



**ZONING BOARD OF APPEALS**  
**Regular Monthly Meeting Minutes**  
**June 7, 2016, 7:00 pm**  
**Mallory Town Hall**

**FINAL**

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

**Absent:** Will Jones and Richard Lenihan

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

**Public:** Erez Zohar, and Lisa Tortora

**Alternates, K. Gubner and B. O' Dwyer were Elevated to Voting status.**

**Call to Order:** **S. Addonizio Called the Meeting** to Order at 7:18 p.m.

**Public Hearing I**

**Case 660- Zohar, Erez & Dana C.- 34 Holiday Point Road (aka Map - 74, Lot- 23)**

Requesting a Variance of Section 332.5, Minimum Setback Requirements, Front Yard Setback from 50 feet to 1 foot to allow the construction of a 12 foot x 20 foot carport to be placed in a non-conforming location within the front yard setback in the location proposed on an A-2 survey entitled: "Property Survey Prepared for Erez & Dana C. Zohar, 34 Holiday Point Road, Town of Sherman, Fairfield County, CT. Dated Nov. 23, 2015, Revised Apr. 4, 2016 to show proposed carport." Prepared by PAH, INC Land Surveyors. Zone B

Chair, S. Addonizio reviewed the variance application file proposed for 34 Holiday Point Road for construction of a 12 foot x 20 foot carport to be placed in a non-conforming location within the front yard setback in a location from 50 feet to 1 foot in the location indicated on an A-2 survey. The warning was published in the Town Tribune on May 26, 2016 and June 2, 2016. Two abutting neighbors were sent notice via Certified mail of the Public Hearing. No correspondence was received in reference to this Public Hearing. The property owner's letter of hardship was read into record and Health approval has been received. E. Zohar was present to speak on behalf of the application. He stated that they purchased the house approximately six years ago, and have struggled with not having a garage or similar structure to shelter their vehicles. Photographs of the proposed area were discussed, showing the sloping and rocky topography of the land. An A-2 survey was discussed by the Commission in relation to the photos. Mr. Zohar is proposing to place a car port in the existing with the "U" shaped driveway. The topography of the land presents slope and rocky outcropping through-out the entire rear portion of the property. Mr. Zohar stated they explored several options and designs of garages but were met with challenges as to where to place the structure. He stated this proposal seemed to be the least obtrusive option to allow shelter for their vehicles. The proposed location of the carport is in the existing driveway which approximately 1 foot off of the front property line. The driveway and proposed carport is elevated from the road and will pose no site line obstructions.

R. Hudson **Moved to Close the Public Hearing** for Case 660- Zohar, Erez & Dana C.- 34 Holiday Point Road (aka Map - 74, Lot- 23)  
**Seconded by:** K. Fazzino **Vote: For: Unanimous**

**Deliberation**

**Case 660- Zohar, Erez & Dana C.- 34 Holiday Point Road (aka Map - 74, Lot- 23)**

The Board discussed the pre-existing non-conformity of the placement of the house which is situated 37.8 feet from the front property line. The property rises right from the road and significantly just past the house and becomes a rocky cliff. The existing septic is located between the front of the house and the driveway. The reserve septic area is located on the Northern side of the house. There is a brick walkway and steps on the Southern side of the house which is just a few feet off of the side yard property line. The proposed 12' x 20' car port indicated on the A-2 survey is proposed to be placed on the existing "U" shaped driveway, 1' from the property line. Discussion followed regarding the proposed car port. The Board was concerned that

the structure could be enclosed in the future and discussed setting conditions that would not allow enclosure. The Board agreed the hardship is created by the land and that the proposal seemed modest and in keeping with the surrounding properties.

**R. Hudson Moved to Approve Case 660- Zohar, Erez & Dana C.- 34 Holiday Point Road (aka Map - 74, Lot- 23)** Variance of Section 332.5, Minimum Setback Requirements, Front Yard Setback from 50 feet to 1 foot to allow the construction of a 12 foot x 20 foot carport placed in a non-conforming location within the front yard setback in the location proposed on an A-2 survey entitled: "Property Survey Prepared for Erez & Dana C. Zohar, 34 Holiday Point Road, Town of Sherman, Fairfield County, CT. Dated Nov. 23, 2015, Revised Apr. 4, 2016 to show proposed carport." Prepared by PAH, INC Land Surveyors. With conditions that the carport cannot be enclosed in the future.  
**Seconded by:** K. Gubner **Vote: For: Unanimous**

## **Public Hearing II**

**Case 661- Binette, Ryan M. - 20 Ledgewood Drive (aka Map - 72, Lot- 27)**  
Requesting a Variance of Section 324.3 B Generators, Air Conditioners, Pool Filters and Other Noise Generating Equipment and Variance of Section 332.5, Minimum Setback Requirements, Side Yard Setback from 25 feet to 13 feet, 7 inches to allow placement of a 33" x 30" x 29" outside central air conditioning condenser unit to be placed in the location proposed on an A-2 survey entitled: "Zoning Location Survey, Proposed A/C Condenser Unit, Prepared For Ryan M. Binette, 20 Ledgewood Drive, Sherman, CT. Dated 05/16/2016". Prepared by Smith & Company Surveyors & Engineers, Inc.  
Zone B

Chair, S. Addonizio reviewed the application file for proposed variance for 20 Ledgewood Drive seeking relief from the required 25 foot side yard setback to 13 feet, 7 inches to allow placement of a 33" x 30" x 29" outside central air conditioning condenser unit to be placed on the Northwest corner of the house. Acting Agent, Lisa Tortora was present to speak on behalf of the application. Ms. Tortora provided several photographs which show the topography of the property is very steep with rocky outcropping through-out. There is a creek that runs along the neighbor's property. The existing septic is located underneath the driveway. There are several retaining walls surrounding the house on the sides and rear of the house. The house has cathedral ceilings and the ideal placement for the condensing unit is proposed to take advantage of the ability to install interior duct work to the upstairs bedrooms without causing an unnecessary expense.

**K. Gubner Moved to Close the Public Hearing** for Case 661- Binette, Ryan M. - 20 Ledgewood Drive (aka Map - 72, Lot- 27).  
**Seconded by:** B. O'Dwyer **Vote: For: Unanimous**

## **Deliberation**

**Case 661- Binette, Ryan M. - 20 Ledgewood Drive (aka Map - 72, Lot- 27)**

The Board discussed the pre-existing non-conformity of the placement of the house and the topography of the surrounding land. The proposed placement of the unit will cause the least impact on the Northwestern side of the house which has a retaining wall 8 feet from the corner of the house. This will still allow ample egress if necessary. The placement also allows direct ducting to the upstairs bedrooms. The Board agreed the hardship was caused by the severe slope of the land and the proposed location was the least intrusive option for placement.

**K. Gubner Moved to Approve Case 661- Binette, Ryan M. - 20 Ledgewood Drive (aka Map - 72, Lot- 27)** Variance of Section 324.3 B Generators, Air Conditioners, Pool Filters and Other Noise Generating Equipment and Variance of Section 332.5, Minimum Setback Requirements, Side Yard Setback from 25 feet to 13 feet, 7 inches to allow placement of a 33" x 30" x 29" outside central air conditioning condenser unit in the location indicated on an A-2 survey entitled: "Zoning Location Survey, Proposed A/C Condenser Unit, Prepared For Ryan M. Binette, 20 Ledgewood Drive, Sherman, CT. Dated 05/16/2016". Prepared by Smith & Company Surveyors & Engineers, Inc.  
**Seconded by:** K. Fazzone **Vote: For: Unanimous**

**Approval of Minutes**

**Minutes of Regular Monthly Meeting April 5, 2016**

**K. Fazzone Moved to Approve** Minutes of Regular Monthly Meeting April 5, 2016 with an Amendment.

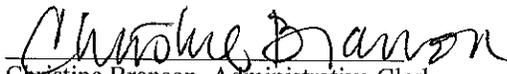
**Seconded by:** R Hudson

**Vote: For: Unanimous**

**Adjournment**

**R. Hudson Moved to Adjourn the meeting at 8:10 pm.**

Respectfully submitted:



Christine Branson, Administrative Clerk

June 14, 2016

**\*APPROVED AS FINAL AT THE JULY 5, 2016 RMM**