



ZONING BOARD OF APPEALS
Regular Monthly Meeting Minutes
June 6, 2017, 7:00 pm
Mallory Town Hall

DRAFT

Commissioners Present: Rick Hudson, Kathy Fazzino and Alternates: Brooke O'Dwyer, Richard Lenihan and Kenric Gubner

Absent: Samantha Addonizio and Will Jones

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

Public: S. Vazquez, T. Piel, and M. Katz

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 7:04 p.m.

Public Hearing I:

Continuation of 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 and generator 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.

Acting Chair R. Hudson read the Legal Notice into record. The Legal Notice was published in the Town Tribune March 23, 2017 and March 30, 2017. The Public Hearing was continued for need of additional information. The warning was again published in the Town Tribune on April 13, 2017 and April 20, 2017. The May Meeting was cancelled due to lack of a quorum. The Board is in receipt of a letter of consent, dated May 5, 2017 from Acting Agent S. Vazquez stating approval of extension of the Public Hearing date for 35 days to be heard on June 6, 2017. An additional letter of consent was received from the adjacent property Agent, Thomas Derby, President Candlewood Tax District, dated May 5, 2017 approving the extension of 35 days for the Public Hearing on June 6, 2017. Three abutting neighbors were notified by certified mail. No correspondence was received. Mr. Hudson reviewed the application file which included an A-2 Survey showing all of the proposed activity and an Agent letter appointing S. Vazquez to act on behalf of both Mr. Keyes and the Candlewood Lake Tax District. At the April meeting a new A-2 survey and hardship letter were introduced leaving little time for the Board to familiarize themselves with the variances requested, therefore a continuation was necessary. Mr. Hudson read the hardship letter into record. Also in the file were the Minutes from the Candlewood Tax District showing as item #5 a Vote on proposed changes to 52 Skyline Drive. Photographs were provided illustrating the difficult topography and unique property line which shows the overhang of the existing roof, patio, and paved drive which are all in the road right of way of the Candlewood Tax District. In the file was a Denied Zoning application, stating the reason for denial was that the proposed activity was within the road right of way and within the front yard setback. A Variance was granted November 10, 1998 allowing the now existing car-port which is also within the road right of way and allowing construction of a 16' x 21' plus 3' handicap ramp. It seems the ramp was never built. The hardship letter requests a variance of the 50' front yard setback to 0' to allow a deck between the existing driveway to the existing front door and to construct a turnaround in the driveway to allow the vehicle to turn around and enter the travel portion of the road facing forward. The hardships

listed are created by topography as well as the unique property line existing directly at the front wall of the dwelling. Appointed agent to both applicants Steven Vazquez was present to speak on behalf of the application. Mr. Vazquez stated that the property owner is concerned about safely leaving the driveway in a vehicle as well as creating a deck area over the series of steps down and then up to gain access to the front door. Mr. Vazquez stated the filling in of the proposed turn around will not exceed two feet in change of grade, therefore will not need variance of Section 358.1. The Board reviewed the A-2 survey which shows the proposed activity in proximity to the front yard setback. The Board also recognized the existing dwelling was built along the front property line.

The Board recognized that the two properties are joined in perpetuity due to the driveway and carport existing within the road right of way. There were no additional comments from the Board or the applicant.

B. O'Dwyer Moved to close the Public Hearing for 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).

Seconded by: R. Lenihan

Vote: For: Unanimous

Deliberation of Public Hearing I

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)

Acting Chair R. Hudson re-read the Letter of Hardship to the Board. The Board reviewed the A-2 survey and the proposed activity. The Board recognized that the topography of the land does appear to hinder the ease of access to the front door. Additionally the Board recognized the unique front yard property line in very close proximity to the front wall of the dwelling, creating a pre-existing non-conforming front yard setback. The Board recognized the non-conforming location of the generator and air conditioning unit. The Board discussed the previous variance granted in 1998 that would still be applicable to create the walkway/ ramp within the specified 16' x21' by 3'. There was a lengthy discussion identifying hardship relative specifically to the land if the variances were voted upon as one motion. R. Hudson read into record an email from Land Use Counsel regarding the ZBA's jurisdiction over the road right of way belonging to the Candlewood Lake Tax District. The consensus of the Board was to separate each requested variance to vote upon.

K. Gubner Moved to Approve 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) Variance of Section 384, Increase of Non-Conformity, Other than Use for proposed activity 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.

Seconded by: K. Fazzone

Vote: For: 4, Against: 1

K. Gubner Moved to Approve 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) 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, 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.

Seconded by: K. Fazzone

Vote: For: Unanimous

R. Hudson Moved to Approve 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) 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, 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.

Seconded by: K. Gubner

Vote: For: 2 Against: 3

K. Gubner Moved to Approve 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) Variance of Section 331.2 Accessory Structures Within the Road Right of Way, for proposed activity 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.

Seconded by: B. O'Dwyer

Vote: For: 1 Against: 4

K. Gubner Moved to Approve 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) Variance of from Section 358.1, Impact on adjacent property changes in surface deductions more than 2' at a distance of 10' from property lines, for proposed activity 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.

Seconded by: B. O'Dwyer

Vote: For: 3 Against: 2

The Board took a 5 minute recess between Hearings.

Public Hearing II:

Case 670: Neil, Erick & April- 2 Cove Lane- (M-74, L-32) Requesting a variance of Section 332.5 Side Yard Set-Back, from 25' to 10.6', and variance from Section 384, Increase of Non-Conformity, Other than Use by approximately 54 square feet, to rebuild existing deck in a larger configuration and replace existing hot tub as shown on submitted Building plans (Exhibit B) and in the exact footprint shown on a marked up survey (exhibit A) entitled " Improvement Location Survey, Prepared for Erick Neil, Showing Property situated at 2 Cove Lane, a/k/a/ 10 Crest Road, Sherman, CT. Tax Assessor Map 74, Lot 32" Dated April 7, 2010. Prepared by Sydney A. Rapp, Land Surveying, P.C. Zone B

Acting Chair R. Hudson read the Legal Notice into record. The Legal Notice was published in the Town Tribune on April 13, 2017 and April 20, 2017. The May Meeting was cancelled due to lack of a quorum. Two abutting neighbors were notified by certified mail. No correspondence was received. Mr. Hudson reviewed the application file which included an A-2 Survey showing all of the proposed activity. Mr. Hudson read the hardship letter into record. Also in the file were photographs illustrating the difficult topography of the property. In the file was a Denied Zoning application, stating the reason for denial being the proposed activity was within side yard setback. Also included in the file was an Agent letter signed by the homeowner allowing Morris Katz of Katz Construction the ability to speak on their behalf. The hardship letter lists areas of ledge and boulders and steep slope leaving very little flat area for use. If the deck were moved to a compliant area of the house it would block bedrooms and encroach on the reserve septic location. The applicant states the proposed activity as rebuilding an existing deck at the side and rear of the home in a larger footprint to allow correction of a cut out edge where a tree once existed and expansion of the width across the back of the house. The total increase of non-conforming area proposed is 54' overall. A marked up A-2 survey was provided with the application showing the existing deck and proposed new area. The existing deck is at its closest location, 10.6' from the side yard property line. Field cards dating back to 1969 show the deck in the existing location. An A-2 survey was provided showing existing deck. Building plans were provided along with the application. The lot size is 0.42 acres.

K. Gubner Moved to close the Public Hearing for Case670: Neil, Erick & April- 2 Cove Lane- (M-74, L-32)

Seconded by: R. Lenihan

Vote: For: Unanimous

Deliberation of Public Hearing II

Acting Chair R. Hudson re-read the Letter of Hardship to the Board. The Board reviewed the A-2 survey and the proposed activity. The Board recognized the non-conforming location of the existing deck. Additionally the Board recognized the severe topography of the land and small lot size.

K. Gubner Moved to Approve Case 670: Neil, Erick & April- 2 Cove Lane- (M-74, L-32) Variance of Section 332.5 Side Yard Set-Back, from 25' to 10.6', and Variance from Section 384, Increase of Non-Conformity, Other than Use by approximately 54 square feet, to rebuild existing deck in a larger configuration and replace existing hot tub as shown on submitted Building plans (Exhibit B) and in the exact footprint shown on a marked up survey (Exhibit A) entitled "Improvement Location Survey, Prepared for Erick Neil, Showing Property situated at 2 Cove Lane, a/k/a/ 10 Crest Road, Sherman, CT. Tax Assessor Map 74, Lot 32" Dated April 7, 2010. Prepared by Sydney A. Rapp, Land Surveying, P.C.

Seconded by: R. Lenihan

Vote: For: Unanimous

Approval of Minutes

Minutes of Regular Monthly Meeting April 4, 2017

K. Gubner Moved to Approve Minutes of Regular Monthly Meeting of April 4, 2017 as amended.


Seconded by: B. O'Dwyer

Vote: For: 4, Abstain: 1 (K. Fazzino)

Adjournment

K. Gubner Moved to Adjourn the meeting at 9:38 p.m.

Respectfully submitted:


Christine Branson, Administrative Clerk
June 13, 2017