ZONING BOARD OF APPEALS
Regular Monthly Meeting Minutes
Tuesday, February 6, 2018 7:00 pm
Mallory Town Hall
9 Route 39 North, Sherman, CT 06784

Members Present: Samantha Addonizio Butts, William Jones Jr., Kenric Gubner, Rick Hudson, Kathy Fazzone,
and Alternates: Ann Chiaramonte and Jarred Bonner (joined the meeting at 7:34 pm)
Absent: None
Also in Attendance: Christine I. Branson, ZBA Administrative Clerk
Public: A. Ruane, E. Diller, and M. Katz

Call to Order: Chair S. Addonizio-Butts Called the Meeting to Order at 7:07 p.m.

Public Hearing I:
AMENDMENT TO CASE 670: Neil, Erick & April - 2 Cove Lane- (M-74, L-32)
Requesting an AMENDMENT TO AN EXISTING VARIANCE GRANTED to correct the measurement of
Section 332.5 Side Yard Set-Back, from 25’ to 10.6’ (incorrect), to 10.1’ (TO CORRECT A SURVEYORS
ERROR) with the same deck dimensions as previously approved within the footprint shown on an A-2 survey
entitled "Deck-As Built, Zoning Location Survey, Prepared for Erick Neil, Depicting Property situated at 2 Cove
Lane, a/k/a/ 10 Crest Road, Sherman, CT. Tax Assessor Map 74, Lot 32" REvised November 10, 2017.
Prepared by Zachary S. Rapp, PLS of Sydney A. Rapp, Land Surveying, P.C. Zone B
Chair Addonizio Butts Opened the Public Hearing for AMENDMENT TO CASE 670: Neil, Erick & April - 2 Cove
Lane- (M-74, L-32). Vice Chair R. Hudson read the Legal Notice into record. The Legal Notice was published in
the Town Tribune on January 25th and again on February 1, 2018. Two abutting neighbors were notified by
certified mail. No correspondence was received. Ms. Addonizio Butts reviewed the application file which included a
corrected A-2 Survey entitled "Deck-As Built, Zoning Location Survey, Prepared for Erick Neil, Depicting Property
Situated at 2 Cove Lane, a/k/a 10 Crest Road, Sherman, CT. Tax Assessor Map 74, Lot 32" REvised November 10, 2017.
Prepared by Zachary S. Rapp, PLS of Sydney A. Rapp, Land Surveying, P.C. Zone B. Also included in the file was an Agent letter signed by the homeowner allowing Katz Contracting LLC the ability to speak on Mr. Neil’s behalf. This Variance was originally granted June 6, 2017
allowing the Side Yard Setback measuring from 25’ to a 10.6’ setback for a deck rebuild in a larger configuration
increasing the non-conformity by 54 square feet and replacing a hot tub. Mr. Katz stated that the LUEO discovered
there was an inconsistency with the survey and the deck measurement when he went to complete the final
inspection. Upon further investigation it was discovered that the property line on the northern side of the survey was
measured inaccurately by the surveyor. In order for the LUEO to complete the sign off, a corrected survey must be
submitted and approved by this Board. A new survey was submitted with this application showing the corrected
measurements. The original approved surveyors map contained inaccurate measurements of 10.6’ where the actual
measurement should have been 10.1.’ The Board briefly discussed the surveyors’ measurements in relation to the
deck. There was no further discussion from the Board or the Agent.

R. Hudson Moved to Close the Public Hearing for CASE 670: Neil, Erick & April - 2 Cove Lane- (M-74, L-32).
Seconded by: K. Fazzone

Deliberation of Public Hearing I:
CASE 670: Neil, Erick & April - 2 Cove Lane- (M-74, L-32)
Chair Addonizio Butts opened the deliberations for CASE 670: Neil, Erick & April - 2 Cove Lane- (M-74, L-32).
The Board thanked the applicant for returning to officially correct the measurements on record. The Board agreed
that they would have granted the Variance to the side yard at 10.1‘ if the correct measurement was presented
originally.

Vote: For: Unanimous
Chair Addonizio Butts Opened the Public Hearing for Case 681: Ruane, Paul & Amanda - 1 Anderson Road West- (M-33, L-30). Vice Chair R. Hudson read the Legal Notice into record. The Legal Notice was published in the Town Tribune on January 25th and again on February 1, 2018. Two abutting neighbors were notified by certified mail. No correspondence was received. Ms. Addonizio Butts reviewed the application file which included three photographs of the dwelling. The photos showed the structure as a barn, previous to the renovation (1940), after the renovation converting it to a dwelling (1959) and a painting of the dwelling. An A2 Survey entitled, "Property Survey prepared for Paul P. Ruane, 1 Anderson Road West, Town of Sherman, Fairfield County, CT" Latest revision dated January 12, 2018 for proposed additions". Prepared by the office of PAH, Inc. Land Surveyors; and as shown on submitted architectural plans entitled, " A Renovation and Addition for the Ruane Residence", Revised January 8, 2018. Zone A

Ms. Addonizio Butts supplied the Board with a colored, marked-up survey, entitled "1 Anderson Road West, Site Sketch (Partial) Drawing overlay by Evolve DG, based on A. Beatty's septic sketch". This survey shows the proposed well the footprint shown as a green box centrally on the western edge of the property. There are additional features shown on the color sketch such as two retaining walls and garage. Ms. Addonizio Butts read the hardship letter into record. Mr. Diller provided six letters of correspondence from neighbors showing support of the proposed addition which were read into record. Several other photographs of the property were provided showing the Board general conditions of the existing property. The proposed addition would require approval of a side yard setback of 8.5 ft. for a covered porch with a terrace floor. The Ruane's intend to renovate the existing dwelling and changing the roof style on the minor façade to divert runoff away from the house. In doing this, the roof change would increase vertical non-conformity, due to the fact that the minor façade exists within the front yard setback. The applicant has made many adjustments to the drawings to try to push the addition to a more compliant location, however due to the post and beam construction of the existing dwelling, there are limitations before compromising the integrity of the support beams. The Board discussed the shared driveway and road to the Northeast side of the property.

K. Fazzone Moved to take a brief recess at 9:45pm. The Board resumed the Public Hearing at 9:55 pm.  
Seconded by: R. Hudson  
Vote: For: Unanimous

W. Jones Moved to Close the Public Hearing for Case 681: Ruane, Paul & Amanda - 1 Anderson Road West- (M-33, L-30)  
Seconded by: K. Gubner  
Vote: For: Unanimous
Chair Addonizio Butts opened the deliberations for Case 681: Ruane, Paul & Amanda - 1 Anderson Road West- (M-33, L-30). The Board discussed the various areas shown on the color map that Mr. Diller provided. Several members of the Board agreed that the addition was within keeping with the character of the neighborhood. The Board recognized the letters of support from the neighbors. The Board discussed the western edge of the property and the close proximity to the shared driveway and road that boarder. The proposed addition would be 8.5 feet from the side yard property line. Several members stated they were not clearly seeing a hardship regarding the proposed location of the addition. The Board discussed the possibility for the homeowner to move the proposed addition into a more compliant location, therefore reducing the amount of increased non-conformity. The Board recognized the unique history of this dwelling being once a barn, accessory to the home across the road and the later conversion to a dwelling. The Board additionally recognized the close proximity to the roads. Discussion followed regarding the proposal of recommending to the Planning and Zoning Commission consideration of creating a Regulation regarding historic homes. The Motion to approve did not carry, due to the lack of four votes in favor and was denied without prejudice.

R. Hudson Moved to Approve Case 681: 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 foot-print of the structure of the legal non-conforming dwelling. Requesting a variance of Section 331.5 Side Yard Set-Back, from 25' to 8.5'to allow proposed 36' x 5', 6" porch and addition with balcony to the rear of the existing dwelling and Variance of Section 331.5 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 January 12, 2018 for proposed additions". Prepared by the office of PAH, Inc. Land Surveyors; and as shown on submitted architectural plans entitled, " A Renovation and Addition for the Ruane Residence", Revised January 8, 2018. Zone A
Seconded by: K. Gubner Vote: For: 3 /Against 2 (K. Fazzone, S. Addonizio Butts)

Approval of Minutes: Regular Monthly Meeting of December 5, 2017

K. Gubner Moved to Approve the Minutes of Regular Monthly Meeting December 5, 2017 as Amended.
Seconded by: W. Jones Vote: For: Unanimous

Approval of the ZBA FY 2018-19 Budget:

K. Gubner Moved to Approve the proposed ZBA FY 2018-19 Budget as presented.
Seconded by: W. Jones Vote: For: Unanimous

Adjournment: K. Gubner Moved to Adjourn the meeting at 10:15 p.m.

Respectfully submitted:

Christine Branson, Administrative Clerk
February 28, 2018

* APPROVED AS WRITTEN at the May 1, 2018 RMM