, LLC, spoke on behalf of the application, and spoke in detail regarding the severe slope in topography of the land and pre-existing non-conforming conditions of the home as it exists today. Mr. Siburn referred to the letter of hardship and pointed out areas that contain ledge, as well as the existing septic and reserve space. This property has two front yards because two roads abut the property which confines the buildable area further. The proposed rebuild will reduce current non-conforming setbacks by 20' on the side yard , as well as removal a non-conforming

shed that currently sits 30 feet in from the road way on the Laurel Hill Road side. The proposed application is to remove the existing three bedroom 2,400 square foot dwelling and build a three bedroom, single level, 2,700 square foot dwelling while preserving an existing Legal Non-conforming 32' x 24' garage. A Variance for the garage was granted in 1984. The Variances requested are to decrease the Front Yard Set-Back from 50' to 43' on the Wanzer Hill Road side for construction of the dwelling; variance to allow Increase of Non-Conformity by approximately 137 square feet caused by the proposed new home that would fill the triangle formed by the rear perimeter of the garage; Variance to allow the increase of volume of roof structure on the front elevation and new reverse gable that intersects with proposed new roof. The orientation change is required mechanically for optimized drainage. Mr. Siburn showed a map of the property that shows specific drop in grade pointing to a section of the land that drops 17', 3" in a 48' span, due to the difficult topography if the current septic were to fail, the only option for replacement would be to install a pump-up septic. Mr. Siburn also stated that they plan on installing storm water management infiltrators. The Board thanked the Agent for reducing the non-conformity of the side yard. There were no comments or questions from members of the audience. There were no further questions or comments from the Board.

**K. Gubner Moved to Close** the Public Hearing of ZBA Case 668: Woodage, Vincent & Nanette - 28 Wanzer Hill Road- (M-48, L-48)  
**Seconded by:** B. O'Dwyer      **Vote: For: Unanimous**

### Deliberation of **Public Hearing II-** ZBA Case 668

Acting Chair R. Hudson re-read the letter of hardship into record. The Board discussed and recognized that the proposed building design offers a minimal increase of non-conformity. The Board recognizes the reduction of non-conformity by pushing the new construction off of the side yard by 20 feet. The most significant hardship is caused by the two road fronts as well as severe topographical slope and the presence of ledge. There would be a significant hardship particularly if the existing septic fails and the pump up septic needs to be installed.

**B. O'Dwyer Moved to Approve** Case 668: Woodage, Vincent & Nanette - 28 Wanzer Hill Road- (M-48, L-48) Variance of Section 332.5, Minimum Setback Requirements, Front yard setback from 50' to 43' for the construction of a home attached to a pre-existing legal non-conforming garage allowing an increase of non-conforming footprint by 137 square feet, and increase volume of roof elevation to meet structural and mechanical design parameters to change the orientation of the roof all in the exact footprint as shown on submitted A-2 Survey entitled "Proposed Zoning Location Survey, Lots 8 & 9 Laurel Hill, Prepared for Vincent H. & Nanette C. Woodage, 28 Wanzer Hill Road, Sherman, CT". Dated 02/28/2017. Prepared by CCA, LLC and in accordance with floor plans entitled "New Home Construction, Woodage Residence, 28 Wanzer Hill Road, Sherman, CT. Prepared by Sibertek, LLC.  
**Seconded by:** K. Gubner      **Vote: For: 4, Against: 1 (R. Lenihan)**

### Public Hearing III

**Case 669: Keyes, Craig- 52 Skyline Drive – (M-55, L-14) & Derby, Thomas, Board President of the Candlewood Tax District Association- Sunset Drive ( M- 55, L- 14)** Requesting a variance of Section 324.3 B, Generators, Air Conditioners, Pool Filters, and Other Noise Generating Equipment for placement of an air conditioning unit in a non-conforming location. Variance of Section 331.5, Minimum Setback Requirements, Front yard setback from 50' to 0' for construction of proposed driveway, stairs and deck and roof overhang. Variance of Section 331.2 Accessory Structures Within the Road Right of Way, Variance from Section 358.1, Impact on adjacent property changes in surface deductions more than 2' at a distance of 10' from property lines, all in the exact footprint location as shown on submitted A-2 Survey entitled "Property Survey, Lot 21 & 22 Section G, Candlewood Lake Estates. Prepared for Craig Keyes, 52 Skyline Drive, Sherman, CT". Dated 09/23/2016. Prepared by CCA, LLC. Zone A.

### Deliberation of Public Hearing III

Acting Chair R. Hudson reviewed the contents of the application file and read the Legal Warning into record. The Legal Warning was published in the Town Tribune on March 23, 2017 and again on March 30, 2017. Three abutting property owners were identified and sent Certified notice of the meeting with the warning. No correspondence was received. R. Hudson noted on record that the Letter of Hardship, an Agent Letter from Mr. Keyes, and an A-2 Survey with exact measurements were just received today and the Board did not have time to review the materials previous to the meeting. The letter of hardship was read into record. Several photographs were also provided to illustrate the difficulty of the topography. An Agent letter was in the file designating Steven Vazquez authority to act as Agent on behalf of Thomas Derby, President of the Candlewood Tax District. R. Hudson recognized the Denied Zoning application. A previous Variance was Granted for this property in November of 1998 to allow construction of the carport and a handicap ramp to the house. Agent S. Vazquez was present to speak on behalf of the application. The application is requesting a variance to allow a deck to be constructed between the driveway and the front door. Currently there are several steps down and then up to get to the front door due to the sloping property. The front door sits just inches from the front property line. The driveway is entirely within the 50' foot setback as is the carport. The applicant would like to create an area to allow their car to back out of the carport toward the front door and then have the ability to turn so as to be facing forward when exiting their driveway onto the road. Acting Chair R. Hudson stated he would like to continue the Hearing to the next month in order to review the new materials and possibly consult the opinion of legal counsel. The Applicant did not object to continuing the Hearing to next month.

**K. Gubner Moved to Continue Case 669-** Keyes, Craig- 52 Skyline Drive to the May 2nd, 2017 Meeting.

**Seconded by:** R. Lenihan

**Vote: For: Unanimous**

### Approval of Minutes

Minutes of Regular Monthly Meeting November 1, 2016

**K. Gubner Moved to Approve** Minutes of Regular Monthly Meeting of November 1, 2016, as written.

**Seconded by:** R. Lenihan

**Vote: For: Unanimous**

### Adjournment

**K. Gubner Moved to Adjourn the meeting at 9:22 p.m.**

Respectfully submitted:

  
Christine Branson, Administrative Clerk

April 19, 2017

**\*APPROVED AS AMENDED AT THE JUNE 6TH, 2017 RMM**