Members Present: Rick Hudson, Kathy Fazzone, and Alternates: Kenric Gubner and Alternate Brooke O'Dwyer

Absent: Samantha Addonizio, William Jones Jr. and Alternate Richard Lenihan

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

Public: Michael Carpanzano and Steven Griffin

R. Hudson will be acting as Chair in the absence of S. Addonizio.

The start of the Meeting was delayed to allow for a member to arrive for a quorum.

Call to Order: Acting Chair R. Hudson Called the Meeting to Order at 8:26 p.m.

Public Hearing I:

Case 679: Fortunato, Sebastian Ben Jr. & Malone, Dawn- 17 Hillside Drive (M-75, L-13): Requesting a Variance of Section 384 Non-Conformity Other Than Use. Requesting a Variance of Section 332.5 Minimum Setback Requirements for a Front Yard Setback from fifty (50') feet to forty seven (47') feet to allow construction of a roof and screened enclosure on two sides with one walled side over an existing 20' x 14' deck in accordance with submitted building plans marked as "Exhibit A" and in the exact footprint submitted on an A-2 survey entitled, "Property Survey prepared for Sebastian Ben Fortunato, Jr. & Dawn Malone, 17 Hillside Drive, Town of Sherman, Fairfield County, CT ", Dated September 14, 2017 Revised October 5, 2017. Prepared by PAH, Inc. Land Surveyors. Zone B.

Acting Chair R. Hudson read the Legal Notice into record. The Legal Notice was published in the Town Tribune on October 19, 2017 and October 26, 2017. Four abutting neighbors were notified by certified mail. No correspondence was received. Mr. Hudson reviewed the application file which included an A-2 Survey showing the proposed activity. Mr. Hudson read the hardship letter into record. In the file was a Denied Zoning application, dated October 26, 2017 stating the reason for denial being the proposed activity was within side yard setback. Also included in the file was an Agent letter signed by the homeowner allowing Michael Carpanzano the ability to speak on their behalf. The application for Variance is to place a roof and enclose two walls with screen and one wood wall on an existing deck. The A-2 survey shows a hot tub but Mr. Carpanzano stated this is not part of the current application. Mr. Carpanzano stated that the applicant is seeking to get the maximum usage out of the deck without having to increase the impact on the land. The Board discussed the previous variance that was granted for the existing deck. The Board asked Mr. Carpanzano if he would agree to a continuation of this case. Mr. Carpanzano agreed.

K. Fazzone Moved to Continue the Public Hearing for Case 679: Fortunato, Sebastian Ben Jr. & Malone, Dawn- 17 Hillside Drive (M-75, L-13) to December 5, 2017 beginning at 7:00 pm.

Seconded by: B. O'Dwyer Vote: For: Unanimous

Public Hearing II:

Case 680: Griffin, Steven L.- 147 Route 39 South (M- 48, L- 81): Requesting a Variance of Section 332.5 Minimum Setback Requirements for a Side Yard Setback from twenty five feet (25') to two feet (2') to allow placement of a heating pump unit measuring forty inches (40") wide, by forty inches (40") long, by thirty seven inches (37") tall in the exact footprint shown on submitted A-2 Survey entitled, "Property Survey Prepared For Steven L. Griffin, 147 Route 39 South, Town of Sherman, Fairfield County, CT."

Dated April 1, 2016, Revised October 9, 2017. Prepared by PAH, Inc. Land Surveyors and in reference to Section 324.3 B Generators, Air Conditioners, Pool Filters, and Other Noise Generating Equipment. Zone B.
Acting Chair R. Hudson read the Legal Notice into record. The Legal Notice was published in the Town Tribune on October 19, 2017 and October 26, 2017. Two abutting neighbors were notified by certified mail. One piece of correspondence was received from abutting neighbor Dawn Leahy stating she was in favor of the proposed placement of the HVAC unit. Mr. Hudson reviewed the application file which included an A-2 Survey showing the proposed location of the HVAC unit. Mr. Hudson read the hardship letter into record. In the file was a Denied Zoning application, dated September 28, 2017 stating the reason for denial being the proposed activity was within a non-conforming location. Mr. Griffin was present to speak on behalf of the case. Mr. Griffin provided several photographs of the surrounding area around his home showing the very close proximity of the home and the neighboring property lines. The full width of this property is only 49.2' across at the greatest measurement. There would be no compliant location that the HVAC unit could be proposed. Mr. Griffin stated he chose the location proposed because it would only require one variance to allow the placement on one side of the dwelling. Mr. Griffin is stating his hardship is created by the narrow lot configuration. He has changed the type of heating system for the dwelling to be more energy efficient which has now caused the need for the HVAC unit to be placed outside. He is now faced with the fact that there are no compliant locations available anywhere on the property. Mr. Griffin currently has no heat because of this need for a variance. He expressed great frustration with the Zoning process and the fact that it is now winter and he has no heat. The Board sympathized with Mr. Griffin's frustrations regarding not having heat. The A-2 survey that was provided with the application shows the proposed location of the HVAC unit 2.0 feet from the South side of the property line next to the existing chimney. The Board reviewed the photographs of his property.

**Deliberation of Public Hearing II:**

**Case 680: Griffin, Steven L.- 147 Route 39 South (M-48, L-81):**

The Board discussed the proposed location of the HVAC unit as shown on the submitted A-2 survey entitled, "Property Survey Prepared For Steven L. Griffin, 147 Route 39 South, Town of Sherman, Fairfield County, CT." Dated April 1, 2016, Revised October 9, 2017. Prepared by PAH, Inc. Land Surveyors. The footprint of the HVAC unit will be 2' feet, 0" inches from the Southern property line. The Board recognized the width of the property is less than 50' feet across, which creates a non-conforming location no matter where proposed. The Board agreed the proposed location creates minimal impact on the neighboring property and community.

**K. Gubner Moved to Approve Case 680: Griffin, Steven L.- 147 Route 39 South (M-48, L-81): Variance of Section 332.5 Minimum Setback Requirements for a Side Yard Setback from twenty five feet (25') to two feet (2') to allow placement of a heating pump unit measuring forty inches (40") wide, by forty inches (40") long, by thirty seven inches (37") tall in the exact footprint shown on submitted A-2 Survey entitled, "Property Survey Prepared For Steven L. Griffin, 147 Route 39 South, Town of Sherman, Fairfield County, CT." Dated April 1, 2016, Revised October 9, 2017. Prepared by PAH, Inc. Land Surveyors and in reference to Section 324.3 B Generators, Air Conditioners, Pool Filters, and Other Noise Generating Equipment, Zone B.**

**Seconded by: K. Fazzone**

**Vote: For: Unanimous**

**Approval of Minutes:**

Regular Monthly Meeting of October 3, 2017

**K. Gubner Moved to Approve the Minutes of Regular Monthly Meeting of October 3, 2017 as written.**

**Seconded by: B. O'Dwyer**

**Vote: For: Unanimous**

**Approval of Minutes:**

Regular Monthly Meeting September 5, 2017

**K. Gubner Moved to Approve the Minutes of Regular Monthly Meeting of September 5, 2017 as written.**

**Seconded by: B. O'Dwyer**

**Vote: For: Unanimous**
Approval of 2018 Schedule of Meetings:


Seconded by: R. Hudson  

Vote: For: Unanimous

Adjournment

K. Gubner Moved to Adjourn the meeting at 9:15 p.m.

Respectfully submitted:

Christine Branson, Administrative Clerk  
November 29, 2017