Members Present: K. Gubner, K. Fazzone, J. Bonner, and A. Chiaramonte

Members Absent: W. Jones and Alternate V. Gentile

Also: C. Branson, Board Administrative Clerk

Audience: John Kelse, Jackie Kelse, Barbara Hoag, and Neil Volkmar

Call to Order: Chair, K. Gubner Called the ZOOM Meeting to Order at 7:18 pm

PUBLIC HEARING I:


Chair K. Gubner opened the Public Hearing for ZBA Case 709. Administrative Clerk, C. Branson read the Legal Warning into record. The warning was posted on the Town website on September 24th and was available to view continuously to the date of the hearing. Three abutting neighbors were sent the Legal Notice by Certified Mail. No correspondence was received. Clerk C. Branson stated for record, the contents of the application file. There was a completed and notarized application, fees were collected for the application and mailing, a letter of hardship was included, and several photographs with labeled descriptions showing the challenging topography throughout the property and basement interior. There was a list of abutters’ addresses and a letter from the direct rear neighbor, Mr. Harris stating support of the requested variance. Chair Gubner invited Mr. and Mrs. Kelse to speak on behalf of their application. Mr. Kelse outlined his hardship letter detailing the topographical difficulties as shown in the accompanying photographs. Mr. Kelse explained to the Board the very specific and strict electric requirements involved with the installation of the hot tub. A 1’ deep conduit trench coming from the dwelling to the hot tub was depicted in one of the photographs, Mr. Kelse described the difficulties met while digging this trench, (shown in one of the photos) where the trench had to go around a portion of ledge, which according to Mr. Kelse is present throughout his entire property. Mr. Kelse admitted that when he began the process of finding a viable location for the hot tub, he didn’t realize a Zoning permit was required. He had already created the 5’,9” x 7’, 8” concrete pad based upon the proximity to the indoor breaker boxes and electrical requirements to accommodate the distance of the hot tub and two exterior breakers. He learned at this point in the process that the concrete pad did not meet the setback requirements. Mr. Kelse is requesting a Variance of Section 331.5 rear yard setback from 25’ to 4’. The Board discussed the difficult topography of that property and through-out the community. Two members stated they visited the property. Further Board discussion followed requesting if Mr. Kelse had explored other possible locations that would meet compliance. Mr. Kelse stated he was met with many challenges created not only by the land, but by the strict electric requirements and interior location of the breaker boxes. The hot tub must have an exterior breaker box 10’ to 15’ away from the tub AND must be visible from the tub AND not exceed more than 75’ to the main interior breaker. Mr. Kelse stated the location of the pad best suited all of the electric requirements, all except for the now discovered Zoning setback. No further discussion took place.

A. Chiaramonte Moved to Close the Public Hearing of ZBA Case 709- 12 Chestnut Hill Road (Map-62, Lot-23), Kelse, John.

Seconded by: K. Fazzone

Vote: For: Unanimous
DELIBERATION I:


Chair, K. Gubner opened the deliberation portion of ZBA Case 709- 12 Chestnut Hill Road (Map-62, Lot-23 ), Kelse, John. Several members of the Board stated they understood the applicant’s difficulty created by an abundance of ledge and challenging topography on a small lot. They also recognized the dilemma to find a compliant location that met the strict electric requirements. A few members struggled with finding the hardship as the applicant has presented stating they felt there could be other locations on the property that would meet compliance of the setbacks.

J. Bonner Moved to Close the Deliberation portion of ZBA Case 709- 12 Chestnut Hill Road (Map-62, Lot-23 ), Kelse, John. Seconded by: K. Fazzone Vote: For: Unanimous

A. Chiaramonte Moved to Approve ZBA CASE # 709 - 12 Chestnut Hill Road (Map-62, Lot-23 ), Kelse, John- Requesting Variance of Sherman Zoning Regulations, Section 331.5 Minimum Setback Requirements, Rear Yard Setback, from 25’ to 4’ for placement of a hot tub on a 5’, 9” x 7’, 3” concrete pad foundation in the exact proposed location submitted on an A-2 survey submitted entitled “Property Survey, prepared for John Kelse, 12 Chestnut Hill Road, Town of Sherman, County of Fairfield, Connecticut” Prepared by PAH, Inc. Dated September 4, 2020. Zone A. Seconded by: K. Fazzone Vote: For: None/ Against: 4

PUBLIC HEARING II:

ZBA CASE # 710- 17 Deer Run Trail (Map-69, Lot-27) Hoag, Barbara- Requesting Variance of Sherman Zoning Regulations, Section 332.5 Minimum Setback Requirements, Side Yard Setback, from 25’ to 1’ as shown in the exact proposed location submitted on a marked up A-2 survey entitled “Map Showing Property Exchange, Lot 39, Deer Run Shores, Section A, Prepared for Bruce & Barbara Hoag, 17 Deer Run Trail”. Dated May 21, 2014. Prepared by CJOJ, LLC. Zone B.

The Public Hearing for ZBA Case 710 – 17 Deer Run Trail (Map- 69, Lot-27) Hoag, Barbara did not begin. The application was withdrawn by the applicant, for lack of specific information. Mrs. Hoag stated she will re-apply when she receives an accurate A-2 certified survey showing the specific measurements necessary.

K. Gubner Moved to Accept the withdrawal of ZBA Case 710 – 17 Deer Run Trail (Map-69, Lot-27) Hoag, Barbara to allow for additional information to be obtained. Seconded by: J. Bonner Vote: For Unanimous

DELIBERATION II:

ZBA CASE # 710- 17 Deer Run Trail (Map-69, Lot-27) Hoag, Barbara- Requesting Variance of Sherman Zoning Regulations, Section 332.5 Minimum Setback Requirements, Side Yard Setback, from 25’ to 1’ as shown in the exact proposed location submitted on a marked up A-2 survey entitled “Map Showing Property Exchange, Lot 39, Deer Run Shores, Section A, Prepared for Bruce & Barbara Hoag, 17 Deer Run Trail”. Dated May 21, 2014. Prepared by CJOJ, LLC. Zone B.

No deliberation took place, the applicant has withdrawn her application.
APPROVAL OF MINUTES:  Zoning Board of Appeals Minutes of the February 4, 2020 Meeting

Approval of Meeting Minutes was tabled until the next meeting.

**K. Fazzone Moved** to Add to the Agenda: Discussion of methods for future Meetings ZOOM v. In Person

Discussion of methods for future Meetings ZOOM v. In Person

The Board members discussed their personal comfort levels regarding holding meetings in person. Since March, the majority of Town Boards and Commission meetings have been conducted remotely by the way of ZOOM following all recommended Federal, State and Local health guidelines. Some of the members felt there would be adequate space in the Charter Hall Meeting Room, while others stated they were not comfortable with meeting in person. K. Gubner stated he would request to meet with the First Selectman to see what is permitted and will report back.

Adjournment:  **K. Gubner Adjourned the Meeting at 8:56 pm.**

Respectfully submitted by:

______________________________
Christine Branson, Administrative Clerk
October 13, 2020