



**ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES**

**Tuesday, September 1, 2015
Mallory Town Hall, 7:00 pm**

FINAL

Commissioners present: Samantha Addonizio, Will Jones, and Rick Hudson, and Alternates: K. Gubner and B. O'Dwyer

Absent: Kathy Fazzone and Alternate R. Lenihan

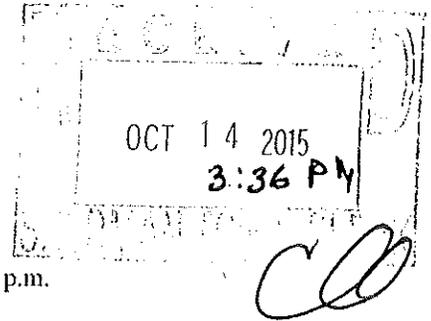
Also in Attendance: Christine I. Branson, ZBA Administrative Clerk

Public: Atty. L. Buzaid, A. Frattini

Call to Order:

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

Alternates K. Gubner and B. O'Dwyer were elevated to voting status.



Public Hearing 1:

Case: 651- Frattini, Alfred G. & Frances M., 18 Candleview Drive, (aka Map- 69, Lot-72)
Requesting variance of Section 332.5 "Minimum Setback Requirements" Section 332.5 "Minimum Setback Requirements" Front yard setback, from 50 feet to 26.6 ft, to allow placement of a 9', 3" x 10', 3" foot shed, as indicated on an marked up A-2 survey entitled : "Zoning Location Survey prepared for Alfred G. & Frances M. Frattini, 18 Candlewood Drive, Town of Sherman, Fairfield County CT" prepared by PAH, Inc- Land Surveyors, dated October 27, 2014. Zone B

Mr. A. Frattini was present to speak to his application. He had been before ZBA twice before seeking relief from the side yard as well as the front yard setbacks. Mr. Frattini was successful in satisfying the side yard setback by moving the existing shed into the property which leaves the front yard setback still non-compliant by 23 feet 4 inches. The Commission asked if there were other locations Mr. Frattini considered. Mr. Frattini expressed in his hardship letter the topography of the land has a severe drop of approximately 125 feet from the barn to the house, leaving few options to logically place the shed. The reserve septic area takes up another portion of the remaining land. Mr. Frattini also will need to drill a new well in the near future. Mr. Frattini stated he had considered other areas of the yard but costly improvements would be required to create a flat space without trees. This property is uniquely sloped in comparison to the other properties surrounding. Mr. Frattini admitted he made a mistake by placing the shed before obtaining all of the necessary permits, but was unaware he needed to do so at the time.

R. Hudson Moved to Close the Public Hearing of Case: 651- Frattini, Alfred G. & Frances M., 18 Candleview Drive.

Seconded by: W. Jones

Vote: For: Unanimous

Deliberation of Case: 651- Frattini, Alfred G. & Frances M., 18 Candleview Drive:

The Board discussed the hardships this property causes, and acknowledged the costs and labor would be significant to remove trees and bring in soil to create an area to re-locate the shed. The Board discussed a passage in "Connecticut Zoning Boards of Appeal", 5th Edition, by Thomas P. Byrne, and agreed the application did not substantially affect the comprehensive plan, and by adhering to the strict letter of the Regulation would cause unusual hardship, unnecessary to carrying out the general purpose of the zoning plan. The Board recognized Mr. Frattini did make a significant reduction in non-compliance by moving the shed to alleviate one set back entirely.

W. Jones Moved to Approve variance of Case: 651- Frattini, Alfred G. & Frances M., 18 Candleview Drive to allow variance of Section 332.5 "Minimum Setback Requirements" Front yard setback, from 50 feet to 26.6 ft, to allow placement of a 9', 3" x 10', 3" foot shed, as indicated on a marked up A-2 survey entitled : "Zoning Location Survey prepared for Alfred G. & Frances M. Frattini, 18 Candlewood Drive, Town of Sherman, Fairfield County CT" prepared by PAH, Inc- Land Surveyors, dated October 27, 2014.

Seconded by: R. Hudson

Vote: For: Unanimous

Public Hearing 2:

Case 652- Ingram, Andrea 2 Woods Road, (aka Map- 9, Lot-51) Requesting variance of Section 324.3 B- "Generators, Air Conditioners, Pool Filters, and Other Noise Generating Equipment" from 50 feet from the primary building served, to allow placement of a generator 82 feet, 4 inches from the primary building served as indicated on a marked up A-2 survey entitled : "Plot Plan Prepared for Robert A. & Andrea G.Ingram, (Lot 8, Cozier Woods) aka 2 Woods Road, Town of Sherman, Fairfield County CT" prepared by Richard Dibble, Land Surveyor, Dated March 1995. Zone A

Atty. Lisa Buzaid was present to speak to the application on behalf of her client. A letter of hardship was read into record. A statement from Certified Land Surveyor, Richard Grossenbacher confirmed the distance of the generator to be 82.4 feet off of the building principally served. Mr. Grossenbacher included in his statement the property to the east of the house drops off severely, showing unusual topography of the land and limiting the area within 10 feet of the house. The air conditioning units along the western side of the house additionally limit the area within 10 feet from the house. In the land surveyor's opinion, the present placement of this generator is best suited for a unit of this size. Pictures were provided of the generator as well as the area where the air conditioning unit exists. Also read into record was a decibel statement from the Northeast Generator Company, stating the generator installed was 65dB. The generator was installed many years ago without any permits. Now that the homeowner is selling the property this issue on non-compliant placement has come to light.

W. Jones Moved to Close the Public Hearing of Case 652- Ingram, Andrea 2 Woods Road, (aka Map- 9, Lot-51)

Seconded by: R. Hudson

Vote: For: Unanimous

Deliberation of Case 652:- Ingram, Andrea 2 Woods Road, (aka Map- 9, Lot-51)

The Commission recessed the meeting momentarily so the Clerk could retrieve the Zoning Regulations that were in effect at the time of the original installation. Once the meeting resumed, it was determined there was no way to know the exact date of installation since there was no record or documentation. The Commission reviewed the marked up survey and agreed the placement of the generator in any other area would cause obstructions due to the size. The Commission agreed that the placement of the generator as it is would not impact an abutting property since it is greater than 165 feet from the side yard. The slope of the land does cause a hardship. The Commission again discussed a passage in "Connecticut Zoning Boards of Appeal", 5th Edition, by Thomas P. Byrne, and agreed the application did not substantially affect the comprehensive plan, and that adhering to the strict letter of the Regulation would cause unusual hardship, unnecessary to carrying out the general purpose of the zoning plan.

R. Hudson Moved to Approve variance of Case 652- Ingram, Andrea 2 Woods Road, (aka Map- 9, Lot-51) and Grant a variance of Section 324.3 B- "Generators, Air Conditioners, Pool Filters, and Other Noise Generating Equipment" from 50 feet from the primary building served, to allow placement of a generator 82 feet, 4 inches from the primary building served as indicated on a marked up A-2 survey entitled : "Plot Plan Prepared for Robert A. & Andrea G. Ingram, (Lot 8, Cozier Woods) aka 2 Woods Road, Town of Sherman, Fairfield County CT" prepared by Richard Dibble, Land Surveyor, Dated March 1995.

Seconded by: W. Jones

Vote: For: Unanimous

Approval of Minutes:

Biennial Organizational Meeting of July 8, 2015-

R. Hudson Moved to Approve the Minutes Biennial Organizational Meeting of July 8, 2015 as amended.

Seconded by: W. Jones

Vote: For: Unanimous

Adjournment:

R. Hudson Moved to Adjourn the Meeting at 8:45 p.m.

Respectfully submitted by:

Christine Branson, ZBA Administrative Clerk
September 11, 2015