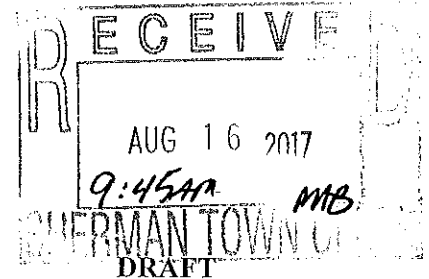




ZONING BOARD OF APPEALS
Regular Monthly Meeting Minutes
July 18, 2017, 7:00 pm
Mallory Town Hall



Members Present: Samantha Addonizio, Rick Hudson, Kathy Fazzino and **Alternates:** Brooke O'Dwyer, Richard Lenihan and Kenric Gubner

Absent: Will Jones

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

Public: S. Bellino, M. Bellino, and A. Ruane

Alternates Brooke O'Dwyer, Rich Lenihan and Kenric Gubner were elevated to Voting Status for the duration of the Hearings.

Call to Order: **Chair S. Addonizio Called the Meeting** to Order at 7:04 p.m.

Public Hearing I:

Case 672: Bellino, Salvatore & Maureen- 7 Oak Drive- (M- 74, L-11) Requesting a variance of Section 384, Increase of Non-Conformity Other than Use to allow an increase in non-conformity to an existing legal non-conforming structure, and requesting variance of Section 332.5 Minimum Setback requirement, Side yard setback from 25' to 22.3' to modify the existing deck by adding a 4' x 4' area under the existing porch roof as shown in the exact footprint on submitted on an A-2 Survey entitled, " Property Survey Prepared for Salvatore & Maureen P. Bellino, 7 Oak Drive, Town of Sherman, Fairfield County, CT and dated July 10, 2006 with the last revision dated June 14, 2017; Update and Proposed Addition". Prepared by the office of PAH, Inc. Land Surveyors. Zone B.

Chair S. Addonizio opened the Public Hearing and reviewed the contents of the application file. Vice Chair R. Hudson read the Legal Notice into record. The Legal Notice was published in the Town Tribune July 6 and July 13, 2017. Three abutting neighbors were notified by certified mail. No correspondence was received. The application file included an A-2 Survey showing the proposed activity. Chair Addonizio read the hardship letter into record. Mr. & Mrs. Bellino came forward to speak on behalf of the application. Mr. Bellino stated he is seeking a variance to build a 4' x 4' section of deck that was left out of the original build of his addition. A photograph was provided illustrating the overhang of the existing roof of the patio. At the time the addition to the home was constructed the owner was aware that part of the deck floor would not meet compliant setback requirements in conjunction with the side yard property line. The owner decided to leave off a portion of the deck with intention to come before the ZBA to request a variance to continue the left off portion. The owner intends to cantilever the deck floor to lessen the impact to the ground. The roofline will not change. In the file was a Denied Zoning application, stating the reason for denial was that the proposed activity was within the side yard setback. The hardship letter requests a variance of the 25' side yard setback to 22.3' to allow the deck to extend a 4' x 4' area under the existing porch roof. The hardship letter stated the property has a 30 foot rise in topography which made it difficult to find a good location to place their addition. There was discussion regarding the roof overhang that exists over the 4' x 4' void in the deck flooring. Following a lengthy discussion it was pointed out that P&Z's Regulation, Section 322.1 does allow an architectural roof overhang or feature to jut out up to 3' without becoming non-compliant.

K. Fazzino Moved to Close the Public Hearing for Case 672: Bellino, Salvatore & Maureen- 7 Oak Drive- (M- 74, L-11).

Seconded by: R. Hudson

Vote: For: Unanimous

Deliberation of Public Hearing I

Chair S. Addonizio opened the Deliberation portion of the Meeting for Case 672. The Board discussed the unique 30 foot rise in topography of the property which pushed the location of the addition to where it currently sits. The Board recognized owner's desire to complete the addition project and come to the ZBA for a Variance at a later time. Additionally recognized was the minimal to no impact to the ground by cantilevering the proposed 4' x 4' section of deck. The Board agreed this Variance retains the character of current use but should be conditioned so it cannot become habitable space anytime in the future.

R. Hudson Moved to Approve Case 672: Bellino, Salvatore & Maureen- 7 Oak Drive- (M- 74, L-11) a Variance of Section 384, Increase of Non-Conformity Other than Use to allow an increase in non-conformity to an existing legal non-conforming structure; Variance of Section 332.5 Minimum Setback requirement, Side yard setback from 25' to 22.3' to modify the existing deck by adding a 4' x 4' area under the existing porch roof with conditions that the 4' x 4' area not become enclosed for living space at any time. in the exact footprint on a submitted A-2 Survey entitled, " Property Survey Prepared for Salvatore & Maureen P. Bellino, 7 Oak Drive, Town of Sherman, Fairfield County, CT and dated July 10, 2006 with the last revision dated June 14, 2017; Update and Proposed Addition". Prepared by the office of PAH, Inc. Land Surveyors. Zone B.
Seconded by: R. Lenihan **Vote: For: Unanimous**

The Board took a five minute recess.

Public Hearing II:

Case 673: Ruane, Paul & Amanda - 1 Anderson Road West- (M-33, L-30) Requesting a variance of Section 384, Increase of Non-Conformity, Other than Use to modify the roof at the front of the dwelling and increase the footprint of the structure of the legal non-conforming dwelling. Requesting a variance of Section 331.5 Side Yard Set-Back, from 25' to 4' for porch stairs and variance from 25' to 7' to proposed 36' x 6', 6", porch and Front Yard Setback to allow vertical expansion within the existing footprint as shown in the exact footprint shown on a submitted survey entitled "Property Survey prepared for Paul P. Ruane, 1 Anderson Road West, Town of Sherman, Fairfield County, CT" Latest revision dated June 29, 2017". Prepared by the office of PAH, Inc. Land Surveyors and as shown on submitted architectural plans dated June 29, 2017. Zone A.

Chair S. Addonizio opened the Public Hearing and reviewed the contents of the application file. Vice Chair R. Hudson read the Legal Notice into record. The Legal Notice was published in the Town Tribune July 6 and July 13, 2017. Three abutting neighbors were notified by certified mail. No correspondence was received. The application file included an A-2 Survey showing the proposed activity. Chair Addonizio read the hardship letter into record. Mrs. Ruane was present to speak on behalf of her application. The one and a half story, legal non conforming, three bedroom dwelling dates back to 1806, and sits very close to the road. The property lot size is 0.90 acres, there are wetlands on the property as well. The homeowner wishes to renovate the dwelling and utilize the 24' x 24' footprint of an existing barn directly behind the house. The renovations will bring the second floor to a full story height which requires a new roofline for the "barn" portion of the home and will allow better run off and lessen the impact of ground coverage by using an existing footprint of the barn structure. The Board noted that any alteration to the home will require a variance due to the proximity of the home to the setbacks. The proposed renovations increase the volume of non-conformity . The Board discussed the requested Variance to build a porch with steps with-in the side yard setback. The Board discussed the pending approval of a new septic system which will potentially take up a significant portion of the small lot. The Board determined it would like additional information and requested permission of the applicant to continue the Hearing to September 5, 2017. The applicant agreed to continue the hearing.

R. Lenihan Moved to Continue the Public Hearing for Case 673- Ruane, Paul & Amanda - 1 Anderson Road West- (M-33, L-30) set for September 5, 2017 beginning at 7:00 pm at Mallory Town Hall.
Seconded by: R. Hudson **Vote: For: Unanimous**

Approval of Minutes

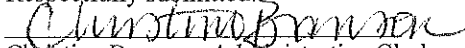
Minutes of Regular Monthly Meeting June 6, 2017

K. Gubner Moved to Approve Minutes of Regular Monthly Meeting of June 6, 2017 as written.
Seconded by: R. Hudson **Vote: For: Unanimous**

Adjournment

K. Gubner Moved to Adjourn the meeting at 9:47 p.m.

Respectfully submitted:


Christine Branson, Administrative Clerk
June 13, 2017