

ENFIELD ZONING BOARD OF APPEALS
REGULAR MEETING
AGENDA
MONDAY, JUNE 22, 2020 7:00 PM

Join OfficeSuite Meeting

<https://meeting.windstream.com/j/1112089281>

Meeting ID: 111 208 9281

One tap mobile

+16467415293,,1112089281# US (New York)

+16467415292,,1112089281# US (New York)

Dial by your location

+1 646 741 5293 US (New York)

+1 646 741 5292 US (New York)

+1 973 854 6173 US

Meeting ID: 111 208 9281

Watch the ZBA Meeting at: https://www.youtube.com/watch?v=MhpnlfnH_A

Application Materials can be viewed online at: <https://www.enfield-ct.gov/711/Zoning-Board-of-Appeals>

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Public Participation**
5. **Old Business**
 - a. Review of Bylaws – *Tabled*
 - b. Instructional Guides & Application Forms – *Awaiting Review*
6. **Legal Notice**
7. **New Business**
 - a. **ZBA# 2020-05-18** – 110 Cottage Road – Variance application to allow an accessory detached garage to be located forward of the rear line of the home; Tamara Pleasant, owner/applicant; Map 95/Lot 33; R-33 Zone.
 - b. **ZBA# 2020-05-22** – 37 Tabor Road – Variance application to allow a reduction in minimum front yard setbacks from 35-feet to 22.5 feet along Booth Street; Jennifer Bouchard, owner/applicant; Map 59/Lot 179; R-33 Zone.
 - c. **ZBA# 2020-06-05** – 55 Cottage Road – Variance application to allow an increase in maximum lot coverage from 20% to 23%; Randy Daigle, owner/applicant; Map 80/Lot 178; R-33 Zone.
8. **Approval of Minutes**
 - a. May 4, 2020- Special Meeting

9. Correspondence / Staff Reports

10. Other Business

- a. **ZEO APPEALS FEE** – *Legal Opinion - Tabled*

11. Adjournment

Note: Application information is available for review in the Enfield Planning Office. The next regular meeting of the Zoning Board of Appeals is **July 27, 2020**. *Maurice LaRosa, Chairman Mary Ann Turner, Secretary*

TOWN of ENFIELD
ZONING BOARD OF APPEALS - VARIANCE APPLICATION FORM
 Planning Department - Town Hall - 820 Enfield Street - Enfield, CT 06082
 (860) 253-6355

A-2
 File # (office use only)
ZBA 2020-05-18

FEES: Residential \$120.00 Non-residential \$185.00 (All fees include current \$60 state fee)

Application type (check one or more of the following) Date of Filing _____
 Residential Non-Residential

Variance Type:
 Use Area Yards Height Building line Other *Detached Garage*
 In connection with a: *12 x 24*
 Proposed Building Existing Building

Applicant Name: *Tamara Pleasant* Phone: *860-578-0204*
 Home Address: *110 Cottage Road* E-Mail: *tpleasant@rocketmail.com*
Enfield, CT 06082
 Property Address: *(Same)* Relation to Property: *home*
 Map: *095* Block: _____ Lot: *0033*
 Property ID *052700020170*
 Wetlands on Site? Yes No

Does applicant own the property? Yes (attach copy of deed) No (Submit Authorization Letter from Owner)

Property Owner's Name: *Tamara Pleasant* Address: *110 Cottage Rd*

When was the property acquired? *4/27/2020*

Provide property history:
Built in 2000 - 2 Br Cape

Describe your application: (Please Print)
Variance is needed to place detached garage on side (left) of house. Deck stairs make setback a hardship

Applicable Section(s) of the Zoning Ordinance
as well as reasonable use of land

Who will be representing the application and what is the way to contact that person
 NAME: *David Azia* ADDRESS *148 Pioneer Drive* *my self*
(Etc) 882-9830 (phone) *West Hartford, CT*
 _____ (fax) _____
dazia228@gmail.com (e-mail)

APPLICATION SUBMITTAL REQUIREMENTS: Applicant must locate the proposed structure corners on the ground with stakes, or spray paint (if the location is on an impervious surface). If requesting a variance for a side yard, applicant must show the property line, required side yard, and the requested side yard variance. Failure to stake or spray paint the location will cause the postponement of your meeting date.

The undersigned hereby permits town staff and board members to enter onto and inspect this site during reasonable hours for the purpose of reviewing this application and accompanying plans. I hereby depose and say that all of the above statements as well as the statements contained in all papers filed herewith are true.
 Applicant signature: *Pleasant*
 Subscribed and sworn to before me this *15* day of *May* 20 *20*
 [Signature]

 Notary Public Justice of the Peace Commissioner of Superior Court
 (Please check one)
 Commission expiration date stamp: _____

DEPARTMENT DATE STAMP
 2020 MAY 18 AM 11:13
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*Can there be 2 persons?
 myself and my attorney?*

*David Azia, Esq.
 254 Prospect Ave #1
 Hartford, CT 06106*

VARIANCE

INTRODUCTION

Section 11.00B, Enfield Zoning Ordinances, Powers and Duties of the ZBA

Variations: The ZBA shall have the authority to vary or adjust the strict application of these Regulations in those cases where the unusual size, shape or topography of a lot or other unusual physical conditions pertaining to it or to any building situated thereon make it impossible to strictly apply a specific provision of these Regulations to such lot without resulting in exceptional difficulty or unusual hardship, so that substantial justice shall be done and the public health, safety and welfare secured.

Section 11.20 Decision

- A. No variance shall be granted by the ZBA unless it finds:
 - i. That there are special circumstances or conditions, fully described in the findings of the ZBA, applying to the lot or structure for which the variance is sought, which are peculiar to such lot or structure and do not apply generally to lots or structures in the neighborhood and which have not resulted from any willful act of the applicant subsequent to the date of adoption of the regulation from which the variance is sought, whether in violation of the provisions herein or not;
 - ii. That, for reasons fully set forth in the findings of the ZBA, the aforesaid circumstances or conditions are such that the particular application of the provisions of these Regulations would deprive the applicant of the reasonable use of the lot or structure, that the granting of the variance is necessary for the reasonable use of the lot or structure, and that the variance as granted by the ZBA is the minimum adjustment necessary to accomplish this purpose;
 - iii. That the granting of the variance shall be in harmony with the general purposes, and intent of these Regulations and the Town's Plan of Conservation and Development, and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare.

Subsections 11.20A1 - iii are three sections of criteria, based in statutory enabling legislation, all of which must be met to grant a variance. These ordinance subsections deal substantially with the criteria for hardship and applicability covered under statute and case law; any single subsection cannot be used alone to justify granting a variance.

The Zoning Board of Appeals must find that a legal hardship exists. A hardship exists when the Zoning Ordinance uniquely affects a parcel of land differently from other properties, and where use of the property or reasonable use of the land would be impossible without the variance. Self inflicted or financial hardships cannot, by law, be considered as a reason for granting a variance.

APPLICATION

What are the abutting land uses, zoning districts, and owner names (including those across the street)?

	North	East	South	West
Land Use	_____	_____	_____	_____
Zoning Dist.	_____	_____	_____	_____

Owner(s):

North: Lu Bertrand - Siasle family
 East: Field - see GIS map
 South: Travis Buch - Siasle family / this house is after strips of land owned by Lake Association
 West: Linda Ostapoff - single family

Describe any structural alterations or construction and attach a scaled site plan and/or scaled elevation (14 copies)

If the property has been the subject of previous applications, attach a list.

Previous application file #(s) _____
 Date(s) of decision(s): _____

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VARIANCE (cont.)

The following five questions must be answered, in support and justification for your appeal. If needed, extra pages and supplemental illustrations or photographs may be used and included in the application.

Question #1

What difficulty or unnecessary hardship would result if the variance were not granted (Inconvenience alone or financial loss are not undue hardships)?

The three major obstacles are: the position of deck stairs in relation to proposed setback / close proximity to garage, no reasonable passage, and the scale of the land towards rear of property and the reduction of use of small backyard by 1/3.

Question #2

Why is the application, as written causing undue hardship? Describe.

The left side of house is the only reasonable logical place for the 12x24 garage. I need to use this flat piece of land on side of house as it was intended for a garage. This is what I need the variance for.

Question #3

Why is the hardship different for this property and not shared by other properties in the neighborhood?

all neighbors have either a larger piece of land and most have several detached structures on small lots, most double car garage. There are only a single car garage and not that big.

Question #4

Is the variance requested the minimum necessary to meet the needs of the applicant or owner?

yes

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VARIANCE (cont.)

Question #5

What effect, if any, would the variance have on your neighbors or occupants of surrounding property? For example: traffic, parking, public safety, air, water, etc.

I cannot see any effect whatsoever. (Linda Ostapoff)
Neighbor in front - their garage faces my driveway
Neighbor on left has a stockade (Lee Bertrand)

When the application is submitted to the Enfield Planning Department, the applicant will be given a Public Notices sign, which is to be displayed on the property at least 10 days prior to the public hearing, clearly visible from all abutting streets.

Pamela Pleasant
Applicant's Signature

5-1-2020
Date

Owner's Signature (If different from Applicant)

Date

List the names and addresses of owners of any land abutting or within 100 feet of any part of the land involved in the hearing. Attach extra pages as necessary.

L
Name: Lee Bertrand
Address: 114 Cottage Rd.
Enfield, CT 06082
860-749-0195

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: Buck Field
Address: _____

R
Name: Travis & Christine Buck
Address: Cottage Rd
Enfield, CT 06082 860-604-3496

Name: _____

Address: _____

Name: _____

Address: _____

F
Name: Michael & Linda Ostapoff
Address: 109 Cottage Rd
Enfield, CT 06082
860-749-1273

Name: _____

Address: _____

Name: _____

Address: _____

It is the applicant's responsibility to notify abutting landowners by certified mail. A copy of the legal notice may be used for this mailing.

Applicant is to review and acknowledge the Land Use Application Guide. Please contact Planning staff at (860) 253-6355 for guidance.

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Return to:
David Azia, Esq.
254 Prospect Avenue, #1
Hartford, CT 06106

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS

That, CHRISTOPHER G. LANPHEAR and BRIANNE D. LANPHEAR, both of 110 Cottage Road, Enfield, Connecticut

For Consideration Paid and in full consideration of TWO HUNDRED FIVE THOUSAND AND NO/100 (\$205,000.00) DOLLARS

grant to TAMARA PLEASANT, an individual, of 89 Burnham Street, East Hartford, Connecticut

with WARRANTY COVENANTS

A certain piece of parcel of land situated on the Easterly side of Cottage Road in the Town of Enfield, County of Hartford and State of Connecticut, being known and designated as Lot 1 according to and as shown on a certain map or plan entitled "SUBDIVISION OF LAND OF RONALD E. BERTRAND ET AL. 114 COTTAGE RD. ENFIELD, CONN. SCALE: 1" = 20' DATE SEPT. 1993 MAP PREPARED BY JAMES SOLLMI PELS 54 FIELD ROAD ENFIELD, CT. REV. 10-26-93 ADD. NOTE 7 & 8", on file in the Town Clerk's Office, said Town of Enfield, Book of Maps, Volume 231, Page 3582, to which reference is hereby made for a more particular description, being bounded and described as follows:

- NORTHERLY: By Lot 2, as shown on said map, a distance of 164.27 feet;
- EASTERLY: By land now or formerly of Hallmark Cards, Inc., as shown on said map, a distance of 70.18 feet;
- SOUTHERLY: By land now or formerly of Shaker Pines Lake Association, as shown on said map, a distance of 157.60 feet; and
- WESTERLY: by Cottage Road, as shown on said map, a distance of 70.00 feet.

Said premises are conveyed subject to any and all provisions of any ordinance, municipal regulation or public or private law; Notes as are applicable to Lot 1 as shown on the subdivision map and to taxes due to the Town of Enfield on the List of October 1, 2019, and to Shaker Pines Lake Association Assessment, which the Grantee herein assumes and agrees to pay.

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ZBA# 2020-05-18

Being the same premises conveyed to CHRISTOPHER G. LANPHEAR and BRIANNE D. LANPHEAR by deed of MICHAEL E. McCORMICK AND NANCY D. McCORMICK, said deed being dated May 22, 2009 and filed with the Land Records for the Town of Enfield in Volume 2483, page 242.

Executed as a sealed instrument this 22 day of April, 2020.

Amy
Witness to both

Marianne Barber
Witness to both

[Signature]
Christopher G. Lanphear

[Signature]
Brienne D. Lanphear

STATE OF NORTH CAROLINA

County of Guilford, ss.

Date: 4-22-20

On the 22 day of April, 2020, before me, the undersigned notary public, personally appeared, Christopher G. Lanphear and Brienne D. Lanphear, proved to me through satisfactory evidence of identification, which was NCDL's, to be the persons whose names are signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Taylor P. Owenby
NOTARY PUBLIC
Guilford County
North Carolina
My Commission Expires 9-7-2022

[Signature]
Notary Public
My Commission expires: 9-7-2022

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110 COTTAGE RD

Location 110 COTTAGE RD

Mblu 095/ / 0033/ /

Acct# 052700020170

Owner LANPHEAR CHRISTOPHER G +

Assessment \$127,540

Appraisal \$182,190

PID 3112

Building Count 1

Fire District 5

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Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2017	\$125,140	\$57,050	\$182,190
Assessment			
Valuation Year	Improvements	Land	Total
2017	\$87,600	\$39,940	\$127,540

Owner of Record

Owner	LANPHEAR CHRISTOPHER G +	Sale Price	\$195,000
Co-Owner	BRIANNE D	Certificate	1
Address	110 COTTAGE RD ENFIELD, CT 06082	Book & Page	2483/0242
		Sale Date	05/26/2009

Ownership History

Ownership History				
Owner	Sale Price	Certificate	Book & Page	Sale Date
LANPHEAR CHRISTOPHER G +	\$195,000	1	2483/0242	05/26/2009
MCCORMICK NANCY D + MICHAEL E	\$0	2	1533/0159	08/09/2002
CUCCOVIA NANCY D + MCCORMICK	\$137,000	3	1376/0058	06/01/2001
HASELTINE EDWARD R + DIANE R	\$132,650	4	1303/0155	08/10/2000
HINKLEY DANIEL	\$26,000	5	1275/0216	03/30/2000

Building Information

Building 1 : Section 1

Year Built: 2000
Living Area: 1,512
Replacement Cost: \$139,048
Building Percent Good: 90
Replacement Cost Less Depreciation: \$125,140

Building Photo



(<http://images.vgsi.com/photos2/EnfieldCTPhotos/A00\02\03\38.JPG>)

Building Layout



(ParcelSketch.ashx?pid=3112&bid=3112)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	864	864
TQS	Three Quarter Story	864	648
BSM	Basement	864	0
		2,592	1,512

Building Attributes	
Field	Description
Style	Cape
Model	Residential
Grade:	
Stories	1.75
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure	Gable
Roof Cover	Asphalt
Interior Wall 1	Drywall
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	
Heat Fuel	Oil
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	3 Bedrooms
Full Bthrms:	1
Half Baths:	1
Extra Fixtures	
Total Rooms:	6
Bath Style:	Average
Kitchen Style:	Average
Extra Kitchens	
Fireplace(s)	
Extra Opening(s)	
Gas Fireplace(s)	
Blocked FPL(s)	
Usrflid 106	
Bsmt Garage(s)	
Fin Bsmt	
FBM Quality	
Whirlpool(s)	
Sauna	
Walk Out	

Solar	
Usrflid 300	
Usrflid 301	

Extra Features

Extra Features	<u>Legend</u>
No Data for Extra Features	

Land

Land Use

Use Code 101
Description Res Dwelling
Zone R33
Neighborhood 050
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 0.26
Frontage 80
Depth
Assessed Value \$39,940
Appraised Value \$57,050

Outbuildings

Outbuildings	<u>Legend</u>
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2019	\$125,140	\$57,050	\$182,190
2018	\$125,140	\$57,050	\$182,190
2017	\$125,140	\$57,050	\$182,190

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$87,600	\$39,940	\$127,540
2018	\$87,600	\$39,940	\$127,540
2017	\$87,600	\$39,940	\$127,540

107 Cottage Rd

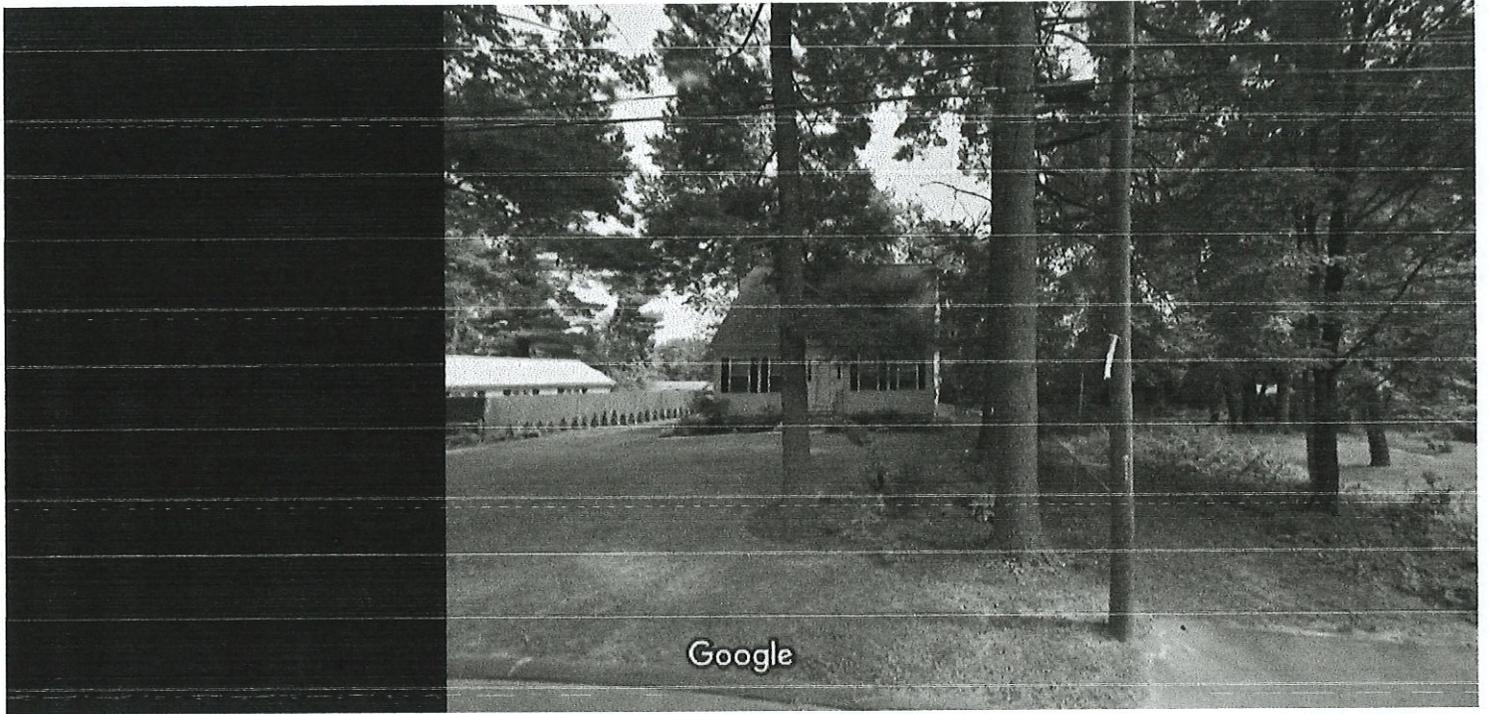
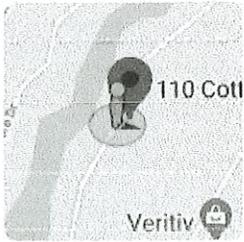


Image capture: Aug 2012 © 2020 Google

Enfield, Connecticut



Street View



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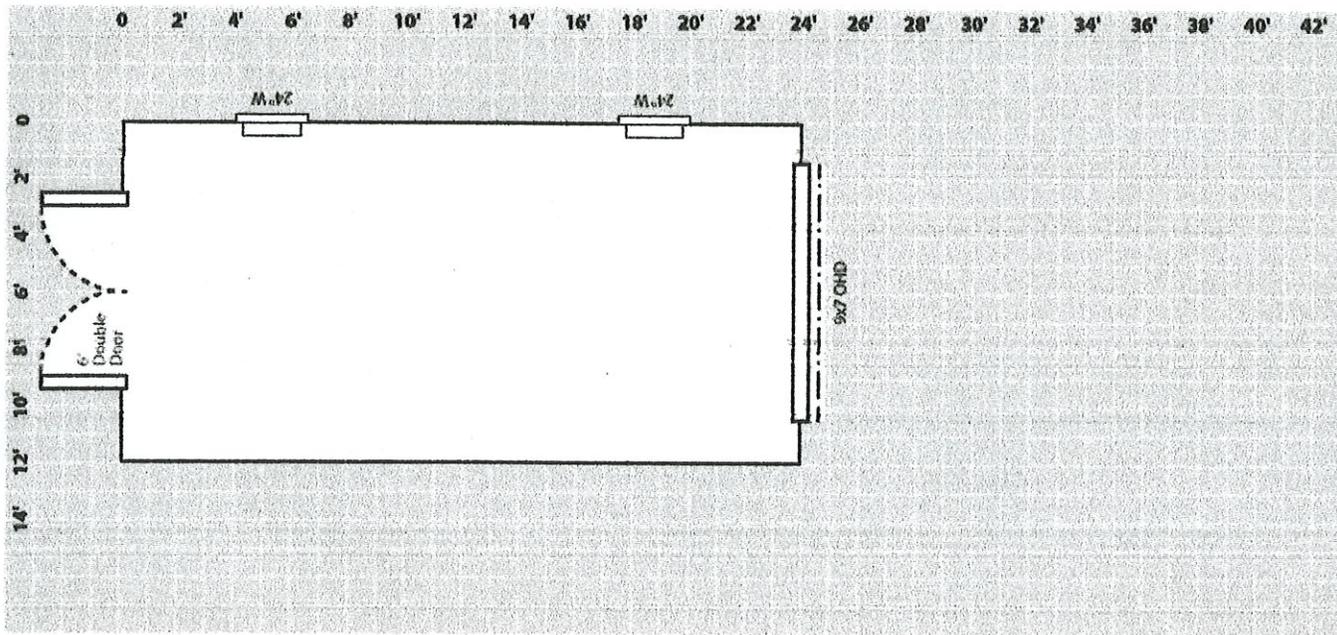
12x24 Traditional Cape Garage

Color: Mist	Siding: Vinyl
Trim: Metal	Roof: Architectural Shingles
Trim: White	Window Style: 24x36 4/4 (2)
Roof: Rustic Black	Shutters: 1x3 Trim
Window: White	Door Size: 6' Double Door (1)
1x3 Trim: White	Door Trim: Square
Door: White	Overhead door Size: 9' x 7' (1) Standard with Square Glass
Overhead Door: White	Overhead Door Opening: Square
	Pressure Treated Ramp: 6' (1), 8' (1)
	Additional Options: Anchor Kit with Installation (1)

Customer Signature:

Date: 05-10-2020

Layout:



*garage purchased and
in production*

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ZBA # 2020-05-18

No. 68322

Store: Ellington

1-800-628-2276 | www.greatcountrygarages.com



Customer Name: Tammy Pleasant	Date: 05-09-2020	Order Type
Address: 110 Cottage Road	Salesperson: Lucas Gudeman	Quote
City: Enfield State: CT Zip: 06082	Salesperson: ---	
Phone[H]: Phone[W]: Phone[M]: (860) 578-0204	Email: tpleasant@rocketmail.com	

Size: 12x24	Series: Traditional	Style: Cape Garage
Colors:	Building: Mist	Trim: Metal: White
Siding: Vinyl	Shingle: Architectural	Shutter: 1x3 Trim: White
		Shingle: Rustic Black

Standard Features: 3/4" Fire Retardant Pressure Treated Floor System 8" O.C., 7' Wall Height, Solid Core Fiberglass Doors, 30 Year Architectural Shingles, 10 Year Warranty, 100% Free Delivery

	Qty	Amount
Sale Price: Regular Price \$9085 - 18% Discount (\$1635 Savings)		\$7450
Siding: Vinyl		
Window Style: 24x36 4/4	2	
Window Color: White		
Door Size: 6' Double Door	1	\$156
Door Trim: Square		
Door Color (Paint): White		
Overhead Door Size: 9' x 7' Standard with Square Glass	1	
Overhead Door Opening: Square		
Overhead Door Color: White		
Pressure Treated Ramp: 6'	1	\$146
Pressure Treated Ramp: 8'	1	
Additional Option: Anchor Kit with Installation	1	\$150
Cupola: 24" AZEK Vinyl Morton		Regular Price \$774 - 20% Discount (\$155 Savings)
Cupola Options: Copper Top with Clear Coat / White Base / 6/12 Cut (for Cape) / Hole Plug Kit (1) / Weathervane Ready (1)		\$619
Weathervane: Polished 1970: Freedom Eagle with Clear Coat	1	\$388
Deduct: Anniversary Sale Free Options		-\$200

Notes:
Lead Time: 5-7 Weeks

Payment: Check Make a Payment >	Building Total	\$8709.00
--	----------------	-----------

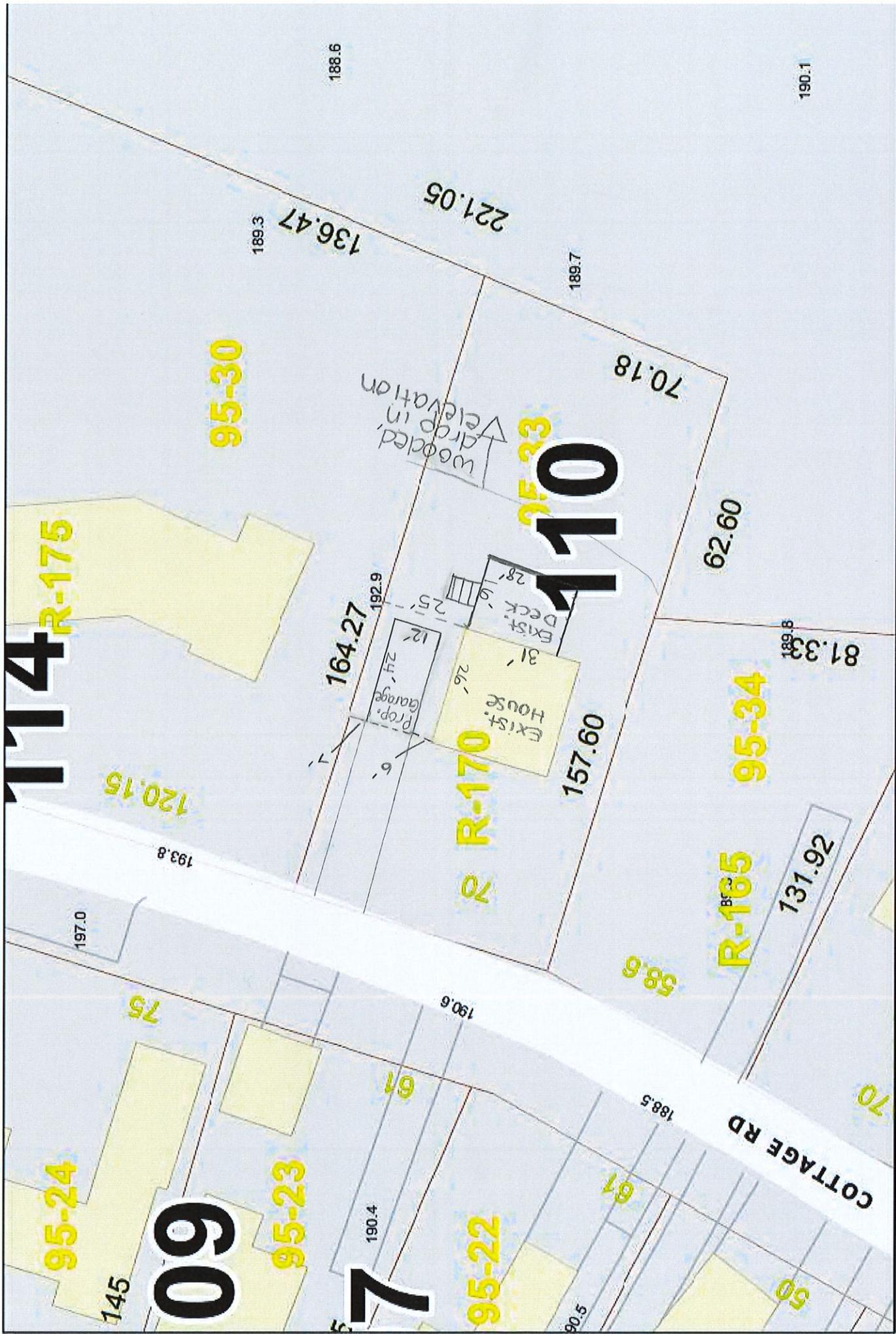
Site Work: 3/4in Crushed Stone Pad (max 8in out of level)		\$816
---	--	-------

Terms of Sale			
<input checked="" type="checkbox"/> SITE ACCESS: Prior to delivery, site must be clear of all obstructions including fences, trees etc. TBY is not responsible for damage to property as a result of delivery conditions. All branches, power lines and overhead obstructions require 13' minimum clearance. A minimum of 2' of width clearance on each side of your building is required. If you do not have the necessary space required to deliver, please send site pictures to your Sales Rep for evaluation, if needed a driver will be sent out at TBY's discretion.	<input checked="" type="checkbox"/> SITE PREPARATION: TBY site work covers a maximum of 8" out of level, obstructions and debris must be removed ahead of time, all left over debris will be left in a location of customer's choosing, it will not be removed.	Site Work Total	\$816.00
<input checked="" type="checkbox"/> DELIVERY: You will be contacted by our Delivery Coordinator. A confirmation call will be given the business day prior to delivery. We do not accommodate specific time requests, due to permit restrictions. Our driver will call when he is loading up at our lot to deliver your building. During and after delivery, we may take pictures and videos of your building for use in our advertising. Those pictures and videos never contain personal information.	<input checked="" type="checkbox"/> PAYMENT TERMS: On Hold orders must have a minimum \$500 deposit to lock price. Full 1/3 deposit must be made for building to be taken off "Hold" and ordered. Final balance must be paid with check or cash at or before the time of delivery. Credit Card Payments must be processed ahead of time. All balances must be paid in full by December 31st (On Hold orders are exempt).	Delivery	
<input checked="" type="checkbox"/> EXTRA WORK: Any extra work will be billed out at \$100 per hour (\$100 min.). Inability to deliver due to site issues will result in a \$75 rescheduling fee.	<input checked="" type="checkbox"/> FINANCE TERMS: If applicable any promotion finance program requires minimum monthly payments, and will be processed regardless of delivery status. You should expect to receive a bill approximately 20-40 days from the date of order.	Total Before Tax	\$9525.00
<input checked="" type="checkbox"/> CHANGE ORDERS: Reasonable accommodations are made to process changes, however changes cannot be guaranteed after 7 days from your order date. Changes may result in delaying your building, and incurring additional charges.	<input checked="" type="checkbox"/> CANCELLATIONS: Full refund within 3 days. Store Credit less 20% re-stocking fee after 3 days. Orders "On Hold" are not subject to restocking fee.	Sales Tax 6.35%	\$604.84
		Grand Total	\$10129.84
		Deposit	
		05-10-20 check	\$3350.00

Was Terms of Sale reviewed with customer? Yes
Is a site check required? No

May TBY drive directly to the site? Yes
Are there any obstructions on the site lower than 12'? No

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110 Cottage Road



The Town of Enfield, CT, shall assume no liability for any encroachments, or inaccuracies in the information provided by means of this plat or any other plat of record. The Town of Enfield, CT, shall assume no liability for any encroachments, or inaccuracies in the information provided by means of this plat or any other plat of record.



TOWN of ENFIELD
ZONING BOARD OF APPEALS - VARIANCE APPLICATION FORM
Planning Department - Town Hall - 820 Enfield Street - Enfield, CT 06082
(860) 253-6355

A-2
File # (office use only)
ZBA 2020-05-02

FEES: Residential \$120.00 Non-residential \$185.00 (All fees include current \$60 state fee)

Application type (check one or more of the following) Date of Filing _____
 Residential Non-Residential

Variance Type:
 Use Area Yards Height Building line Other

In connection with a:
 Proposed Building Existing Building

Applicant Name: Jennifer M Welch-Bouchard Phone: 860-331-7837

Home Address: 37 Tabor Rd E-Mail: jmbouchard61@gmail.com

Property Address: 37 Tabor Relation to Property: owner

Map: 59 Block: WYH Lot: 179

Property ID 041300010090

Zone: R-33 Wetlands on Site? Yes No

Does applicant own the property? Yes (attach copy of deed) No (Submit Authorization Letter from Owner)

Property Owner's Name: Jennifer Michael Address: 37 Tabor Rd
Enfield CT 06082

When was the property acquired? 2002

Provide property history:
Mike Corney, Mark Maron

Describe your application: (Please Print)
variance for required frontyard setback

Applicable Section(s) of the Zoning Ordinance 4.10

Who will be representing the application and what is the way to contact that person

NAME: Jennifer Bouchard ADDRESS 37 Tabor Rd

Mike Bouchard (phone) Enfield CT 06082

James Welch (fax) Jen 860 331 7837 jmbouchard61@gmail.com

(e-mail) Mike 860 331 7837 heartu7@aol.com

APPLICATION SUBMITTAL REQUIREMENTS: Applicant must locate the proposed structure corners on the ground with stakes, or spray paint (if the location is on an impervious surface). If requesting a variance for a side yard, applicant must show the property line, required side yard, and the requested side yard variance. Failure to stake or spray paint the location will cause the postponement of your meeting date.

The undersigned hereby permits town staff and board members to enter onto and inspect this site during reasonable hours for the purpose of reviewing this application and accompanying plans. I hereby depose and say that all of the above statements as well as the statements contained in all papers filed herewith are true.

Applicant signature: *[Signature]*
Subscribed and sworn to before me this 22nd day of May 20 20

[Signature] *[Signature]*

Notary Public Justice of the Peace Commissioner of Superior Court
(Please check one)

Commission expiration date stamp: Exp June 30 2020

DEPARTMENT DATE STAMP
10:01 PM 10:01
2020 MAY 22 PM 10:01

James Welch
860 559 5613

\$ 140.00 Cash

VARIANCE

INTRODUCTION

Section 11.00B, Enfield Zoning Ordinances, Powers and Duties of the ZBA

Variances: The ZBA shall have the authority to vary or adjust the strict application of these Regulations in those cases where the unusual size, shape or topography of a lot or other unusual physical conditions pertaining to it or to any building situated thereon make it impossible to strictly apply a specific provision of these Regulations to such lot without resulting in exceptional difficulty or unusual hardship, so that substantial justice shall be done and the public health, safety and welfare secured.

Section 11.20 Decision

- A. No variance shall be granted by the ZBA unless it finds:
 - i. That there are special circumstances or conditions, fully described in the findings of the ZBA, applying to the lot or structure for which the variance is sought, which are peculiar to such lot or structure and do not apply generally to lots or structures in the neighborhood and which have not resulted from any willful act of the applicant subsequent to the date of adoption of the regulation from which the variance is sought, whether in violation of the provisions herein or not;
 - ii. That, for reasons fully set forth in the findings of the ZBA, the aforesaid circumstances or conditions are such that the particular application of the provisions of these Regulations would deprive the applicant of the reasonable use of the lot or structure, that the granting of the variance is necessary for the reasonable use of the lot or structure, and that the variance as granted by the ZBA is the minimum adjustment necessary to accomplish this purpose;
 - iii. That the granting of the variance shall be in harmony with the general purposes, and intent of these Regulations and the Town's Plan of Conservation and Development, and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare.

Subsections 11.20Ai - iii are three sections of criteria, based in statutory enabling legislation, all of which must be met to grant a variance. These ordinance subsections deal substantially with the criteria for hardship and applicability covered under statute and case law; any single subsection cannot be used alone to justify granting a variance.

The Zoning Board of Appeals must find that a legal hardship exists. A hardship exists when the Zoning Ordinance uniquely affects a parcel of land differently from other properties, and where use of the property or reasonable use of the land would be impossible without the variance. Self inflicted or financial hardships cannot, by law, be considered as a reason for granting a variance.

APPLICATION

What are the abutting land uses, zoning districts, and owner names (including those across the street?)

	North	East	South	West
Land Use	<u>Res</u>	<u>Multi Fam</u>	<u>Single Fam</u>	<u>Single Fam</u>
Zoning Dist.	<u>R-33</u>	<u>R-33</u>	<u>R-33</u>	<u>R-33</u>

Owner(s):
 North: Patrick + Marc Jean Dumont
 East: James + Lisa Desheues
 South: Robert + Adam Gillian
 West: Rosa Bucchiere

Describe any structural alterations or construction and attach a scaled site plan and/or scaled elevation (14 copies)
App Blue print

If the property has been the subject of previous applications, attach a list.

Previous application file #(s) None
Date(s) of decision(s): _____

VARIANCE (cont.)

The following five questions must be answered, in support and justification for your appeal.
If needed, extra pages and supplemental illustrations or photographs may be used and included in the application.

Question #1

What difficulty or unnecessary hardship would result if the variance were not granted (Inconvenience alone or financial loss are not undue hardships)?

Constructing New building of Set back

Question #2

Why is the application, as written causing undue hardship? Describe.

Because Size of lot Angle of Home

Question #3

Why is the hardship different for this property and not shared by other properties in the neighborhood?

Constructed as Diagonal Daignal

Question #4

Is the variance requested the minimum necessary to meet the needs of the applicant or owner?

Does not Meet the location From Front yard Set back

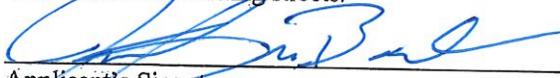
VARIANCE (cont.)

Question #5

What effect, if any, would the variance have on your neighbors or occupants of surrounding property? For example: traffic, parking, public safety, air, water, etc.

Does Not effect Anyone

When the application is submitted to the Enfield Planning Department, the applicant will be given a Public Notices sign, which is to be displayed on the property at least 10 days prior to the public hearing, clearly visible from all abutting streets.


Applicant's Signature

5/22/2020
Date

Owner's Signature (If different from Applicant)

Date

List the names and addresses of owners of any land abutting or within 100 feet of any part of the land involved in the hearing. Attach extra pages as necessary.

Name: Taber Adam
Address: Gillian
92 Hill Street Enfield
CT 06082

Name: James Desheres
Address: 35 Taber Rd
Enfield Ct 06082

Name: Patrick Demont
Address: 38 Taber Rd
Enfield CT 06082

Name: Rosa Buachiere
Address: 5 Booth St
Enfield Ct 06082

Name: _____
Address: _____

It is the applicant's responsibility to notify abutting landowners by certified mail. A copy of the legal notice may be used for this mailing.

Applicant is to review and acknowledge the Land Use Application Guide. Please contact Planning staff at (860) 253-6355 for guidance.



TOWN OF ENFIELD
ENFIELD ZONING BOARD OF APPEALS
STAFF REPORT & DRAFT RESOLUTION

Application #	ZBA# 2020-05-18	Meeting Date:	June 22, 2020
Address:	110 Cottage Road	Prepared By:	Jennifer Pacacha, MRP, AICP
Applicant:	Tamara Pleasent		Assistant Town Planner
Property Owner:	Tamara Pleasent	Wetlands/Watercourses:	No
Zone:	R-33	Aquifer Protection Areas:	No
Current Use:	Residential	Flood Zones:	No
Proposed Use:	Residential	Variances:	No
Map/Lot:	95/33	Applicable Zoning Regulations:	Section 3.30.7 Ai

PROPOSAL:

This is a variance application to allow an accessory structure to be located forward of the rear line of the house located at 110 Cottage Road.

The standards of Section 3.30.7 Ai require that all detached accessory structures be located behind the rear line of the home and must be at least 5-feet from all side and rear property lines. This applicant is requesting relief from that regulation. While the proposed detached garage will be located more than 5-feet off the property lines, the best location for the garage would be next to the home and forward of that rear property line.

Per **Section 11.00 Powers and Duties B.**, the ZBA shall have the authority to vary or adjust the strict applications of these Regulations in those cases where the unusual size, shape or topography of a lot or other unusual physical conditions pertaining to it or to any building situated thereon make it impossible to strictly apply a specific provision of these Regulations to such lot without resulting in exceptional difficulty or unusual hardship, so that substantial justice shall be done and the public health, safety and welfare secured.

Request: A variance to allow an accessory structure forward of the rear line of the home.

Hardship: The existing deck stairs protrude behind the rear line of the home towards the side property line. Putting the shed next to the stairs would create difficulty in accessing the stairs to the deck, and would require a variance to allow the garage to be located within the side yard setback. Moving the garage beyond the deck stairs may compromise the garage due to the drop in grade on the rear of the property, which is also wooded.

ADJACENT USES:

North: R-33

Department of Development Services
Building/Community & Economic Development/Planning & Zoning
820 Enfield Street
Enfield, Connecticut 06082

Telephone (860) 253-6507
Fax (860) 253-6310
www.enfield-ct.gov



TOWN OF ENFIELD

South: R-33

East: I-1

West: R-33

PICTURES



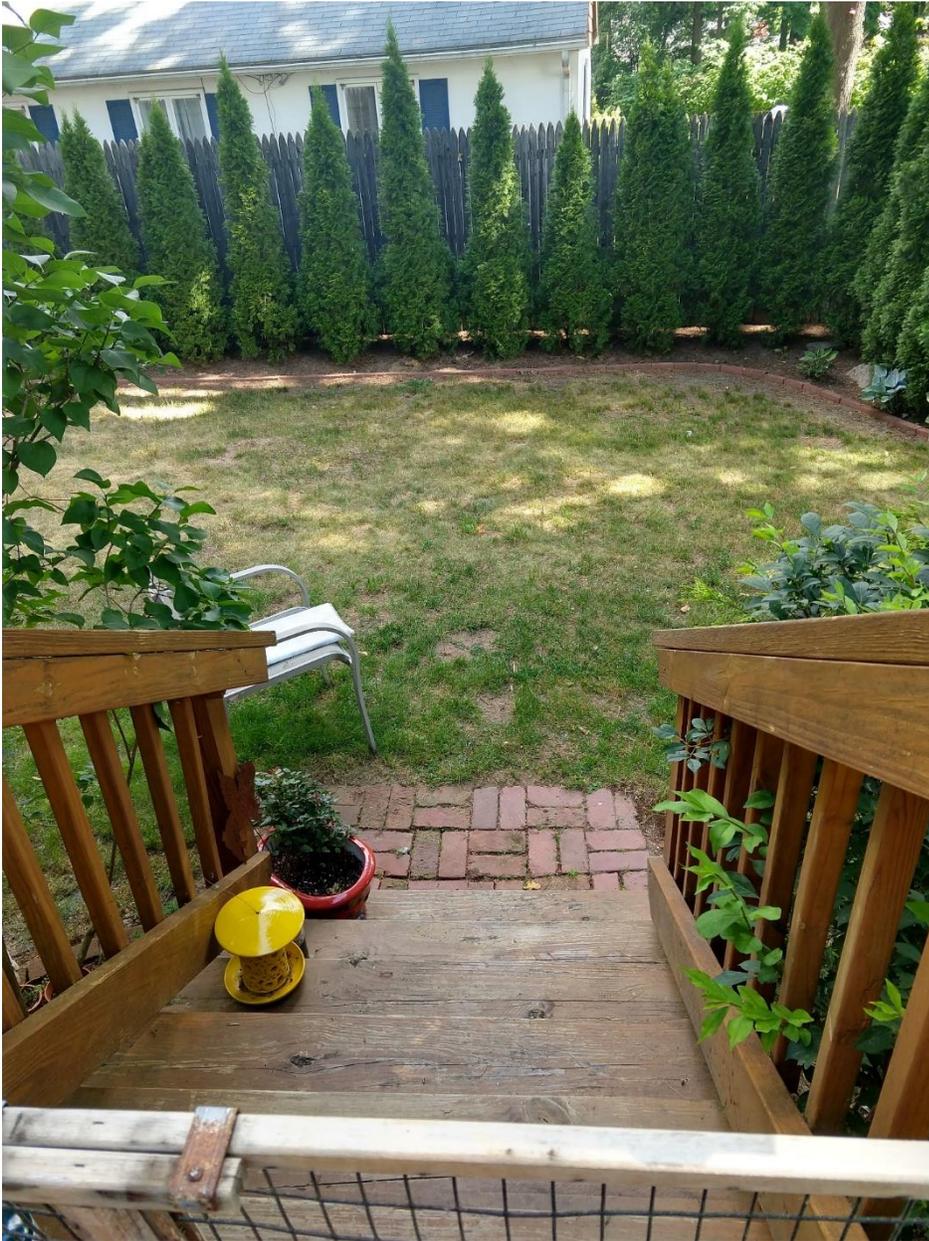
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Fax (860) 253-6310

www.enfield-ct.gov



TOWN OF ENFIELD



PROPERTY HISTORY

No prior land use applications have been filed for this property. Only Building Permits are in our records.

DECISION CRITERIA

Section 11.20 Decision-

A. No variance shall be granted by the ZBA unless it finds:

Department of Development Services
Building/Community & Economic Development/Planning & Zoning
820 Enfield Street
Enfield, Connecticut 06082

Telephone (860) 253-6507
Fax (860) 253-6310

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TOWN OF ENFIELD

- i. That there are special circumstances or conditions, fully described in the findings of the ZBA, applying to the lot or structure for which the variance is sought, which are peculiar to such lot or structure and do not apply generally to lots or structures in the neighborhood and which have not resulted from any willful act of the applicant subsequent to the date of adoption of the regulation from which the variance is sought, whether in violation of the provisions herein or not;
- ii. That, for reasons fully set forth in the findings of the ZBA, the aforesaid circumstances or conditions are such that the particular application of the provisions of these Regulations would deprive the applicant of the reasonable use of the lot or structure, that the granting of the variance is necessary for the reasonable use of the lot or structure, and that the variance as granted by the ZBA is the minimum adjustment necessary to accomplish this purpose;
- iii. That the granting of the variance shall be in harmony with the general purposes, and intent of these Regulations and the Town's Plan of Conservation and Development, and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare

Per **ZBA Bylaws Article X Order of Business Section 3**- All actions taken by the Board on application before them shall be implemented by a motion of a positive nature and voting accomplished by raising of hand(s). Reasons for approval/disapproval of such actions shall be described and identified.

DEPARTMENT COMMENTS:
Engineering Department –

Health Department –

Building Department – It looks like it is a garage and would have to meet fire resistance requirements below based on distance from the property line:

** garage will be more than 5 feet from house

TABLE R302.1(1)
EXTERIOR WALLS

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	Fire-resistance rated	1 hour—tested in accordance with ASTM E 119 or UL 263 with exposure from both sides	< 5 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Projections	Not allowed	N/A	< 2 feet
	Fire-resistance rated	1 hour on the underside ^{a, b}	≥ 2 feet to < 5 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Openings in walls	Not allowed	N/A	< 3 feet
	25% maximum of wall area	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	3 feet

For SI: 1 foot = 304.8 mm.

N/A = Not Applicable.

a. Roof eave fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave if fireblocking is provided from the wall top plate to the underside of the roof sheathing.

b. Roof eave fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave provided that gable vent openings are not installed.

Department of Development Services
Building/Community & Economic Development/Planning & Zoning
 820 Enfield Street
 Enfield, Connecticut 06082

Telephone (860) 253-6507
 Fax (860) 253-6310
 www.enfield-ct.gov



TOWN OF ENFIELD

Water Pollution Control Authority – No comments or concerns

Police Department – No comments or concerns at this time regarding 110 Cottage Rd.

Fire Department – As the Fire Marshal's office does not have jurisdiction for 1 and 2 family homes, we have no comment on the proposed variance.

MOTION TO APPROVE ZBA# 2020-05-18 – 110 Cottage Road for a variance to allow a garage to be constructed forward of the rear line of the home in accordance with the plans submitted under ZBA# 2020-05-18; Tamara Pleasent, owner/applicant; Map 95/Lot 33; R-33 Zone.

VL2441 PG011

QUITCLAIM DEED (Statutory Form)

I/We, Jennifer M. Welch of 37 Tabor Road Enfield, CT 06082, for no consideration paid, grant(s) to Jennifer M. Bouchard and Michael Bouchard, of 37 Tabor Road Enfield, CT 06082 as joint tenants with rights of survivorship with QUIT CLAIM COVENANTS.

All that certain piece or parcel of land together with the improvements thereon situated described in Schedule A attached hereto and made a part hereof.

Said property commonly known as 37 Tabor Road, Enfield, Connecticut.

Signed this 25 day of October 2008

Witness: Robert M. Bouchard

Jennifer M. Welch

Witness: Patricia A. Dumont Jr

State of Connecticut)
County of: Hartford) ss: Enfield

On this 25 day of October 2008, before me, the undersigned officer, personally appeared Jennifer M. Welch, known to me (or satisfactorily proven) to be the person(s) whose name is subscribed to the within instrument and acknowledged that he/she/they executed same for the purposes therein contained as his/her/their free act and deed.

In witness whereof I hereunto set my hand.

Name of Officer: Robert M. Bouchard
Notary Public
My commission expires: 12-31-2013

Return to:
Grantor's address:
37 Tabor Rd.
Enfield, CT 06082

November 3, 2008 No State Conveyance Tax Collected No Town Conveyance Tax Collected

SCS file #: 025114-CT



VL2441 PG012

**SCHEDULE A
PROPERTY DESCRIPTION**

**37 Tabor Road -
Enfield, CT 06082**

A certain piece or parcel of land with the buildings and improvements thereon situated on the southerly side of Tabor Road in the Town of Enfield, County of Hartford and State of Connecticut, known as No. 37 Tabor Road and also known as Lot No. 357 on a map or plan entitled "Sheet 7 of 'Whiteacres' Extension of Till Street Property of John H. Woods Enfield, Conn. Sept. 1954 Scale 1" = 50' Robert H. Chambers, C. E., Rockville, Conn.", which map or plan is on file in the office of the Enfield Town Clerk to which reference may be had for a more particular description. Said piece or parcel is more particularly bounded and described as follows:

NORTHERLY: By Tabor Road, 80 feet;

EASTERLY: By Lot No. 358 on said map, 125 feet;

SOUTHERLY: By Lot No. 306 on said map, 100 feet;

WESTERLY: By Booth Street, 105 feet; and

NORTHWESTERLY: By the curve connecting the easterly line of Booth Street with the southerly line of Tabor Road, 31.41 feet.

RECORDED IN
ENFIELD LAND RECORDS

2008 NOV -3 PM 1:28

Suzanne F. Olechnicki
SUZANNE F. OLECHNICKI
TOWN CLERK

SCS file #: 025114-CT

DOC#0902654

(Individual) 114SF

STATUTORY FORM WARRANTY DEED

MICHAEL E. CARNEY

of the Town of Enfield, County of Hartford and State of Connecticut
for consideration paid, grant to JENNIFER M. WELCH

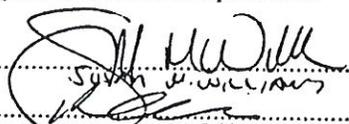
of the Town of East Windsor, County of Hartford and State of Connecticut with **WARRANTY
COVENANTS**

SEE SCHEDULE A ATTACHED HERETO AND MADE A PART HEREOF

12/16/2002 \$595.00 State Conveyance Tax Received
\$130.90 Town Conveyance Tax Received
Frank H. Cooney

Signed this 13 day of December, 2002

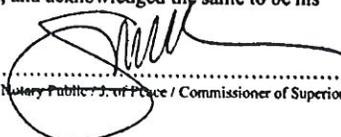
Signed and delivered in the presence of:


.....
Paul W. Collins


.....
Michael E. Carney

STATE OF CONNECTICUT }
 } ss. Glastonbury December 13th, 2002
COUNTY OF Hartford }

Personally Appeared MICHAEL E. CARNEY
Signer(s) of the foregoing Instrument, and acknowledged the same to be his
free act and deed, before me.


.....
Notary Public / J. of Peace / Commissioner of Superior Court

Grantees' Mailing Address
37 Tabor Rd.
.....
Enfield, CT 06082
.....

SCHEDULE A

A certain piece or parcel of land with the buildings and improvements thereon situated on the southerly side of Tabor Road in the Town of Enfield, County of Hartford and State of Connecticut, known as No. 37 Tabor Road and also known as Lot No. 357 on a map or plan entitled "Sheet 7 of 'Whitacres' Extension of Till Street Property of John H. Woods Enfield, Conn Sept. 1954 Scale 1" = 50' Robert H. Chambers, C.E., Rockville, Conn", which map or plan is on file in the office of the Enfield Town Clerk to which reference may be had for a more particular description. Said piece or parcel is more particularly bounded and described as follows:

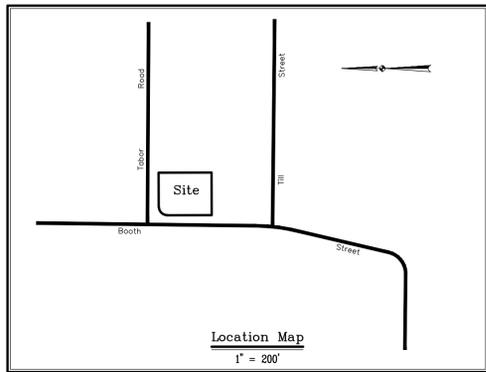
- NORTHERLY: By Tabor Road, 80 feet;
- EASTERLY: By Lot No. 356 on said map, 125 feet;
- SOUTHERLY: By Lot No. 306 on said map, 100 feet;
- WESTERLY: By Booth Street, 105 feet; and
- NORTHWESTERLY: By the curve connecting the easterly line of Booth Street with the southerly line of Tabor Road, 31.41 feet.

RECORDED IN
ENFIELD LAND RECORDS

2002 DEC 16 AM 10:44

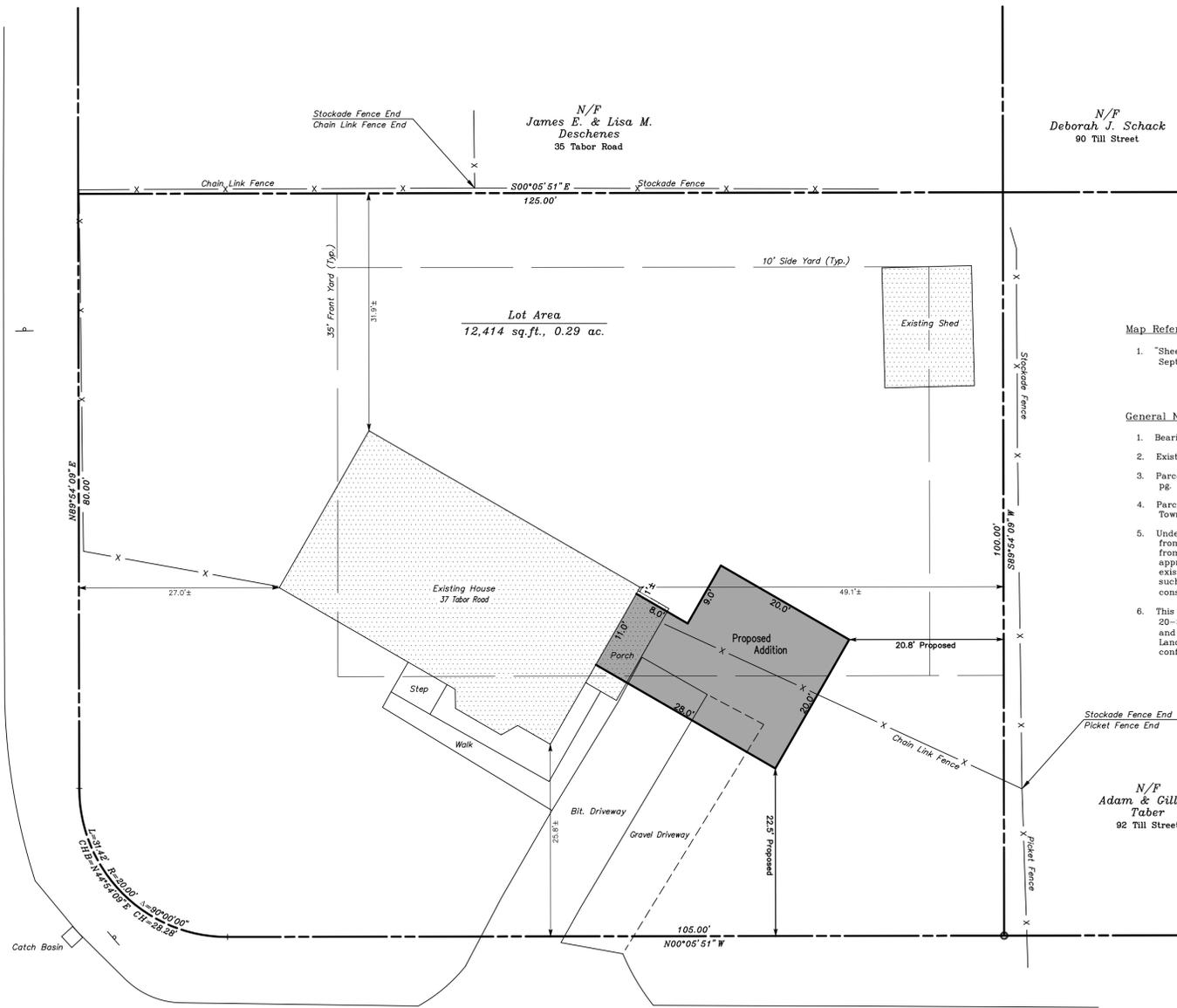
Suzanne F. Olechnicki
SUZANNE F. OLECHNICKI
TOWN CLERK

DOC#0305657



Pole 16341

- Legend:**
- Existing IP
 - IP (To Be Set)
 - Existing Monument
 - Monument (To Be Set)
 - ⊙ Drill Hole
 - Utility Pole
 - ⊗ Wire On Ground
 - Water Gate
 - Gas Gate
 - Signs
 - Wood Post
 - Hydrant
 - Light
 - Handhole
 - Mail Box
 - Monitor Well
 - Existing Trees
 - Stonewall
 - Fence
 - Guide Rail
 - Tree Line
 - Existing Contour Line
 - Existing Spot Elevation

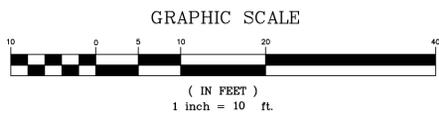


- Map References:**
- "Sheet Seven of Whiteaces Extension Of Till Street Property Of John H. Woods Enfield, Conn. Sept. 1954 Scale 1" = 50' Robert H. Chambers C.E. Rockville Conn."
- General Notes:**
- Bearings Assumed.
 - Existing house is nonconforming to current zoning setback regulations.
 - Parcel subject to an easement to The Connecticut Light And Power Company, see vol. 155 pg. 428 & pg. 429 of the Town Of Enfield land records.
 - Parcel subject to a Declaration Of Restrictions And Covenants, see vol. 155 pg. 232 of the Town Of Enfield land records.
 - Underground utility, structure and facility locations noted hereon have been compiled, in part, from record mapping supplied by the respective utility companies or governmental agencies, from parcel testimony and from other sources. These locations must be considered as approximate in nature. Additionally, other such features may exist on the site, the existence of which are unknown to this surveyor. The size, location and existence of all such features must be field determined and verified by the appropriate authorities prior to construction. Call Before You Dig (811).
 - This survey and map has been prepared in accordance with Sections 20-300b-1 through 20-300b-20 of the Regulations of Connecticut State Agencies - "Standards for Surveys and Maps in the State of Connecticut" as endorsed by the Connecticut Association of Land Surveyors, Inc. It is a Limited Property Survey based on a Dependent Resurvey conforming to Horizontal Accuracy Class A-2.

BOOTH STREET

These drawings are the property of the Surveyor and have been prepared specifically for the owner of the Project at this site. They are not to be used for any other purpose, location, or person without the written consent of the Surveyor.

No declaration is expressed or implied unless these plans bear the live signature and embossed seal of the Surveyor whose name appears hereon.



ZONING INFORMATION BULK CHART:			
ZONE:	REQUIRED	EXISTING	PROPOSED ADDITION
R-33*			
MINIMUM LOT AREA	33,000 sq. ft.	12,414 sq. ft., 0.29 ac.	
MIN. LOT FRONTAGE	150'	120.71'(Booth), 95.71'(Tabor)	
MIN. FRONT YARD	35'	25.8'	22.5'
MIN. SIDE YARD	10'	31.9'	20.8'
MIN. REAR YARD	35'		

* Parcel is Legal Non-Conforming Lot under 33,000 s.f. (qualifies for reduced setback requirements)
See Section 4.10.3 of the Town Of Enfield Zoning Regulations

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

Gary B. LeClair, L.S. #70017

Zoning Location Survey

Prepared For
James Welch
37 Tabor Road
Enfield, Connecticut

Map: 059 Lot: 179 Zone: R-33

Gary B. LeClair, LLC
Licensed Land Surveyors

57 ACORN DRIVE
WINDSOR LOCKS, CONNECTICUT 06096
(860) 627-8200

BY A.B.L.	SCALE 1" = 10'	DATE 5-15-20	SHEET 1 OF 1	CHECKED G.B.L.	NO. 220017
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TOWN OF ENFIELD
ENFIELD ZONING BOARD OF APPEALS
STAFF REPORT & DRAFT RESOLUTION

Application #	ZBA# 2020-05-22	Meeting Date:	June 22, 2020
Address:	37 Tabor Road	Prepared By:	Jennifer Pacacha, MRP, AICP
Applicant:	Jennifer Bouchard		Assistant Town Planner
Property Owner:	Jennifer & Michael Bouchard	Wetlands/Watercourses:	No
Zone:	R-33	Aquifer Protection Areas:	Yes
Current Use:	Residential	Flood Zones:	No
Proposed Use:	Residential	Variances:	No
Map/Lot:	59/179	Applicable Zoning Regulations:	Section 4.10

PROPOSAL:

This is an application for a variance to allow the reduction in the required front yard setbacks. The property itself is a corner lot, and the house was built in 1957 on an angle as opposed to parallel to the street. Because of the angle of the house and the fact that the property is a corner lot with two required 35-foot front yard setbacks, any garage addition to the home would require a variance to the regulations.

The proposed garage addition will be on the west side of the property along Booth Street. The property is considered a Legal Non-Conforming Structure Under 33,000 Square Feet, therefore the front and rear setback requirements are 35-feet, and the side setback requirements are 10-feet. In this case because the property is a corner lot, there are two front yard setbacks of 35-feet and two side yard setbacks of 10-feet.

Request: The proposed addition will require a variance to reduce the front yard setback along Booth Street from 35-feet to 22.5-feet according to the reference plans. That is a 12.5 foot reduction.

Hardship: Corner lot with a house on an odd angle not parallel with the street. Home was also built before zoning regulations changed to require larger lot size and frontages to build.

Per **Section 11.00 Powers and Duties B.**, the ZBA shall have the authority to vary or adjust the strict applications of these Regulations in those cases where the unusual size, shape or topography of a lot or other unusual physical conditions pertaining to it or to any building situated thereon make it impossible to strictly apply a specific provision of these Regulations to such lot without resulting in exceptional difficulty or unusual hardship, so that substantial justice shall be done and the public health, safety and welfare secured.



TOWN OF ENFIELD

ADJACENT USES:

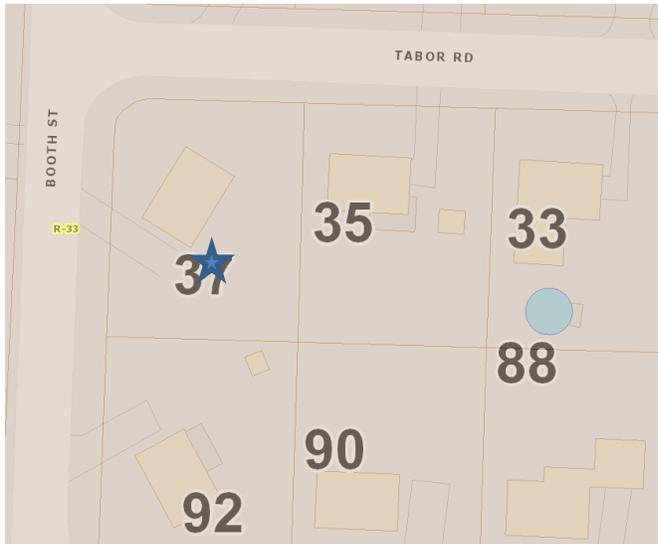
North: R-33

South: R-33

East: R-33

West: R-33

PICTURES



Department of Development Services
Building/Community & Economic Development/Planning & Zoning
820 Enfield Street
Enfield, Connecticut 06082

Telephone (860) 253-6507
Fax (860) 253-6310

www.enfield-ct.gov



TOWN OF ENFIELD

PROPERTY HISTORY

The property has always been residential in nature. No land use approvals have ever been issued since the home was originally built. Only building permits are on file at this time.

DECISION CRITERIA

Section 11.20 Decision-

A. No variance shall be granted by the ZBA unless it finds:

- i. That there are special circumstances or conditions, fully described in the findings of the ZBA, applying to the lot or structure for which the variance is sought, which are peculiar to such lot or structure and do not apply generally to lots or structures in the neighborhood and which have not resulted from any willful act of the applicant subsequent to the date of adoption of the regulation from which the variance is sought, whether in violation of the provisions herein or not;
- ii. That, for reasons fully set forth in the findings of the ZBA, the aforesaid circumstances or conditions are such that the particular application of the provisions of these Regulations would deprive the applicant of the reasonable use of the lot or structure, that the granting of the variance is necessary for the reasonable use of the lot or structure, and that the variance as granted by the ZBA is the minimum adjustment necessary to accomplish this purpose;
- iii. That the granting of the variance shall be in harmony with the general purposes, and intent of these Regulations and the Town's Plan of Conservation and Development, and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare

Per **ZBA Bylaws Article X Order of Business Section 3-** All actions taken by the Board on application before them shall be implemented by a motion of a positive nature and voting accomplished by raising of hand(s). Reasons for approval/disapproval of such actions shall be described and identified.

DEPARTMENT COMMENTS:

Engineering Department –

Health Department –

Building Department –

Water Pollution Control Authority – No comments or concerns

Police Department – No comments or concerns at this time regarding 37 Tabor Rd

Fire Department –



TOWN OF ENFIELD

MOTION TO APPROVE ZBA# 2020-05-22 – 37 Tabor Road - for a variance to allow a reduction in front yard setbacks from 35 feet to 22.5 feet along Booth Street according to the below reference plans; Jennifer Bouchard, owner/applicant; Map 59/179; R-33 Zone.

REFERENCE PLANS – ZBA# 2020-05-22 – 37 TABOR ROAD

1/1 – “Zoning Location Survey” Prepared for James Welch, 37 Tabor Road, Enfield, Connecticut; Prepared by Gary B. LeClair, LLC., 57 Acorn Drive, Windsor Locks, Connecticut 06096; Sheet 1 of 1; Scale: 1”= 10’; Prepared on May 15, 2020.

TOWN of ENFIELD
ZONING BOARD OF APPEALS – VARIANCE APPLICATION FORM
 Planning Department - Town Hall - 820 Enfield Street - Enfield, CT 06082
 (860) 253-6355

A-2
 File # (office use only)
ZBA 2020-06-05

FEES: Residential \$120.00 Non-residential \$185.00 (All fees include current \$60 state fee)

Application type (check one or more of the following) Date of Filing 6-3-20
 Residential Non-Residential

Variance Type:

Use Area Yards Height Building line Other

In connection with a:

Proposed Building Existing Building

Applicant Name: RANDY DAIGLE Phone: 860-559-0087
 Home Address: 55 COTTAGE RD. ENFIELD CT. 06082 E-Mail: RDAIGLE6@COX.NET
 Property Address: SAME Relation to Property: _____
 Map: 80 Block: _____ Lot: 178
 Property ID _____

Zone: R-33 Wetlands on Site? Yes No

Does applicant own the property? Yes (attach copy of deed) No (Submit Authorization Letter from Owner)

Property Owner's Name: RANDY DAIGLE Address: 55 COTTAGE RD. ENFIELD CT. 06082

When was the property acquired? APRIL 27, 2018

Provide property history:

SUMMER CABIN MANY YEARS AGO W/ 3 OR 4 ADDITIONS ADDED MANY YEARS AGO.

Describe your application: (Please Print)

ASKING FOR WAIVER FROM MAX. ALLOWABLE COVERAGE OF 20% TO 23.7%

Applicable Section(s) of the Zoning Ordinance

ARTICLE IV, SECTION 4.10 TABLE 4.10 "COVERAGE"

Who will be representing the application and what is the way to contact that person

NAME: RANDY DAIGLE ADDRESS 55 COTTAGE RD

860-559-0087 (phone)

N/A (fax)

RDAIGLE6@COX.NET (e-mail)

APPLICATION SUBMITTAL REQUIREMENTS: Applicant must locate the proposed structure corners on the ground with stakes, or spray paint (if the location is on an impervious surface). If requesting a variance for a side yard, applicant must show the property line, required side yard, and the requested side yard variance. Failure to stake or spray paint the location will cause the postponement of your meeting date.

The undersigned hereby permits town staff and board members to enter onto and inspect this site during reasonable hours for the purpose of reviewing this application and accompanying plans. I hereby depose and say that all of the above statements as well as the statements contained in all papers filed herewith are true.

Applicant signature: [Signature]
 Subscribed and sworn to before me this 5 day of June 2020

(Signature) [Signature]
 Notary Public Justice of the Peace Commissioner of Superior Court
 (Please check one)

Commission expiration date stamp

DEBORA A. MCCARTHY
 Notary Public
 Connecticut
 My Comm. Form A-2, Page 1 of 23

DEPARTMENT DATE STAMP

2020 JUN -5 PM 3:29

VARIANCE

INTRODUCTION

Section 11.00B, Enfield Zoning Ordinances, Powers and Duties of the ZBA

Variations: The ZBA shall have the authority to vary or adjust the strict application of these Regulations in those cases where the unusual size, shape or topography of a lot or other unusual physical conditions pertaining to it or to any building situated thereon make it impossible to strictly apply a specific provision of these Regulations to such lot without resulting in exceptional difficulty or unusual hardship, so that substantial justice shall be done and the public health, safety and welfare secured.

Section 11.20 Decision

- A. No variance shall be granted by the ZBA unless it finds:
- i. That there are special circumstances or conditions, fully described in the findings of the ZBA, applying to the lot or structure for which the variance is sought, which are peculiar to such lot or structure and do not apply generally to lots or structures in the neighborhood and which have not resulted from any willful act of the applicant subsequent to the date of adoption of the regulation from which the variance is sought, whether in violation of the provisions herein or not;
 - ii. That, for reasons fully set forth in the findings of the ZBA, the aforesaid circumstances or conditions are such that the particular application of the provisions of these Regulations would deprive the applicant of the reasonable use of the lot or structure, that the granting of the variance is necessary for the reasonable use of the lot or structure, and that the variance as granted by the ZBA is the minimum adjustment necessary to accomplish this purpose;
 - iii. That the granting of the variance shall be in harmony with the general purposes, and intent of these Regulations and the Town's Plan of Conservation and Development, and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare.

Subsections 11.20Ai - iii are three sections of criteria, based in statutory enabling legislation, all of which must be met to grant a variance. These ordinance subsections deal substantially with the criteria for hardship and applicability covered under statute and case law; any single subsection cannot be used alone to justify granting a variance.

The Zoning Board of Appeals must find that a legal hardship exists. A hardship exists when the Zoning Ordinance uniquely affects a parcel of land differently from other properties, and where use of the property or reasonable use of the land would be impossible without the variance. Self inflicted or financial hardships cannot, by law, be considered as a reason for granting a variance.

APPLICATION

What are the abutting land uses, zoning districts, and owner names (including those across the street)?

Land Use	North	East	South	West
Zoning Dist.	RES.	RES.	RES.	LAKE
	R-33	R-33	R-33	LAKE

Owner(s):

North: LORRAINE CREEDON

East: SUSAN MILDON

South: SHERYLE DUNN

West: LAKE

Describe any structural alterations or construction and attach a scaled site plan and/or scaled elevation (14 copies)

EXTENDING THE BACK OF THE HOUSE (STREET SIDE) 4'-0" TO MAKE A HANDICAP MASTER BATH. ADD A 10'-0" WIDE BEDROOM AND 2 CAR GARAGE.

If the property has been the subject of previous applications, attach a list.

Previous application file #(s) 4-21-20 SPECIAL USE RES. 5-27-20 WETLANDS

Date(s) of decision(s): 5-27-20 FLOOD PERMIT

WETLAND & FLOOD HAVE BEEN SIGNED OFF.

VARIANCE (cont.)

Question #5

What effect, if any, would the variance have on your neighbors or occupants of surrounding property? For example: traffic, parking, public safety, air, water, etc.

PLEASE SEE ATTACHED.

When the application is submitted to the Enfield Planning Department, the applicant will be given a Public Notices sign, which is to be displayed on the property at least 10 days prior to the public hearing, clearly visible from all abutting streets.

Applicant's Signature

Ray D. [Signature]

6-3-20

Date

Owner's Signature (If different from Applicant)

N/A

Date

List the names and addresses of owners of any land abutting or within 100 feet of any part of the land involved in the hearing. Attach extra pages as necessary.

Name: <u>LORRANE</u>	Name: <u>SUSAN</u>	Name: <u>SHEYLE DUUN</u>
Address: <u>CREEDON</u>	Address: <u>MULDON</u>	Address: <u>51 COTTAGE RD.</u>
<u>57 COTTAGE RD.</u>	<u>56 COTTAGE RD.</u>	

Name: _____	Name: _____	Name: _____
Address: _____	Address: _____	Address: _____

Name: _____	Name: _____	Name: _____
Address: _____	Address: _____	Address: _____

Name: _____	Name: _____	Name: _____
Address: _____	Address: _____	Address: _____

It is the applicant's responsibility to notify abutting landowners by certified mail. A copy of the legal notice may be used for this mailing.

Applicant is to review and acknowledge the Land Use Application Guide. Please contact Planning staff at (860) 253-6355 for guidance.

Question #1

All these houses on the lake have started off as summer cottages and were added on over the years. Our house has 3 different floor levels, 4 "steps and one of the floors pitched 2 ". Most of the doors are only 30" wide and not accessible for a wheelchair. My fiancé has had several knee injuries and at some point, will require surgery on them. The purpose for this renovation and addition is to make our house total handicap accessible and safe.

Question #2

Our house has 3 different levels, 4 "steps and one of the floors pitched 2 ". Most of the doors are only 30" wide and not accessible for a wheelchair. My fiancé has had several knee injuries and at some point, will require surgery on them. The purpose for this renovation and addition is to make our house total handicap accessible and safe. We both have asthma and even though last winter was mild we both had several asthma attacks cleaning the snow off our vehicles, this is the reason for the 2-car garage. We have a very small lot and our addition is at the very minimum required to achieve accessibility throughout our house.

Question #3

Most if not all the other houses have already been renovated and made handicap accessible and have added garages also. Our house was one of the last houses to be renovated.

Question #4

Yes, we believe we would be able to live our remaining days here if we can make the house total handicap accessible and have a safe place to store our vehicles from inclement weather and break ins.

Question#5

Absolutely no negative effects. Actually it will have a positive effect by bring up the surrounding property values.

ENFIELD 061001077
VOL 2692 PG 824 04/30/2018 03:03:24 PM
RECORDED IN ENFIELD CT
TOWN OF ENFIELD DEPARTMENT OF PERMITS
TOWN ENGINEER: TOWN ENGINEER: TOWN ENGINEER
TOWN ENGINEER: TOWN ENGINEER: TOWN ENGINEER
TOWN ENGINEER: TOWN ENGINEER: TOWN ENGINEER

After Recording Return to:
McCaffrey Law Firm, PC
PO Box 172
Enfield, CT 06083

STATUTORY WARRANTY DEED

KNOW YE THAT We, Bruce F. Belanger and Machel D. Belanger, both now or formerly of the Town of Enfield, County of Hartford and State of Connecticut

for the consideration of **One Hundred Eighty Thousand and 00/100 (\$180,000.00) Dollars**

received to our full satisfaction of **Randy Daigle**, now or formerly of the Town of Enfield, County of Hartford and State of Connecticut

do give, grant, bargain, sell and confirm unto the said **Randy Daigle**, his heirs and assigns forever with **WARRANTY COVENANTS**,

See Schedule A attached hereto and made a part hereof

Being the same premises conveyed to the Grantors herein by Warranty Deed of Martha Androulidakis dated June 29, 2000 and recorded on June 30, 2000 in Volume 1294 at Page 232 of the Enfield Land Records.

Said premises are conveyed subject to Restrictive Covenants as set forth in Deed dated March 19, 1926 and recorded September 18, 1926 in Volume 69 at Page 223 of the Enfield Land Records.

Said premises are further conveyed subject to restrictions appearing of record, taxes to the Town of Enfield on the List of October 1, 2017, and thereafter, which the Grantee herein assumes and agrees to pay and to any and all provisions of any ordinance, municipal regulation, and public or private law, and to building, building line, zoning and inland-wetland regulations as of record may appear.

Signed this 27 day of April, 2018
Signed and delivered in the presence of:

Maurice A. Rochette
~~Bridgid Tyler Murray~~ Maurice A. Rochette

B. F. Belanger
Bruce F. Belanger

Linda M. Picard
Linda M. Picard

Machelle D. Belanger
Machelle D. Belanger

STATE OF CONNECTICUT)

: ss. Enfield

April 27, 2018

COUNTY OF HARTFORD)

Personally Appeared, Bruce F. Belanger and Machelle D. Belanger, as aforesaid,
Signers of the foregoing Instrument, and acknowledged the same to be their free act
and deed, before me.

Linda M. Picard

LINDA M. PICARD
NOTARY PUBLIC
STATE OF CONNECTICUT
MY COMMISSION EXPIRES MAR. 31, 2023

Grantee's Address:
55 Cottage Road
Enfield, CT 06082

SCHEDULE A

a certain piece or parcel of land, with all buildings and improvements located thereon, situated in the Town of Enfield, County of Hartford and State of Connecticut, being known as 55 Cottage Road and being shown and designated as "Lot 4" and "Portion of Lot #3" on a map or plan entitled "Plan Prepared for Robert M. Hallargren Enfield, Conn. William R. Palmberg Land Surveyor 19 East Road Broad Brook, Connecticut 06016 528-8501 623-7018 by WP Scale 1" = 20' Date 10-21-91 Sheet 1 Check WP No. 91045 Certified Class A2" which map or plan is on file in the Office of the Town Clerk of said Town of Enfield for a more particular description.

Said premises are more particularly bounded and described as follows:

- NORTHWESTERLY:** By Pine Point Lake, as shown on said map referenced by a closing line, a distance of seventy-five and sixty-six one-hundredths (75.66) feet;
- NORTHEASTERLY:** By land now or formerly of Lorraine A. Goulet & Betty Jane Zavatsky, Lot 5, as shown on said map, a distance of one hundred twenty-five (125) feet;
- SOUTHEASTERLY:** By Cottage Road, a distance of seventy-five (75) feet; and
- SOUTHWESTERLY:** By land now or formerly of Richard M. & Cheryl L. Duane, a Remaining Portion of Lot 3, as shown on said map, a distance of one hundred thirty-five (135) feet.

Said premises consists of an area of .24 acres, more or less.

Said premises are also known as follows:

Two certain pieces or parcels of land, situated in the Town of Enfield, County of Hartford and State of Connecticut, located on the westerly side of Cottage Road in said Town of Enfield, more particularly described as follows:

FIRST PARCEL:

A certain piece or parcel of land, located in the Town of Enfield, County of Hartford and State of Connecticut, with all buildings and improvements located thereon, being designated as Lot No. 4 according to a map or plan of lots known as "Plan of Shaker Pines" which map is on file in the office of the Town Clerk of said Town of Enfield, Book of Maps, Volume 2, Page 8 to which reference may be had for a more particular description, together with the usual riparian rights in Pine Point Lake.

SECOND PARCEL:

A certain piece or parcel of land, located in the Town of Enfield, County of Hartford and State of Connecticut, bounded and described as follows:

BEGINNING at a point at the intersection of the westerly line of Cottage Road, so-called, with the southerly line of Lot No. 4 according to a map or plan of Lots known as "Shaker Pines Lake" which said map is on file in the Office of the Town Clerk of the Town of Enfield, Book of Maps, Volume 2, Page 8 and running;

THENCE southerly along the westerly line of said Cottage Road, so-called, 25 feet to an iron pin;

THENCE westerly in a line parallel with the southerly line of Lot No. 4, 135 feet, more or less, to the shore of Pine Point Lake;

THENCE northerly along the shore of Pine Point Lake, 25 feet to the southerly line of said Lot 4;

THENCE easterly along the southerly along the line of Lot 4, 148 feet to the place of beginning.

BOUNDED:

NORTH by Lot No. 4; **EAST** by the highway, Cottage Road, so-called; **SOUTH** by land now or formerly of Norman Slevin et al; and **WEST** by Pine Point Lake.

Randy Daigle

55 Cottage Road Enfield Ct. 06082
(860) 559-0087

Friday, 6/5/20

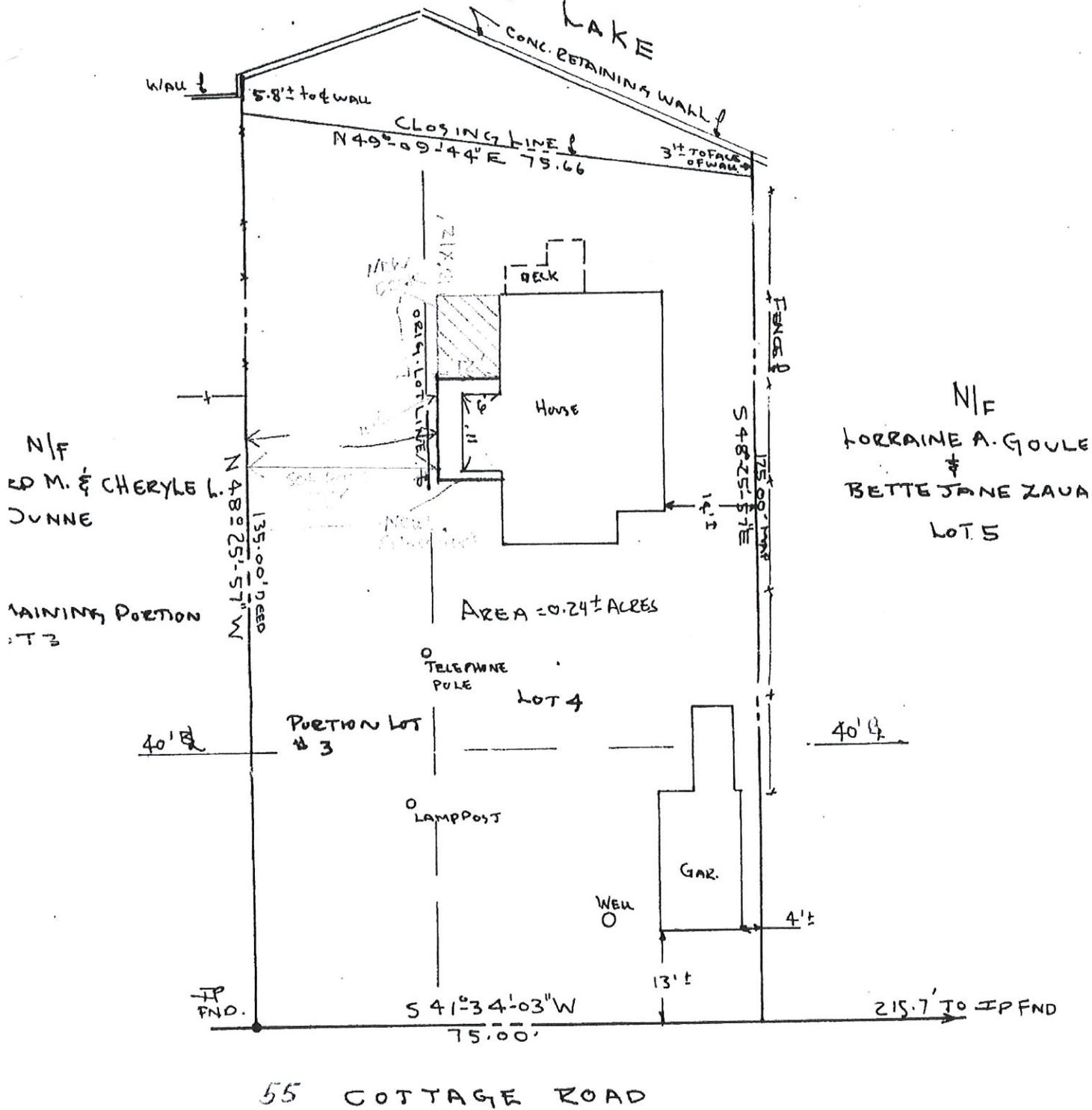
Att:

Jen Pacacha, MRP, AICP
Assistant Town Planner

Enclosed please find the following Forms:

1. Zoning Board Of Appeals – Variance Application Form with attachment to questions 1-5 (5 pages)
2. Maximum Allowable Lot Coverage Waiver Request. (1 page)
3. Statutory Warranty Deed. (3 pages)
4. Existing and Proposed Plot Plan and GIS Ariel photo of Lot. (3 pages)
5. Addition and Renovation Description/Narrative. (1 page)
6. Clarifications & A2 Survey Waiver Request. (1 page)
7. Property Setback Calculation Sheet. (1 page)
8. Architectural Drawings (4 pages 24"x36")
9. Check Made out to the Town of Enfield for \$120.00

PINE POINT LAKE



NOTES:

p - Plan of Shaker Pines 1" = 80' - Merrill & Sears C.E.

monumentation for Cottage Road and is established from existing iron assumed.

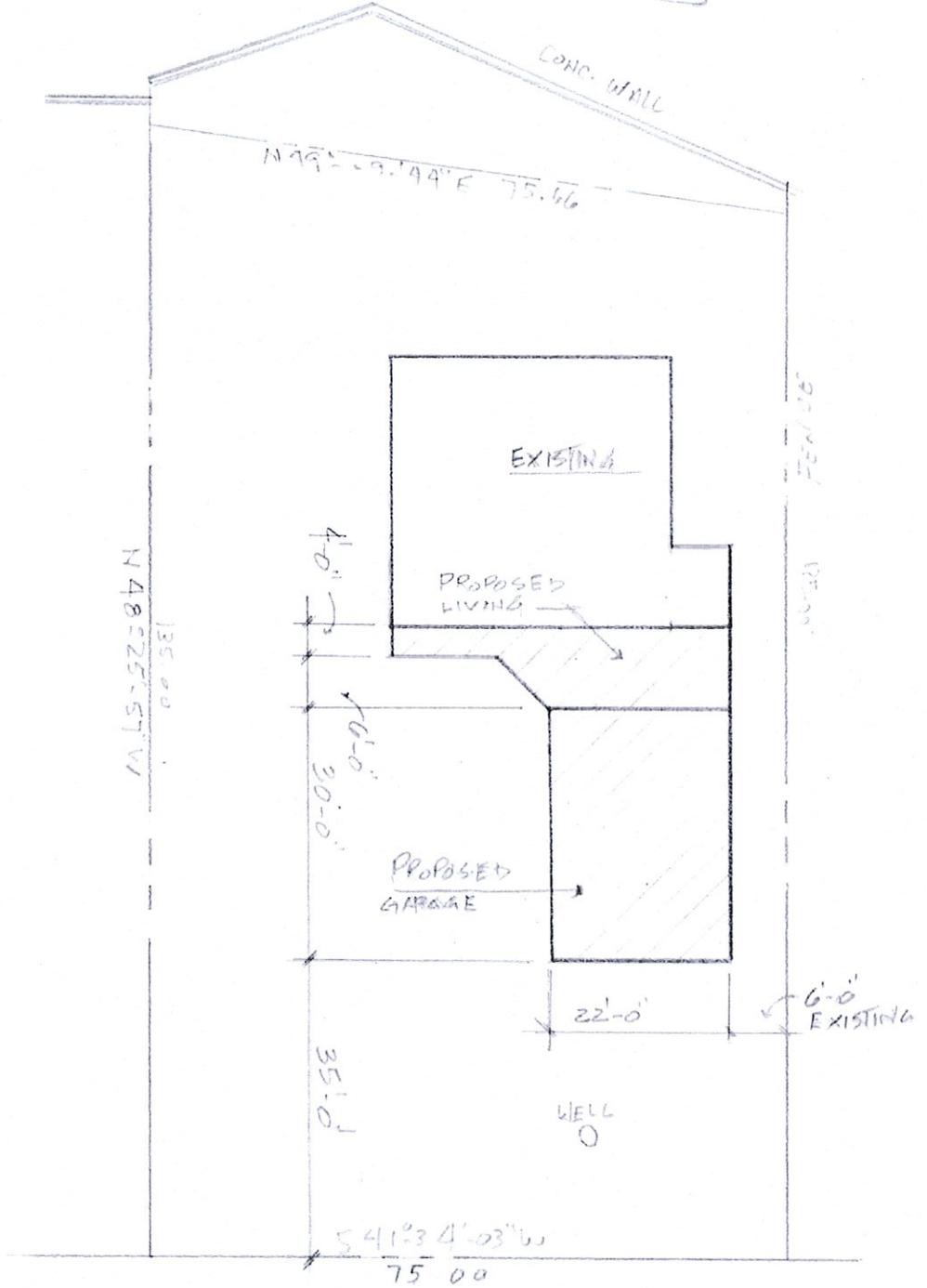
forming to side line and rear line, conforming to side and setback requirements.

R-33

F&S NC

NORTH ↗

LAKE ↻



55 COTTAGE ROAD



80-179

L-50

80-178

140

125

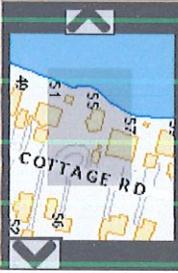
75

75

80-177

0 10 20ft

-72.536420, 42.022765



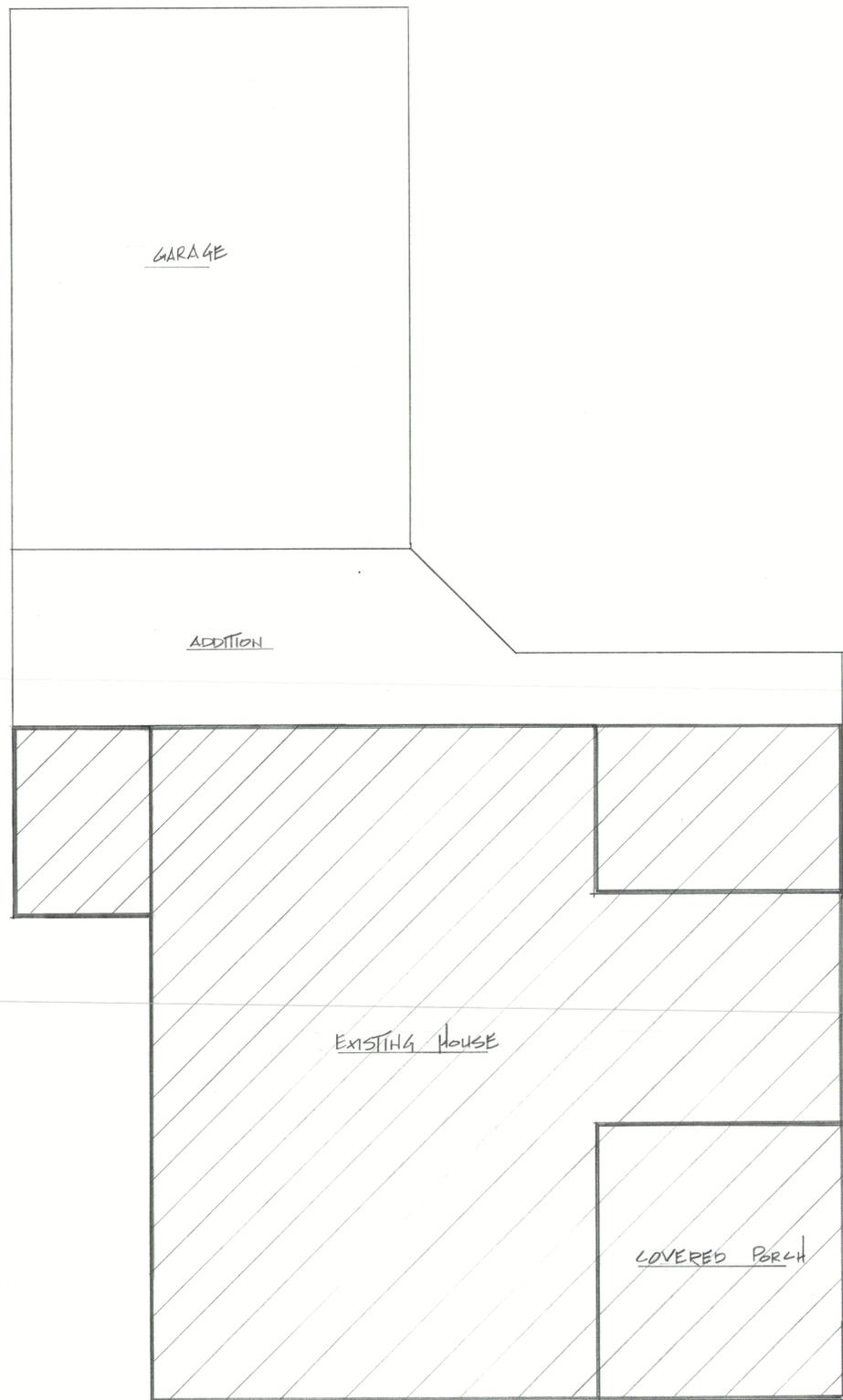
Randy Daigle

55 Cottage Road Enfield Ct. 06082

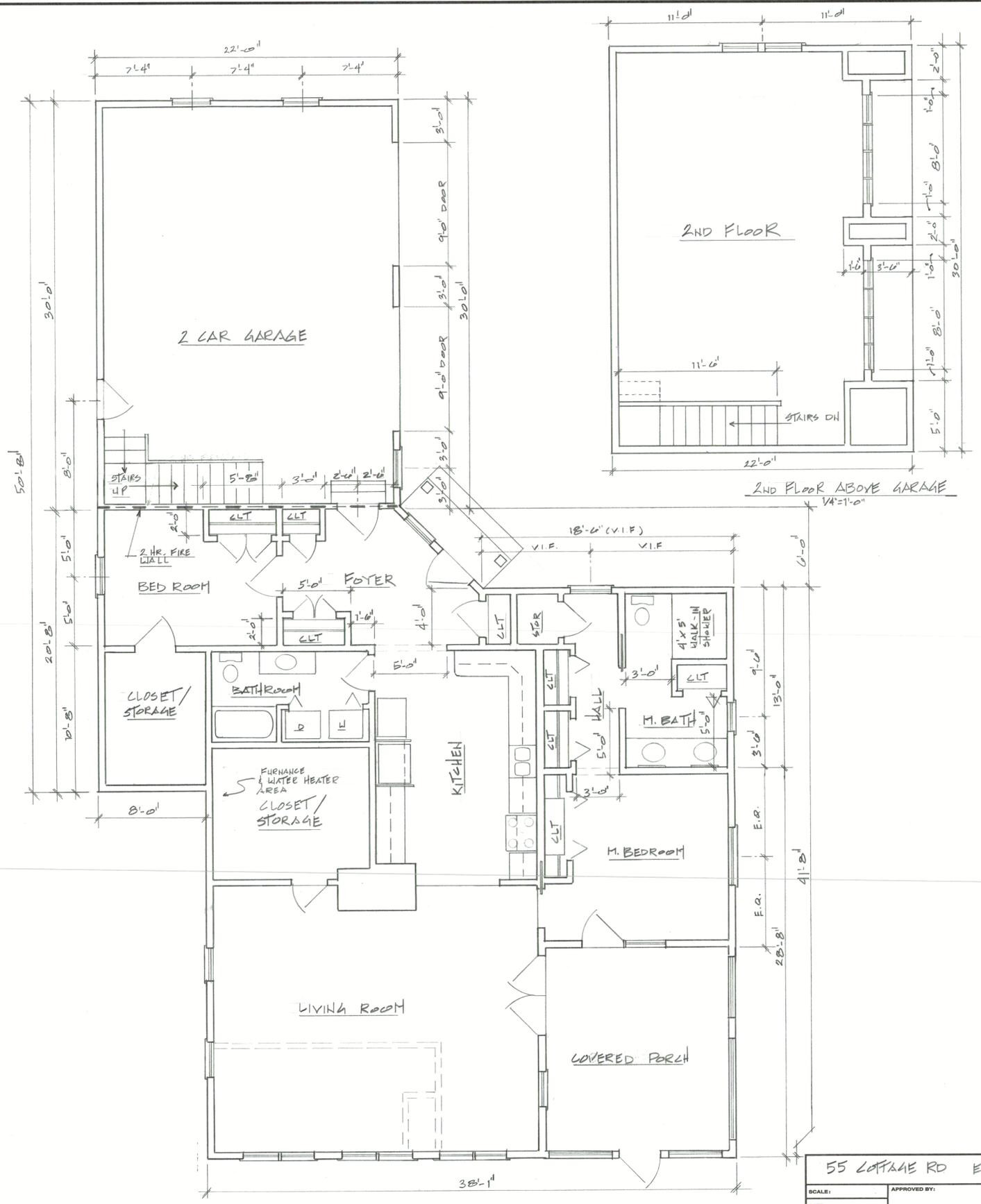
(860) 559-0087

Addition and Renovation Description

1. Removing existing 2nd bedroom interior wall at front of the house (lake side) and existing 2"x 4" floor joists and installing new 2"x 10" floor joist, new Batt insulation and ¾" T&G plywood subflooring glued and screwed.
2. Remove existing exterior storage area on back-right of the house (street side) and install new exterior wall out 4 feet from existing and install new 2"x 10" floor joists with new Batt insulation and ¾" T&G plywood subflooring glued and screwed for new master bathroom.
3. Bump out the back of the house 4 feet from existing (street side) install new 2"x 10" floor joists with new Batt insulation and ¾" T&G plywood subflooring glued and screwed for new foyer/entrance area.
4. Bump out the back-left rear of the house 10 feet from existing (street side) attached to the existing closet install new 2"x 10" floor joists with new Batt insulation and ¾" T&G plywood subflooring glued and screwed for new bedroom.
5. Extending existing roof as required with new pre-engineered roof joists per code.
6. Build new 2 car garage with 2nd floor in rear attached to the new bedroom. (street side)
7. All new exterior walls construction shall be 2"x 6" wood studs @ 16" O.C. w/ Batt insulation, exterior plywood, vapor barrow and vinyl siding on exterior side and ½" sheetrock painted on interior side.
8. All new floor areas shall be poured concrete slab with footing per code and 2X wood sleepers with Batt insulation and ¾" T&G plywood subflooring glued and screwed.
9. Remove existing kitchen cabinets and appliances and replace with new.
10. Entire roof shall be stripped to existing plywood, plywood repaired as required. New 25 year architectural shingles.
11. New 200 amp Electrical panel in existing house wired for Generator hookup.
12. New Electrical sub panel in garage.
13. New forced air mechanical system with heat and AC.
14. Entire house to be vinyl sided.
15. All new energy efficient Windows and Doors throughout.
16. Remove existing gravel driveway and install new paved driveway.

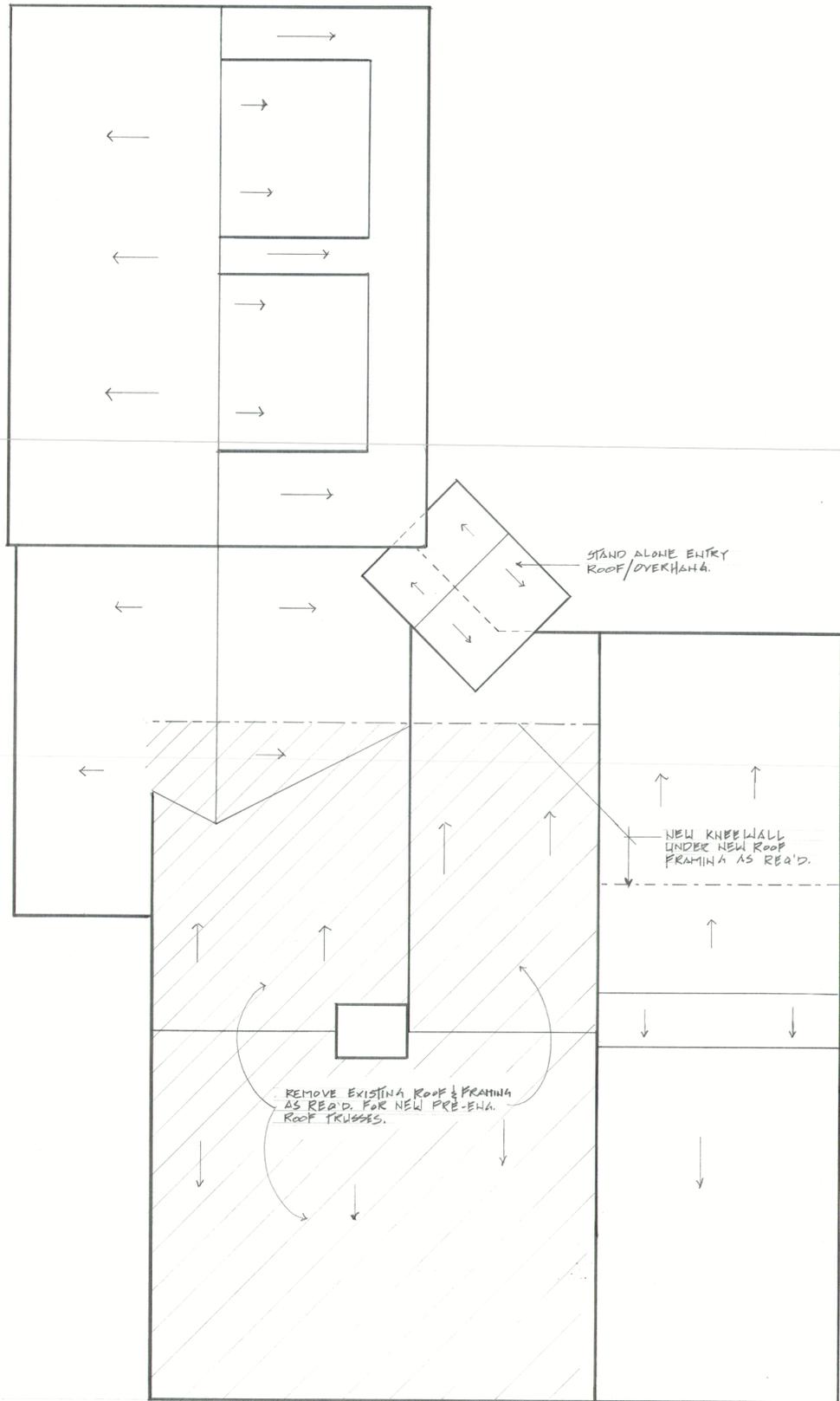


EXISTING / NEW OVERALL
1/4" = 1'-0"

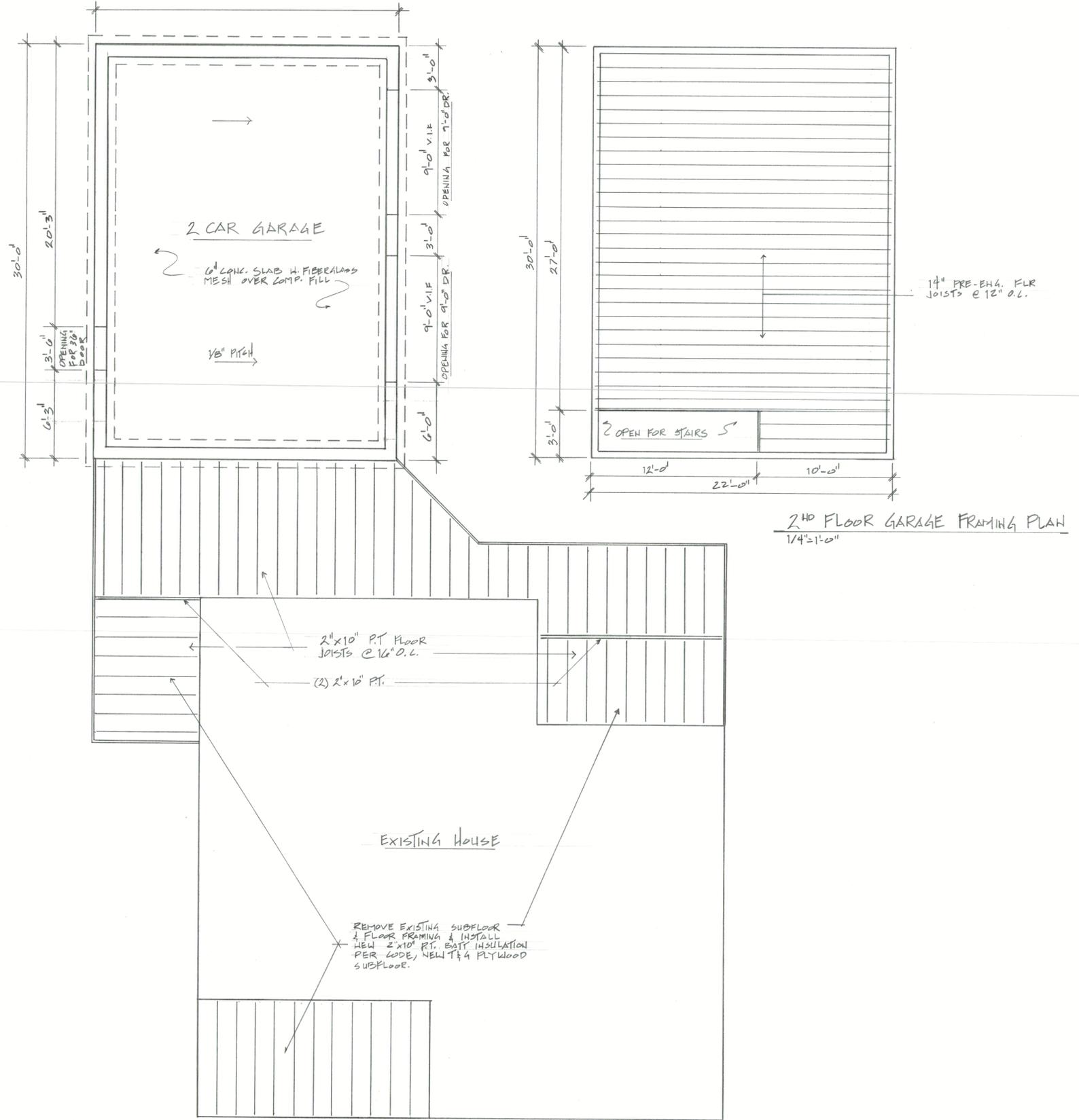


FLOOR PLAN
1/4" = 1'-0"

55 COTTAGE RD ENFIELD, CT		
SCALE:	APPROVED BY:	DRAWN BY:
DATE:		REVISED:
RANDY DAIALE		DRAWING NUMBER



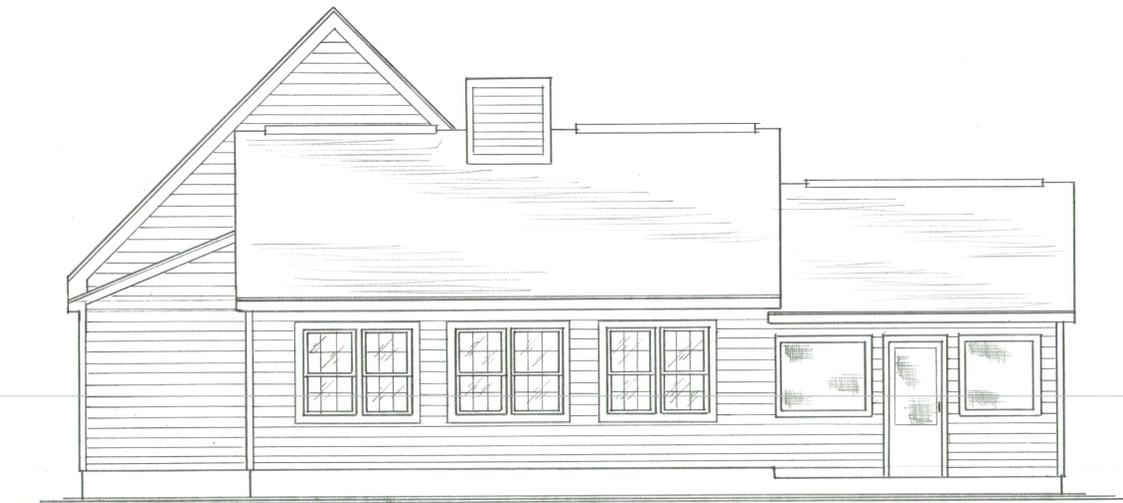
ROOF PLAN
1/4"=1'-0"



FOUNDATION & FLOOR FRAMING PLAN
1/4"=1'-0"

2ND FLOOR GARAGE FRAMING PLAN
1/4"=1'-0"

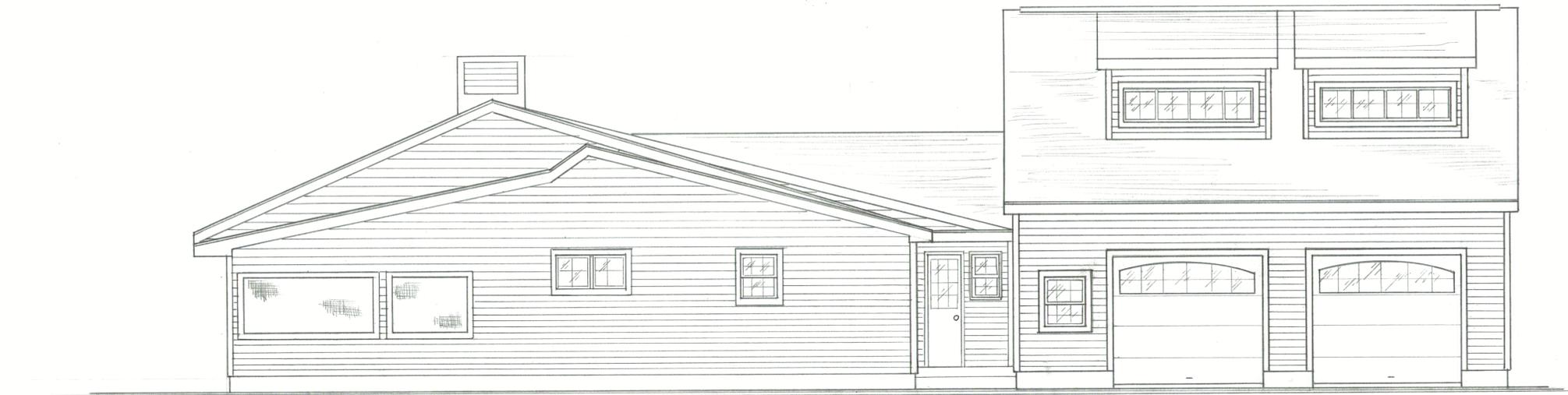
55 COTTAGE RD ENFIELD, CT		
SCALE:	APPROVED BY:	DRAWN BY:
DATE:		REVISED:
RANDY DAIGLE		
		DRAWING NUMBER:



WEST EXTERIOR ELEVATION
1/4" = 1'-0"
(LAKE SIDE)

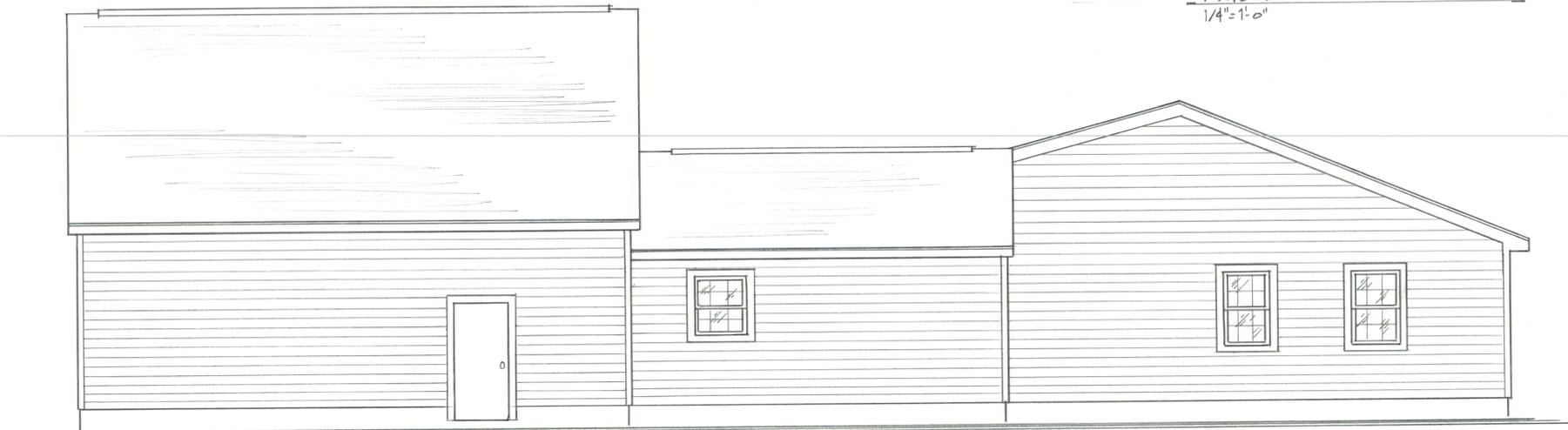
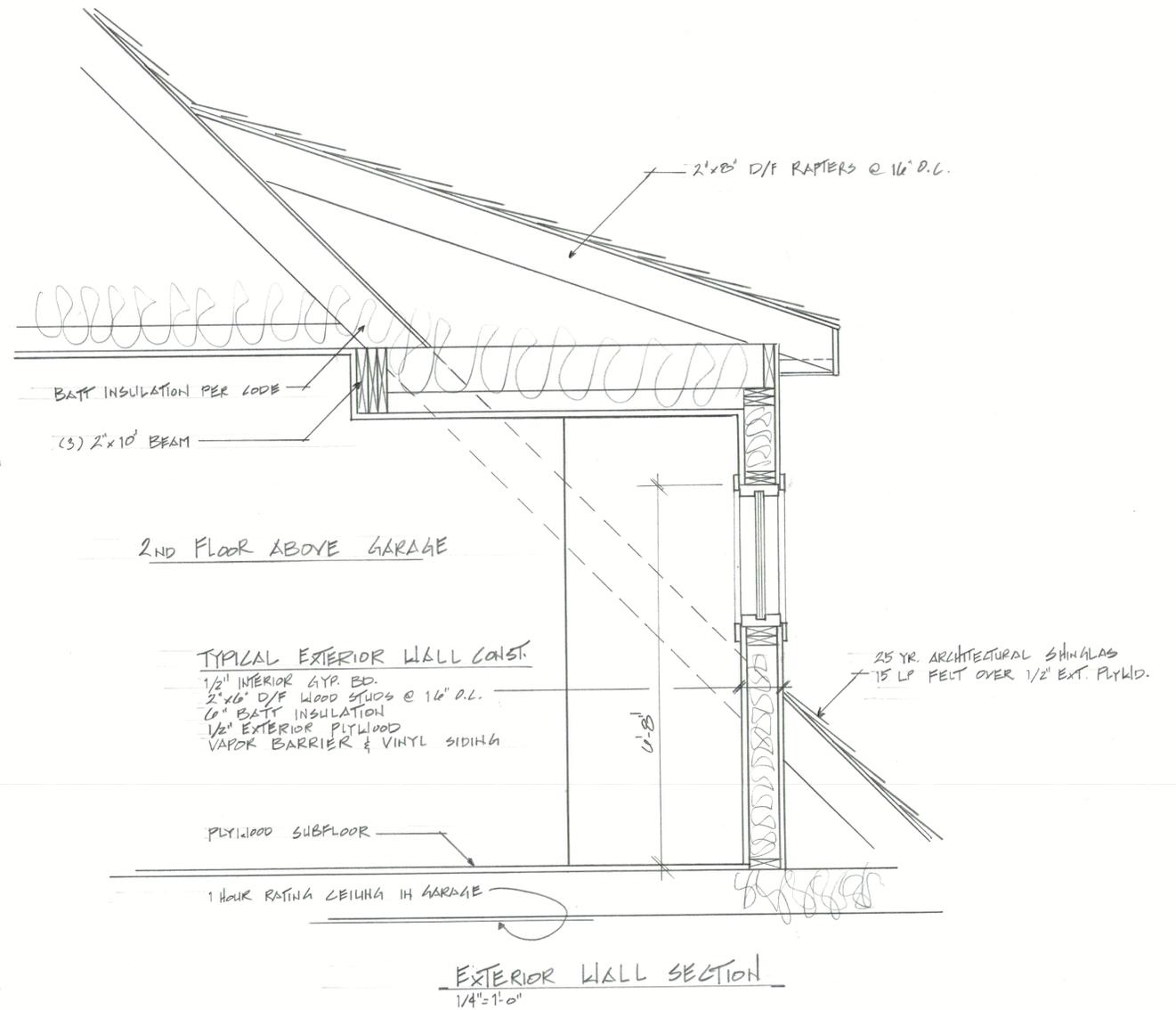


EAST EXTERIOR ELEVATION
1/4" = 1'-0"
(STREET SIDE)



SOUTH EXTERIOR ELEVATION
1/4" = 1'-0"

55 COTTAGE RD. ENFIELD CT		
SCALE:	APPROVED BY:	DRAWN BY:
DATE:		REVISED:
RANDY DAIGLE		
		DRAWING NUMBER



NORTH EXTERIOR ELEVATION
1/4" = 1'-0"

55 COTTAGE RD ENFIELD, CT		
SCALE:	APPROVED BY:	DRAWN BY:
DATE:		REVISED:
RANDY DAIGLE		DRAWING NUMBER:

Randy Daigle

55 Cottage Road Enfield Ct. 06082

(860) 559-0087

Addition and Renovation Description

Clarifications & A2 Survey Waiver Request;

1. Regarding the Existing Sewer Location, as show on the resubmitted Plot Plan, we plan to remove the existing Sewer line and replace it with New PVC/ABS Schedule 40.
2. Regarding the Existing Structure on the North/East of the Existing House, as shown on the Towns CIS "Aerial View" Map; The Structure was built on or before 2014 without a permit. As per the State Statute the Structure has been there for more than three (3) years therefore is now considered a "Legal Non-Conforming Structure". We plan on increasing the existing 2"x4" Exterior walls to 2"x6" (for greater "R" Value) by installing them right next to the Existing Studs.
3. I am Formally Requesting a Waiver of the requirements of Section 9.10.2. for a A2 Survey. This is a Residential Property and this Waiver Request has been granted to numerus Shaker Pines Lake Community Property owners.
4. Regarding the Existing Well, as shown on the Existing Plot Plan; The Well has not been in use for many years and was Capped off. The Property water source is through Connecticut Water Company. Please see a resent Bill attached.

Randy Daigle

55 Cottage Road Enfield Ct. 06082

(860) 559-0087

Addition and Renovation Description

Maximum Allowable Lot Coverage Waiver Request;

Currently as per Table 4.10 of the Town of Enfield's Zoning Regulations it only allows 20% Lot Coverage. I am requesting a Waiver of the 20% and asking for 23% coverage allowed.

Existing Lot sq.ft. =	10,890 / 2518 = 23%
20% sq.ft. =	<u>2,178</u>
	8,712

Existing House, Legal Non-Conforming Addition & Deck =	1,546 sq.ft.
---	--------------

Proposed Addition =	972 sq.ft.
---------------------	------------

Existing + Proposed = 1,546 + 972 =	2,518 sq.ft.
-------------------------------------	--------------

The difference from the allowed 2,178 sq.ft. and our Proposed of 2,518 sq.ft. is **340 sq.ft. or 3%**

Hardship Waiver Request;

The 340 sq.ft. is for a New Handicap bathroom, Bedroom/Office and Garage. One of the reasons we're doing the addition and renovations is for health reasons. My fiancé has had multiple knee injuries as well as we both have asthma. We are making all the doors 36" wide, making all the finish floors one level (there are multiple finish floor levels) and installing a new walk in shower. Also, as I'm sure your all aware, there has been a lot of car break ins in this area and we would like a safe and secure place to store our vehicles, as well as a safe way to enter our house from our vehicles during inclement weather.

Randy Daigle

55 Cottage Road Enfield Ct. 06082

(860) 559-0087

Addition and Renovation Description

The following are the Existing Side and Rear Setbacks (from Property Lines) for the 5 properties North and 5 properties South of our Property (55 Cottage Rd.)(from the Towns GIS Plot Plan)

Property Address/#	Existing Side Setback	Existing Rear Setback
#57	8'-0"	31'-8"
#59	6'-8"	28'-6"
#63	0" (sits on/over property line)	21'-6"
#65	4'-6"	24'-6"
#67	3'-6"	28'-6"
#51	9'-0"	24'-0"
#49	6'-0"	39'-0"
#47	6'-6"	56'-6"
#37	11'-0"	36'-0"
#31	3'-8"	0" (sits on/over property line)
Totals	58'-10" . /'10 = 5'-10"	290'-2" . /' 10 = 29'-0"

Note:

Lots #33 and #35 Show no houses and #39 is the Beach/Boat Launch area.

The Average Side Setbacks is 5'-10" and the Average Rear Setback is 29'-0" (street side) for the 5 properties North and 5 properties South of our Property (55 Cottage Rd.)



TOWN OF ENFIELD
ENFIELD ZONING BOARD OF APPEALS
STAFF REPORT & DRAFT RESOLUTION

Application #	ZBA# 2020-06-05	Meeting Date:	June 22, 2020
Address:	55 Cottage Road	Prepared By:	Jennifer Pacacha, MRP, AICP
Applicant:	Randy Daigle		
Property Owner:	Randy Daigle	Wetlands/Watercourses:	Yes
Zone:	R-33, Lake Overlay	Aquifer Protection Areas:	No
Current Use:	Residential	Flood Zones:	Yes
Proposed Use:	Residential	Variances:	None
Map/Lot:	80/178	Applicable Zoning Regulations:	Section 4.10

PROPOSAL:

This is a variance application to allow the property owner to increase the overall lot coverage on the property above the maximum allowed – 20%, in order to accommodate a home and garage addition to the building. The purpose of the expansions to the home are to accommodate handicapped accessibility inside and to provide safety and ease of access via the garage.

BACKGROUND

The property has a residential single-family home on it. In 2014, a building addition was placed on the north side of the home by the previous owner. The building addition was to accommodate an attached shed. No permits were ever taken out for the addition. The Building Department has been notified and will address the work without permits under permitting for the new addition.

Because the addition has been in existence since 2014 and is on the Assessor's Card., and the addition is not shown on Google Street View in 2012 but is shown on the Bing Street View in 2014, per State Statute it is now a legal non-conformity sitting within the side yard setback at six feet from the side property line as opposed to the required ten feet.

State Statute 8-13a – Nonconforming buildings and land uses

- (a) When a building is so situated on a lot that it violates a zoning regulation of a municipality which prescribes the location of such a building in relation to the boundaries of the lot or when a building is situated on a lot that violates a zoning regulation of a municipality which prescribes the minimum area of the lot, and when such building has been so situated for three years without the institution of an action to enforce such regulations, such building shall be deemed a nonconforming building in relation to such boundaries or to the area of such lot, as the case may be.



TOWN OF ENFIELD

Case Law 89 CA 324 – Statute requires institution of civil action for an injunction within a three year limitations period and that neither variance, appeal by abutting landowner nor issuance of cease and desist order by town zoning enforcement officer will suffice.

Per **Section 11.00 Powers and Duties B.**, the ZBA shall have the authority to vary or adjust the strict applications of these Regulations in those cases where the unusual size, shape or topography of a lot or other unusual physical conditions pertaining to it or to any building situated thereon make it impossible to strictly apply a specific provision of these Regulations to such lot without resulting in exceptional difficulty or unusual hardship, so that substantial justice shall be done and the public health, safety and welfare secured.

Request: For Maximum Lot Coverage on the property to be increased from 20% to 23%

Hardship: Most if not all lots in the Lake Districts are undersized therefore legally non-conforming. Also, the purpose for this variance is to increase handicapped accessibility for a family in need of such accessibility.

ADJACENT USES:

North: R-33

South: R-33

East: R-33

West: Lake

PICTURES

See Attached

DECISION CRITERIA

Section 11.20 Decision-

A. No variance shall be granted by the ZBA unless it finds:

- i. That there are special circumstances or conditions, fully described in the findings of the ZBA, applying to the lot or structure for which the variance is sought, which are peculiar to such lot or structure and do not apply generally to lots or structures in the neighborhood and which have not resulted from any willful act of the applicant subsequent to the date of adoption of the regulation from which the variance is sought, whether in violation of the provisions herein or not;
- ii. That, for reasons fully set forth in the findings of the ZBA, the aforesaid circumstances or conditions are such that the particular application of the provisions of these Regulations would deprive the applicant of the reasonable use of the lot or structure, that the granting of the variance is necessary for the reasonable use of the lot or structure, and that the variance as granted by the ZBA is the minimum adjustment necessary to accomplish this purpose;



TOWN OF ENFIELD

- iii. That the granting of the variance shall be in harmony with the general purposes, and intent of these Regulations and the Town's Plan of Conservation and Development, and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare

Per **ZBA Bylaws Article X Order of Business Section 3-** All actions taken by the Board on application before them shall be implemented by a motion of a positive nature and voting accomplished by raising of hand(s). Reasons for approval/disapproval of such actions shall be described and identified.

DEPARTMENT COMMENTS:

Engineering Department –

Health Department – Yes – I am ok with the Addition – Did speak with the owner – Told him if this abandon well is not in use – it should be properly abandoned – During the construction process is ok - -If a Drilled well be a Licensed Well Driller.

If a Dug well – his contractor while on site could fill the well in with Clean Soil and call us for an inspection. Was going to send him a memo – unfortunately – it is busy – and I have not had the time to do that –

So you can consider this an Approval of the proposed addition -

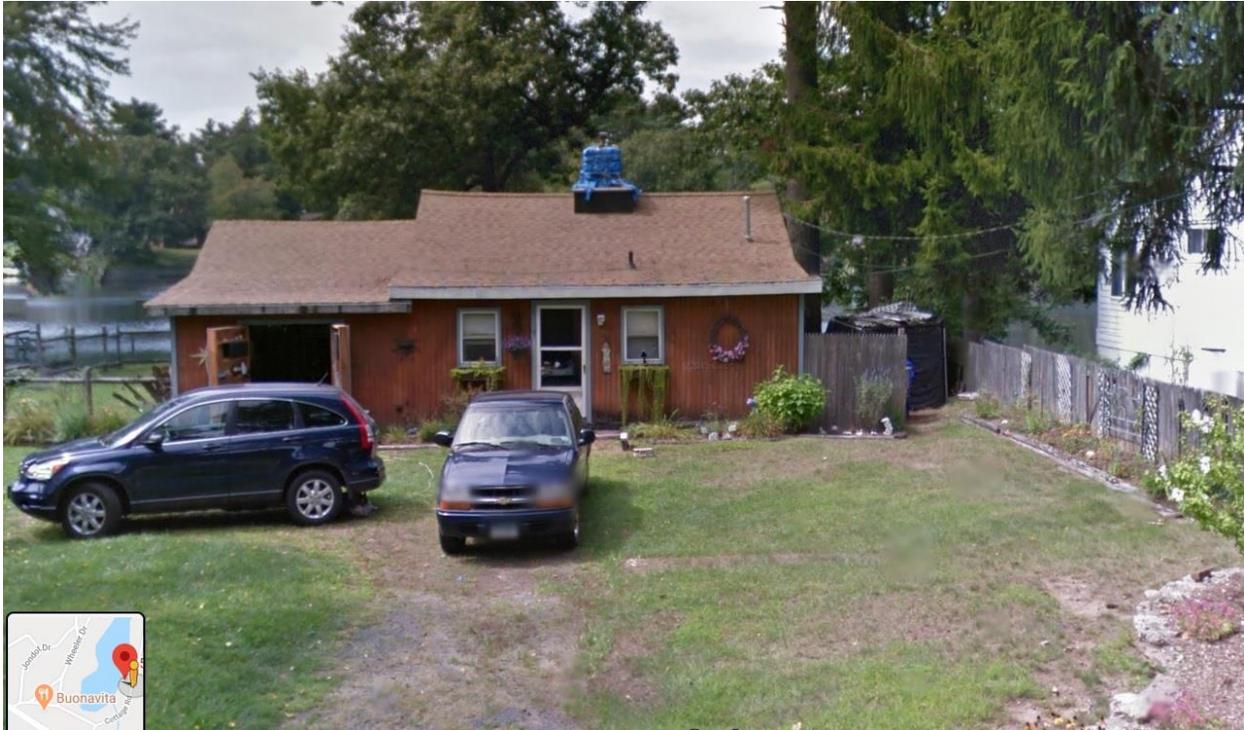
Building Department – It would seem that the WWOP could be easily rectified with us as part of this permit. Establishing Distance to the property line will be critical as it appears to be right on the cusp of where fire ratings would be required. Maybe not for the walls but likely for the roof overhangs as shown.

Water Pollution Control Authority – No comments or concerns

Police Department – No comments or concerns at this time regarding 55 Cottage Rd

Fire Department – As the Fire Marshal's office does not have jurisdiction for 1 and 2 family homes, we have no comment on the proposed variance.

MOTION TO APPROVE ZBA# 2020-06-05 to allow an increase in maximum lot coverage from 20% to 23%; Randy Daigle; owner/applicant; Map 80/Lot 178; R-33 Lake Overlay District according to the materials submitted under ZBA# 2020-06-05.



Google Street View – 2012 through present



Bing Street View – 2014 through present



80-179

L-50

125

75

80-178

140

75

80-177

0 10 20ft

-72.536420, 42.022765



ENFIELD ZONING BOARD OF APPEALS
SPECIAL MEETING
MINUTES FOR COMMISSION CONSIDERATION
MONDAY, MAY 4, 2020 7:00 PM
Virtual Meeting

Call to Order

Chairman Maurice LaRosa called the meeting to order at 7:07 PM

Roll Call

Secretary Turner took the roll and present were Commissioners Mary Ann Turner, Charles Mastroberti, Andrew Urbanowicz, Kelly Davis, Maurice LaRosa and Alternate Commissioners Robert Kwasnicki, Catherine Plopper and Richard Stroiney.

Also present were Jennifer Pacacha, Assistant Town Planner and Elizabeth Bouley, Recording Secretary.

Motion: Commissioner Turner made a motion, seconded by Commissioner Davis, to move the Review of Bylaws to Other Business.

The motion passed with a 5-0-0 roll call vote.

Votes: 5-0-0

Legal Notice

New Business

- a. **ZBA# 2020-03-03** – 51 Enfield Street – Variance application to allow motor vehicle sales in a Business Local Zone which Table 5.20 does not currently allow; Diane and Trisha Pagano, and John Kucavich Jr., owners; Abedal Hafid Zoghol, applicant; Map 35/Lot 206; Business Local Zone. (DoR: 3/23/2020; MOPH: 5/27/2020).

Commissioner Turner read the legal notice.

Chairman LaRosa read the definition of a variance.

Abedal Hafid Zoghol thanked the Commission for their time. He provided a brief overview of the proposed application. Mr. Zoghol stated that the two-bay garage is no longer a viable business model, and adding car sales to the current model will prevent another empty building on the street. He stated that four bays are needed in order to have a viable business model, but the property does not allow for this.

Commissioner Turner asked if they are talking about Russo's to which Ms. Pacacha replied that they are. Commissioner Turner stated that Russo's is not currently doing repair work.

Mr. Zoghol stated that he would like to add car sales to the current repair license.

Commissioner Turner asked if the applicant will be doing mechanic work. Mr. Zoghol stated that they will as they plan to fix the cars in order to sell them.

Commissioner Turner asked if people can have their cars repaired without buying a car, to which Mr. Zoghol replied that they can.

Chairman LaRosa stated that a repair license is automatically given once a car sales license is provided.

Ms. Pacacha stated that the northern portion of Enfield Street should be strip commercial. She went over some portions of the Plan of Conservation and Development (POCD) pertaining to strip commercial areas.

Commissioner Turner asked for an explanation of strip commercial, which Ms. Pacacha provided. Commissioner Turner stated that major changes would need to be made in order for this building to be strip commercial.

Commissioner Turner asked how many people will be employed, to which Mr. Zoghol replied that there will be three.

Commissioner Turner asked how many cars he intends to sell. Mr. Zoghol stated that he would adhere to zoning regulations, which he believes allow for 20-25 cars.

Ms. Pacacha stated that the minimum amount of cars parked is based upon the square footage of the building, and that there is not currently a maximum in the regulations.

Chairman LaRosa asked if the owner will be required to pave the back. Ms. Pacacha stated that they will not as based on the photos it does not appear they can expand much more.

Commissioner Turner pointed out that there does not appear to be a place for a dumpster.

Chairman LaRosa stated that there should be buffers if a garage is put in there, to which Ms. Pacacha replied that the applicant would have to go before the Planning & Zoning Commission (PZC).

Chairman LaRosa asked if that would come back before the ZBA for a variance on a buffer, to which Ms. Pacacha replied that it exists now without a buffer so is grandfathered and he does not need to come back for that. Commissioner Turner stated that she does not believe the property is grandfathered; Ms. Pacacha stated that she can obtain legal opinion on this matter.

Commissioner Turner stated that she is concerned where cars in various states of disrepair are going to be parked. Mr. Zoghol stated that they are willing to do whatever is supposed to be done according to the regulations.

Commissioner Turner asked if there is any work planned for the building itself or grounds. Mr. Zoghol stated that he has no plans to change the structure of the building, other than possibly a new roof. He stated that it will not be like a large dealer with a show room.

Chairman LaRosa stated that there are several two-bay garages in town that do very good work and he is concerned that the POCD is opposed to this type of business in this area.

Motion: Commissioner Turner made a motion, seconded by Commissioner Urbanowicz, to close the Public Hearing.

Commissioner Mastroberti stated that even if the variance is granted, the applicant would still have to go back before PZC in order for this to get approved. Chairman LaRosa stated that this is correct, but the PZC would have no reason not to approve it and can only put conditions on it.

Commissioner Urbanowicz stated that the applicant is saying it would be more profitable with the variance, but it is profitable as-is. Commissioner Turner stated that there is nothing about the property that is causing a hardship.

Commissioner Kwasnicki stated that the ZBA does not have the authority to alter zoning laws, but can grant exceptions on the property if the unusual nature of the property causes a hardship. Chairman LaRosa confirmed this and stated that the applicant needs a variance first.

Commissioner Mastroberti asked if the applicant can apply for a brand new business. Commissioner Urbanowicz stated that the applicant will have to do that in a car sales area as the POCD did not plan for that use in this area, which is why the variance is needed.

Commissioner Turner stated that she does not see where this is a hardship for a variance since the property itself is not causing any trouble.

Chairman LaRosa stated that the Commission is not bound by past practice of the town.

Ms. Pacacha stated that the property currently has a K7 for a repair garage, and they can come back for an auto location approval for that business and do not have to go before PZC. She stated that they are only before the Commission for a variance due to the addition of used car sales.

Commissioner Mastroberti stated that this is a case of a true variance and there is almost no reason to give the variance.

Chairman LaRosa stated that there are no legal parameters for a variance right now.

Motion: Commissioner Urbanowicz made motion, seconded by Commissioner Turner, to approve ZBA# 2020-03-03.

The motion failed with a 0-5-0 roll call vote, with all five Commissioners voting against.

Chairman LaRosa explained that the Commission did not find a reason for the variance.

Votes: 0-5-0

Commissioner Turner stated that the reasons for the vote are because this was a financial hardship and did not fall within the POCD.

- b. **ZBA# 2020-03-13** - 14 Cranbrook Boulevard - Automotive Location Approval application for an auto repair garage at a location where an auto repair garage already exists; Sybil Williams, owner; Sam & Zak, LLC., owner; Map 56/Lot 33; Business Local Zone.

Commissioner Turner read the legal notice.

Attorney Carl Landolina addressed the Commission to provide an overview of the application. He provided a brief history of the project, stating that his client is the contract purchaser and does not plan to make any changes with the exception of handicap parking signage. Mr. Landolina stated that they have an existing K7 and are just looking to transfer ownership.

Commissioner Turner asked if the three unregistered cars in the parking lot belong to the current owner. Mr. Landolina stated that they do as his client has not taken title yet but will be taking over the business.

Commissioner Turner stated that she did not see any staff parking and only saw three empty parking spaces due to all of the cars currently parked in the lot. Mr. Landolina stated that there are 21 parking spaces on the property according to the site plan, and the rest of the cars currently on the lot will be removed.

Commissioner Turner asked what kind of business this will be, to which Mr. Landolina replied that it will be a car repair business just like it is now.

Commissioner Turner stated that the Zoning Enforcement Officer (ZEO) needs to go out to the property and take a look. Ms. Pacacha stated that the pictures in the Staff Report are from the ZEO and he is very good about reaching out to people.

Chairman LaRosa stated that there is plenty of room for parking as long as the new owner follows the regulations. The Commission discussed the current poor state of the property.

Commissioner Turner asked when the new owners will be taking over the business. Mr. Landolina went over the next steps, stating that it will probably be 45-60 days before the new owners take title.

Mr. Landolina stated that they must close within ten days of receiving approval from the DMV and in the meantime the current owner must continue to operate per their contract.

Motion: Commissioner Turner made motion, seconded by Commissioner Davis, to close the Public Hearing.

The motion passed with a 5-0-0 vote.

Votes: 5-0-0

Commissioner Mastroberti stated that there can only be an improvement, which Chairman LaRosa agreed with. Commissioner Turner reiterated that the property needs a visit from the ZEO and should be cleaned up.

Motion: Commissioner Mastroberti made a motion, seconded by Commissioner Urbanowicz, to approve ZBA# 2020-03-13.

The motion passed with a 5-0-0 vote.

REFERENCE PLANS

1/1 – Department of Motor Vehicle Permit Plan – Prepared by J.R. Russo & Associates, LLC., 1 Shoham Road, East Windsor, CT 06088; Prepared for Sam & Zak LLC., 14 Cranbrook Boulevard, Enfield, CT 06082; Sheet 1 of 1; Scale: 1”=20’; Prepared on March 9, 2020.

Votes: 5-0-0

The Commission discussed their reasons for approval.

Approval of Minutes – January 27, 2020

Motion: Commissioner Mastroberti made a motion, seconded by Commissioner Urbanowicz, to approve the minutes from January 27, 2020.

Commissioner Turner pointed out two outstanding items in the minutes that they were waiting to discuss with a full Commission. Ms. Pacacha stated that these items would be included on the next agenda as they need to be discussed during a Regular Meeting.

Discussion took place as to what can be discussed at tonight’s meeting since it is a Special Meeting.

The motion passed with a 5-0-0 vote.

Votes: 5-0-0

Other Business

Chairman LaRosa stated that he wanted the entire Board together for the Review of Bylaws in order to decide whether they should keep the detail amendments in the back or get rid of them. Ms. Pacacha stated that it is up to the Board.

Commissioner Turner stated that Commissioner Urbanowicz seemed to be in favor of leaving them in place, according to the minutes. Commissioner Urbanowicz stated that he is still in favor of leaving them in place as it could be helpful and does not hurt anything; Chairman LaRosa and Commissioner Turner agreed.

Commissioner Turner pointed out a few typos in the bylaws, which Ms. Pacacha stated she would correct.

Ms. Pacacha stated that the Town Attorney does not think they should be listing the types of applications on the order of business and asked if the Commission would like those to be removed. Chairman LaRosa stated that they can be removed as the Commission was never asked if they could be added in the first place.

Correspondence / Staff Reports

- a. Town Attorney Report- 76 Hazard Avenue

Commissioner Turner stated that the Town Attorney's legal opinions are difficult. The Commission reviewed the history of this site coming before the Commission as the owners had agreed to come back and keep the town updated. Commissioner Urbanowicz stated that they are not trying to monitor the site environmentally but rather are requesting updates to the town.

Ms. Pacacha stated that she can pull the files and speak to the ZEO about reaching out to the owners of the property. Commissioner Turner stated that these people were doing the right thing, the Commission just wanted them to keep the town in the loop.

Commissioner Turner reiterated that she does not care for the Town Attorney reports. Ms. Pacacha stated that she will check the file for updates and if there are none she will talk to the ZEO.

Other Business

- a. **ZEO APPEALS FEE-** *Legal Opinion – Tabled*

Ms. Pacacha stated that Staff needs to work with the Town Council and Director of Development Services Laurie Whitten on updating the fee schedule for all Commissions.

Commissioner Turner stated that the land use boards used to have chairman meetings to review various issues, and she thinks all land use boards should be included. Ms. Pacacha stated that this is the intent and she will pass the request along to Ms. Whitten.

The Commission discussed the date for the next meeting, ultimately deciding to cancel the meeting since any Public Hearings would have to have been posted by yesterday and none had been.

Commissioner Turner asked for an update on the Cease & Desist the Commission had voted upon on Enfield Street as they still appear to be working. Ms. Pacacha stated that the property is in foreclosure and the bank will be taking it over. Commissioner Turner pointed out that they should not be working once the Cease & Desist has been issued.

Adjournment

Motion: Commissioner Urbanowicz made a motion to adjourn for the night.

The meeting was adjourned.

Prepared by: Elizabeth Bouley, Recording Secretary

Respectfully Submitted,

Mary Ann Turner, Secretary