TOWN OF SHERMAN
ZONING BOARD OF APPEALS
MEETING MINUTES
Tuesday, February 4, 2020 7:00 pm
MALLORY TOWN HALL, 9 ROUTE 39 NORTH, SHERMAN, CT 06784

DRAFT

Members Present: K. Gubner, K. Fazzone, J. Bonner and Alternates D. Raines and V. Gentile

Members Absent: W. Jones, and A. Chiaramonte

Also: C. Branson, Board Administrative Clerk

Audience: R. Moschella, J. Kokin, and L. Lariviere

Chair, K. Gubner Called the Meeting to Order at 7:03 pm

In the absence of A. Chiaramonte and W. Jones, Alternates V. Gentile and D. Raines were Elevated to Voting status for the duration of this Case.

PUBLIC HEARING :

ZBA CASE # 708- 17 CANDLEWOOD LAKE DRIVE (M. - 68, L. -12)- HANDELSMAN, LAUREN
Requesting Variance of Section 332.5 Minimum Setback Requirements, Side Yard Setback, from 25’ to 13.0’ (southwest corner of proposed addition on southern property line) for construction of a second story within the existing dwelling footprint. Requesting Variance of Section 384- Increase of Non-Conformity Other Than Use, to construct a second story addition as proposed within the existing footprint of the first floor, as shown on submitted building plans entitled; "The Handelsman Residence, 17 Candlewood Lake Drive, Sherman, CT 06784, RENOVATION + ADDITION". Prepared by: Moschella + Roberts Architects, LLP and within in the exact footprint of the existing first floor location as shown on submitted A-2 survey entitled; " Existing Conditions & Topographic Survey, Prepared for Lauren K. Handelsman , # 17 Candlewood Lake Drive, Sherman, Connecticut." Dated January 12, 2017, Last Revised: September 25, 2019. Prepared by: Michael J. Riordan, Riordan Land Surveying. Zone B.

Chair K. Gubner Opened the Public Hearing for Case # 708- 17 CANDLEWOOD LAKE DRIVE (M. - 68, L. -12)- HANDELSMAN, LAUREN. Clerk, C. Branson read the Legal Notice into record. The Legal Notice was published in the Town Tribune on January 23, 2020 and again on January 30, 2020. Three abutting neighbors were sent the Legal Notice by certified mail. No correspondence was received. There was a hardship letter in the file. There was an Agent Letter in the file, appointing Moschella and Roberts Architects, LLP the ability to act on behalf of the owners. The denied Zoning Permit was in the file stating the proposed addition did not meet the required setbacks. An A-2 survey was in the file showing the southwestern property line and proximity of existing structure at 13’. Floor plans were submitted showing the existing conditions and proposed conditions. Agent Richard Moschella came forward to speak on behalf of the application and presented the Board with an enlarged section of the A-2 survey. Mr. Moschella stated that the existing 1,100 sq. ft. single story dwelling with three bedrooms and two bathrooms was built in 1954 with approximately 286 sq. ft. existing within a non-compliant area. The new owner would like to bring the dwelling up to date by adding a partial second story. A portion (141 sq. ft.) of the second story is proposed within a pre-existing, non-conforming location. Mr. Moschella spoke about the difficult topography on this .44 acre property, pointing out the severe slope downward toward Candlewood Lake at the rear of the property as well as severe slope on the Northerly side of the property. Mr. Moschella pointed out on the A-2 survey where the existing septic and well further limit the “buildable areas”. The Board reviewed the floor plans of the proposed and existing conditions. The proposed second floor shall consist of two bedrooms, a full bath and laundry room. The Board confirmed the addition shall not exceed 35’. There were no additional questions or comments from the Board.

J. Bonner Moved to Close the Public Hearing for ZBA Case # 708-17 Candlewood Lake Drive (M. - 68, L. -12)- Handelsman, Lauren.

Seconded by: D. Raines

Vote: For: Unanimous
Chair, K. Gubner opened the Deliberations portion of the Meeting. Two members stated they were able to visit the site and agreed the proposed addition was proportionally fitting with other homes in the neighborhood. One member stated he did not think the second story would adversely impact the neighbor’s view of the lake. It was agreed the small lot size and topography was a significant challenge. One member stated she does not feel the hardship stated were self-created, nor does it pose a threat to the health and welfare of the neighboring properties. One member stated she does not support the increase of non-conformity and feels there was no hardship. She continued by saying there is ample space on the other sides of the property to build the addition that meet the setback requirements. There was discussion regarding reasonable use of the property. A few members agreed the standards of the 1950’s are different than today’s standards of reasonable use, pointing out the increase in non-conformity of the proposed addition minimal. One member stated he felt the proposal, keeping within the existing footprint, is reasonable and that he considered the size of the property a hardship. One member stated he felt the lot size and proximity to the lake created a hardship. The Motion to approve did not receive 4 affirmative votes, therefore did not carry.

K. Fazzone Moved to Approve ZBA CASE # 708- 17 CANDLEWOOD LAKE DRIVE (M. - 68, L. -12)- HANDELSMAN, LAUREN Requesting Variance of Section 332.5 Minimum Setback Requirements, Side Yard Setback, from 25’ to 13.0’ (southwest corner of proposed addition on southern property line) for construction of a second story within the existing dwelling footprint. Requesting Variance of Section 384- Increase of Non-Conformity Other Than Use, to construct a second story addition as proposed within the existing footprint of the first floor, as shown on submitted building plans entitled; "The Handelsman Residence, 17 Candlewood Lake Drive, Sherman, CT 06784, RENOVATION + ADDITION”. Prepared by: Moschella + Roberts Architects, LLP and within in the exact footprint of the existing first floor location as shown on submitted A-2 survey entitled; " Existing Conditions & Topographic Survey, Prepared for Lauren K. Handelsman , # 17 Candlewood Lake Drive, Sherman, Connecticut. " Dated January 12, 2017, Last Revised: September 25, 2019. Prepared by: Michael J. Riordan, Riordan Land Surveying. Zone B.

Seconded by: D. Raines

Vote: For: 3/ Against;2 (J. Bonner, K. Fazzone)

Approval of Minutes:

ZBA Minutes of December 3, 2019 Meeting:

J. Bonner Moved to Approve the ZBA Regular Meeting Minutes of December 3, 2019 as amended.

Seconded by: K. Fazzone

Vote: For: 3
Abstained: 2 (V. Gentile & D. Raines)

Adjournment:

K. Gubner Adjourned the Meeting at 8:46 pm.

Respectfully submitted by:

Christine Branson, Administrative Clerk
February 7, 2020