



**ZONING BOARD OF APPEALS**  
**Regular Monthly Meeting Minutes**  
**November 1, 2016, 7:00 pm**  
**Mallory Town Hall**

**FINAL**

APR 20 2017

MAB

9:46AM

**Commissioners Present:** Samantha Addonizio, Will Jones, Kathy Fazzone, Rick Hudson, and Alternates: Brooke O'Dwyer, Rich Lenihan and Kenric Gubner

**Absent:** None

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

**Public:** S. Heller, and R. Lemay

**Call to Order:** S. Addonizio Called the Meeting to Order at 7:08 p.m.

**R. Hudson** recognized there was a quorum present and excused himself from the meeting.

**Alternate K. Gubner and R. Lenihan were Elevated to Voting status.**

**Public Hearing**

**Case 665: Heller, Stephen-26 Deer Run Trail, Sherman, Connecticut ( M: 69, L: 40)** Requesting a variance of Section 332.5, Minimum Setback Requirements, Side Yard Setback and Section 324.3B Generators, Air Conditioners, Pool Filters and Other Noise Generating Equipment to a allow non-conforming side yard setback of 8' (feet), 6" (inches) from 25' (feet) to allow placement of a 22"W x 45"L x 29"H emergency stand-by generator to be placed in the exact footprint/ location proposed on an A-2 survey entitled: "Plot Plan, Lot 26, Deer Run Shores, Section A, Prepared for Stephen R. & Marline Heller, Trustees. 26 Deer Run Trail, Sherman, Connecticut. Dated October 5, 2004. Prepared by: CJOJ, LLC Land Surveying & Engineering C. James Osborne, Jr. Zone B

Chair S. Addonizio reviewed the contents of the application file and read the Legal Warning into record. The Legal Warning was published in the Town Tribune on October 20 and again on October 27, 2016. Three abutting property owners were identified and sent Certified notice of the meeting with the warning. One letter was received in support from an abutting neighbor in reference to this application. No other correspondence was received. Also in the file is a letter of hardship which was read into record. Several photographs were also provided to clarify the difficulty of the topography. An A-2 survey map was submitted with a hand drawn marking, showing the exact footprint where the generator location is proposed. Mr. Heller was present to speak to the application. Mr. Heller showed the Board where the photographs were in conjunction to the survey, pointing out where the existing septic, reserve septic, and well are located. Mr. Heller stated the property has an abundance of ledge and rock, there is even a large boulder in the basement. Mr. Heller stated this home was this first to be built in Deer Run Shores. The size of the property is 0.50 acres. Mr. Heller added that the Deer Run community suffers several power outages per year. There were no further questions from the Board.

**K. Fazzone Moved to Close the Public Hearing** for Case 665: Heller, Stephen-26 Deer Run Trail, Sherman, Connecticut ( M: 69, L: 40).

**Seconded by:** W. Jones

**Vote: For: Unanimous**

**Deliberation**

**Case 665: Heller, Stephen-26 Deer Run Trail, Sherman, Connecticut ( M: 69, L: 40)**

The Board discussed the general topography and recognized the hardship being caused by the land. The lot size is confining and would require a variance no matter where the placement of the generator is proposed. The Board agreed they felt the applicant has taken reasonable steps to place the generator in the least invasive place. No further discussion took place.

**W. Jones Moved to Approve Case 665: Heller, Stephen-26 Deer Run Trail, Sherman, Connecticut ( M: 69, L: 40)** request for variance of Section 332.5, Minimum Setback Requirements, Side Yard Setback and Section 324.3B Generators, Air Conditioners, Pool Filters and Other Noise Generating Equipment to allow non-conforming side yard setback of 8' (feet), 6" (inches) from 25' (feet) to allow placement of a 22"W x 45"L x 29"H emergency stand-by generator to be placed in the exact footprint/ location proposed on an A-2 survey entitled: "Plot Plan, Lot 26, Deer Run Shores, Section A, Prepared for Stephen R. & Marline Heller, Trustees, 26 Deer Run Trail, Sherman, Connecticut. Dated October 5, 2004. Prepared by: CJOJ, LLC Land Surveying & Engineering C. James Osborne, Jr.  
**Secoded by:** R. Lenihan **Vote: For: Unanimous**

**Public Hearing**

**Case 666: Lemay, Robert- 4 Rose Lane, Sherman Connecticut (M:52, L: 60)** Requesting a variance of Section 332.5 Minimum Setback Requirements, Side Yard Setback and a variance of Section 332.5 Minimum Setback Requirements, Rear Yard Setback, to allow non-conforming side yard setback of 8' (feet) , 0"(inches) from 25' ( feet) and a rear yard setback of 10' (feet) ,6" (inches) from 25' ( feet) to allow placement of a 28' (feet) by 12' (feet) Accessory Structure with attached carport to be placed in the exact footprint/ location proposed on a marked up A2 survey entitled: "Property Survey, Lot 18 Candlewood Echoes, Prepared for Robert J. Lemay, 4 Rose Lane, Sherman, Connecticut. Dated July 14, 2015. Prepared by CCA, LLC Richard Bunnell, RLS. Zone B

Chair S. Addonizio reviewed the contents of the application file and read the Legal Warning into record. The Legal Warning was published in the Town Tribune on October 20 and again on October 27, 2016. Three abutting property owners were identified and sent Certified notice of the meeting with the warning. No correspondence was received in reference to this application. Also in the file is a letter of hardship which was read into record. Health Approval has been granted, and dated August 27, 2016. Photographs were provided. Mr. Lemay spoke on behalf of the application and clarify the size of the lot and difficulty of finding a suitable area for the proposed accessory structure. An A-2 survey map was submitted with a hand drawn marking, showing the exact footprint where the 12' x 28' accessory structure location is proposed. Mr. Lemay was present to speak to the application. Mr. Lemay showed the Board where the photographs were in conjunction to the survey, pointing out where the existing septic, reserve septic, and well are located. The size of the property is 0.23 acres, the total living area of the home is 1,780 square feet. Due to the small nature of the lot, the applicant would need to request a variance no matter where on the property they propose to place the accessory building. There is a small storage shed beneath the deck and there is a small garage within the dwelling, however Mr. Lemay stated it would not accommodate either of their vehicles. Currently there are two temporary structures in the driveway that the Lemays use to shelter their vehicles. Mr Lemay stated if the request is approved, the structures would be removed. The ZEO provided a report that verified including the proposed accessory structure the total ground coverage would not exceed 15%, providing the removal of the temporary car shelters. There were no further questions from the Board.

**K. Gubner Moved to Close the Public Hearing** for Case 666: Lemay, Robert- 4 Rose Lane, Sherman Connecticut (M:52, L: 60)  
**Secoded by:** K. Fazzone **Vote: For: Unanimous**

**Deliberation**

**Case 666: Lemay, Robert- 4 Rose Lane, Sherman Connecticut (M:52, L: 60)**

The Board was sympathetic to the desire to have the accessory structure but had difficulty finding a true hardship in relation specific to the land. The proximity of the proposed accessory structure to the neighboring properties was also difficult to justify. Due to the small nature of the lot, the applicant would need to request a variance no matter where on the property they propose to place the accessory building.

**K. Gubner Moved to Approve Case 666: Lemay, Robert- 4 Rose Lane, Sherman Connecticut (M:52, L: 60)** Requesting a variance of Section 332.5 Minimum Setback Requirements, Side Yard Setback and a variance of Section 332.5 Minimum Setback Requirements, Rear Yard Setback, to allow non-conforming side yard setback of 8' (feet), 0"(inches) from 25' ( feet) and a rear yard setback of 10' (feet) ,6" (inches) from 25' ( feet) to allow placement of a 28' (feet) by 12' (feet) Accessory Structure with attached carport to be placed in the exact footprint/ location proposed on a marked up A2 survey entitled: "Property Survey, Lot 18 Candlewood Echoes, Prepared for Robert J. Lemay, 4 Rose Lane, Sherman, Connecticut. Dated July 14, 2015. Prepared by CCA, LLC Richard Bunnell

**Seconded by:** K. Fazzino

Vote: For: 0, Against: 4

#### Approval of Minutes

Minutes of Regular Monthly Meeting October 4, 2016

**K. Gubner Moved to Approve** Minutes of Regular Monthly Meeting of October 4, 2016 as amended, to correct the spelling of "withdrawal".

**Seconded by:** W. Jones

**Vote: For: Unanimous**

#### Adjournment

**K. Gubner Moved to Adjourn the meeting at 8:52 p.m.**

Respectfully submitted.

  
Christine Branson, Administrative Clerk

November 8, 2016

\*APPROVED AS FINAL AT THE APRIL 4, 2017 RMM