

ENFIELD ZONING BOARD OF APPEALS  
REGULAR MEETING  
**AGENDA**  
MONDAY, JULY 27, 2020 7:00 PM

**Join Office Suite Meeting**

<https://meeting.windstream.com/j/1127414564?pwd=UitaUDIBVFVxYXVwWUM2OEIrbzJMZz09>

Meeting ID: 112 741 4564

Password: 032569

One tap mobile

+16467415292,,1127414564# US (New York)

+16467415293,,1127414564# US (New York)

Dial by your location

+1 646 741 5292 US (New York)

+1 646 741 5293 US (New York)

+1 973 854 6173 US

Meeting ID: 112 741 4564

**Watch the ZBA Meeting at:** <https://youtu.be/1kNHSDr9cL0>

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

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- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Old Business**
  - a. Review of Bylaws – *Tabled*
  - b. Instructional Guides & Application Forms – *Awaiting Review*
- 5. Legal Notice**
- 6. New Business**
  - a. **ZBA# 2020-06-29** – 4 Hollywood Drive – Variance application to allow a reduction in side yard setbacks to 4.5 feet on the east side of the property; Michael Haughn, owner/applicant; Map 73/Lot 37; R-33 Zone.
- 7. Approval of Minutes**
  - a. June 22, 2020- Regular Meeting
- 8. Correspondence / Staff Reports**
- 9. Other Business**
  - a. **ZEO APPEALS FEE** – *Legal Opinion - Tabled*
- 10. Adjournment**

**Note:** Application information is available for review in the Enfield Planning Office. The next regular meeting of the Zoning Board of Appeals is **September 28, 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

RECEIVED  
A-2  
File # (office use only)  
ZBA #2020-06-29  
2020 JUN 26 AM 3:37

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 6/29/20  
 Residential  Non-Residential

Variance Type:  
 Use  Area  Yards  Height  Building line  Other

In connection with a:

Proposed Building  Existing Building

Applicant Name: MICHAEL HAUGHN Phone: 860-212-9513

Home Address: 4 HOLLYWOOD DR ENFIELD, CT 06082 E-Mail: MKHN79@ATT.NET

Property Address: 4 HOLLYWOOD DR ENFIELD, CT 06082 Relation to Property: owner

Map: 073 Block: Lot: 0037

Property ID 13155

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: Address:

When was the property acquired? FEBRUARY 2009

Provide property history:  
BUILT IN 1952

Describe your application: (Please Print)  
ADDITION TO THE EXISTING GARAGE - BREEZEWAY STRUCTURE

Applicable Section(s) of the Zoning Ordinance SIDE YARD SETBACK VARIANCE  
4.10.3 SIDEYARD SETBACK 10 FEET

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

NAME: MICHAEL HAUGHN ADDRESS 4 HOLLYWOOD DR ENFIELD CT

860-212-9513 (phone) 06082

(fax)

(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 \_\_\_ day of \_\_\_ 20\_\_\_

[Signature]

\_\_\_ Notary Public \_\_\_ Justice of the Peace \_\_\_ Commissioner of Superior Court

(Please check one)

Commission expiration date stamp ▶

DEPARTMENT DATE STAMP

**VARIANCE**

**INTRODUCTION**

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

**Variiances:** 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>RES</u>	<u>RES</u>	<u>RES</u>
Zoning Dist.	<u>33</u>	<u>33</u>	<u>33</u>	<u>33</u>

Owner(s):

North: ROBERT KIEBISH  
 East: STACIA LIFSARK  
 South: CONNECTICUT WATER COMPANY  
 West: KIRBY RICHARDS

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

PROPOSE PLANS WILL INCLUDE ADDING 4.5 FT TO BACK OF GARAGE - BREKWAY FACING SOUTH. ALSO ADDING SECOND STORY TO STRUCTURE.

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

Previous application file #(s) NO

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)?

THE UNNECESSARY HARDSHIP IS WE ARE LEFT WITH A  
NON-CONFORMING PROPERTY LINE. THIS PREVENTS US FROM  
USING OUR MAXIMUM DWELLING ALLOTMENT

**Question #2**

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

OUR UNDFE HARDSHIP IS THAT OUR DWELLING WAS NOT  
PLACED SQUARE ON THE PROPERTY WHEN BUILT.

**Question #3**

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

MOST PROPERTIES IN THE NEIGHBOR HOOD HAVE PROPERTIES LINES  
THAT ARE NON-CONFORMING. HOWEVER AT LEAST HALF HAVE  
ALREADY DONE ADDITIONS TO THEIR DWELLING OR ADDED  
STRUCTURES ON THE PROPERTY.

**Question #4**

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

YES

**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 SEE THIS VARIANCE HAVING NO EFFECT ON MY  
NEIGHBORS.

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

*[Handwritten Signature]*

Date

6/29/20

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: KIRBY RICHARDS  
Address: 2 HOLLYWOOD DR  
ENFIELD, CT 06082

Name: JASON LANIER  
Address: 1 HOLLYWOOD DR  
ENFIELD, CT 06082

Name: ROBERT KENBUSH  
Address: 3 HOLLYWOOD DR  
ENFIELD, CT 06082

Name: STACIA LESNIAK  
Address: 6 HOLLYWOOD DR  
ENFIELD, CT 06082

Name: ROBERT KENBUSH  
Address: 5 HOLLYWOOD DR  
ENFIELD, CT 06082

Name: YVONNE WOLFENBURG  
Address: 58 HOLLYWOOD DR,  
ENFIELD, CT 06082

Name: JANET TRAYNER  
Address: 44 WILSTAR CIR  
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.



INSTR # 2019007821  
VOL 2709 PG 103 11/27/2018 04:18:31 PM  
RECORDED IN ENFIELD CT  
SUZANNE F. OLECHNICKI TOWN CLERK  
NO CONVEYANCE TAX COLLECTED

Record & Return to:  
Alfano & Flynn, LLC  
53 Mountain Road  
Suffield, CT 06078

# QUIT CLAIM DEED

(Survivorship Special)

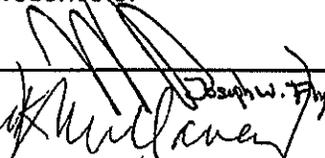
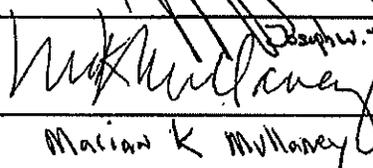
I, **Michael A. Haughn**, of the Town of Enfield, County of Hartford and State of Connecticut, for no monetary consideration grant to **Julie M. Haughn**, and myself, as joint tenants, with QUIT CLAIM COVENANTS,

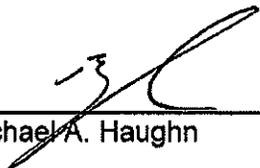
a certain piece or parcel of land with the buildings and improvements thereon, situated in the Town of Enfield, County of Hartford and State of Connecticut, known as **4 Hollywood Drive, Enfield, Connecticut**. Said piece or parcel of land being more particularly described in **Schedule "A"** attached hereto and made a part hereof.

Being the same premises conveyed to the Grantor herein by Warranty Deed of Patricia Nelson recorded on 2/27/2009 in Volume 2461 at Page 66 of the Enfield Land Records.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 20<sup>th</sup> day of November, 2018.

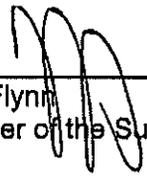
Signed, sealed and delivered  
in the presence of

  
\_\_\_\_\_  
Joseph W. Flynn  
  
\_\_\_\_\_  
Marian K. Mullaney

  
\_\_\_\_\_  
Michael A. Haughn

STATE OF CONNECTICUT )  
  )     ss. Suffield  
COUNTY OF HARTFORD )

Personally appeared **Michael A. Haughn**, signer of the foregoing instrument, and acknowledged the same to be his free act and deed, before me.

  
\_\_\_\_\_  
Joseph W. Flynn  
Commissioner of the Superior Court

Grantees Mailing Address:  
4 Hollywood Drive  
Enfield, CT 06082

## Schedule "A"

### 4 Hollywood Drive, Enfield, Connecticut

A certain piece or parcel of land together with any buildings and improvements thereon, situated on the southerly side of Hollywood Drive, known as No. 4 Hollywood Drive, in the Village of Hazardville of the Town of Enfield, County of Hartford and State of Connecticut, and shown and designated as Lot No. THREE (3) on a map or plan entitled: "Plan of Hollywood Development Owned by Paul Starr Hazardville, Conn. Scale 1 inch equals 50 feet Mar. 1952 W. E. Savage Jr. Surveyor Thompsonville, Conn." on file in the Town Clerk's Office of said Town of Enfield, Book of Maps, Volume 4, page 108, to which reference is hereby made, said premises being further bounded and described as follows:

- NORTHERLY:** By Hollywood Drive, a distance of Seventy-five and forty hundredths (75.40) feet more or less;
- EASTERLY:** By Lot No. 5 on said map, a distance of One hundred thirty-nine and sixty-nine hundredths (139.69) feet more or less;
- SOUTHERLY:** By land now or formerly of one Gordon, a distance of Seventy-five (75) feet, more or less; and
- WESTERLY:** By Lot No. 1 on said map, a distance of One hundred thirty-three and thirty-seven hundredths (133.37) feet, more or less.

**RICHARD E. COTTONE**

*Attorney At Law*  
1 Corporate Road, Suite 104  
Enfield, Connecticut 06082

**Warranty Deed**

KNOW YE, THAT WE,

**PATRICIA NELSON AND MICHAEL C. NELSON,**

of the Town of Enfield, County of Hartford and State of Connecticut

for the consideration of One Hundred Eighty Three Thousand

(\$ 183,000.00) Dollars,

grant to **MICHAEL A. HAUGHN**

of the Town of Somers, County of Tolland, State of Connecticut

with WARRANTY COVENANTS

Property known as 4 Hollywood Drive, Enfield, Connecticut and more particularly described in Schedule "A" attached hereto and made a part hereof.

Said premises are subject to restrictions and easements appearing of record.

Said premises are subject to municipal ordinances and/or regulations, building and building line restrictions, zoning regulations of the Town of Enfield and provisions of any public or private law.

Said premises are further subject to taxes to the Town of Enfield on the List of October 1, 2008 which taxes the Grantees herein assume and agree to pay.

Being the same premises conveyed by Quit Claim Deed from David Mason to Patricia Nelson and Michael C. Nelson dated June 16, 2006, and recorded in the Enfield Land Records at Volume 2181 Page 49

Signed this 27th day of February 2009.

Witnessed by:

*Charles D. Hines*  
Charles D. Hines

*Patricia Nelson*  
Patricia Nelson

*Richard E. Cottone*  
RICHARD E. COTTONE

*Michael C. Nelson*  
Michael C. Nelson

STATE OF CONNECTICUT )

ss. Enfield

February 27, 2009

COUNTY OF HARTFORD )

Personally Appeared Patricia Nelson and Michael C. Nelson, Signers of the foregoing Instrument, and acknowledged the same to be their act and deed, before me.

Grantee's address:  
4 Hollywood Dr  
Enfield, CT 06082

*Charles D. Hines*  
Charles D. Hines  
Commissioner of Superior Court

February 27, 2009 \$915.00 State Conveyance Tax Received  
\$457.50 Town Conveyance Tax Received

**SCHEDULE A**

A certain piece or parcel of land together with any buildings and improvements thereon, situated on the southerly side of Hollywood Drive, known as No. 4 Hollywood Drive, in the Village of Hazardville of the Town of Enfield, County of Hartford and State of Connecticut, and shown and designated as Lot No. THREE (3) on a map or plan entitled: "Plan of Hollywood Development Owned by Paul Starr Hazardville, Conn. Scale 1 inch equals 50 feet Mar. 1952 W. E. Savage Jr. Surveyor Thompsonville, Conn." on file in the Town Clerk's Office of said Town of Enfield, Book of Maps, Volume 4, page 108, to which reference is hereby made, said premises being further bounded and described as follows:

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- SOUTHERLY:** By land now or formerly of one Gordon, a distance of Seventy-five (75) feet, more or less; and
- WESTERLY:** By Lot No. 1 on said map, a distance of One hundred thirty-three and thirty-seven hundredths (133.37) feet, more or less.

RECORDED IN  
ENFIELD LAND RECORDS

2009 FEB 27 PM 12:32

*Suzanne P. Olechnicki*  
SUZANNE P. OLECHNICKI  
TOWN CLERK

DOC #0904697

## 4 HOLLYWOOD DR

**Location** 4 HOLLYWOOD DR

**Mblu** 073 / / 0037 / /

**Acct#** 061100020015

**Owner** HAUGHN MICHAEL A + JULIE M

**Assessment** \$102,440

**Appraisal** \$146,340

**PID** 13155

**Building Count** 1

**Fire District** 3

### Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2017	\$90,820	\$55,520	\$146,340

Assessment			
Valuation Year	Improvements	Land	Total
2017	\$63,580	\$38,860	\$102,440

### Owner of Record

**Owner** HAUGHN MICHAEL A + JULIE M

**Sale Price** \$0

**Co-Owner**

**Certificate**

**Address** 4 HOLLYWOOD DR  
ENFIELD, CT 06082

**Book & Page** 2709/0103

**Sale Date** 11/27/2018

**Instrument** 04

### Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
HAUGHN MICHAEL A + JULIE M	\$0		2709/0103	04	11/27/2018
HAUGHN MICHAEL A	\$183,000	1	2461/0066		02/27/2009
NELSON PATRICIA + MICHAEL C	\$0	2	2181/0049	01	06/16/2006
MASON JULIANE M	\$0	3	0640/0186		05/29/1991

### Building Information

**Building 1 : Section 1**

**Year Built:** 1952  
**Living Area:** 1,080  
**Replacement Cost:** \$130,547  
**Building Percent Good:** 69  
**Replacement Cost Less Depreciation:** \$90,080

**Building Attributes**

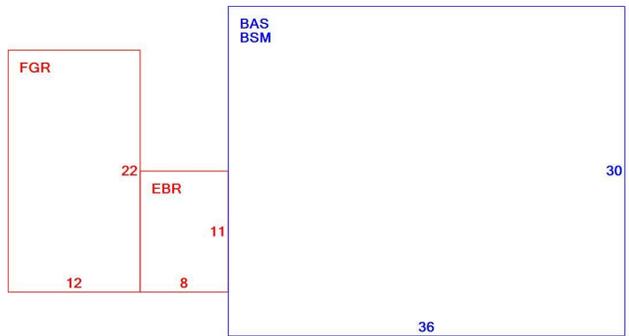
Field	Description
Style	Ranch
Model	Residential
Grade:	
Stories	1.00
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure	Gable
Roof Cover	Arch Shingles
Interior Wall 1	Drywall
Interior Wall 2	
Interior Flr 1	Carpet
Interior Flr 2	Hardwood
Heat Fuel	Oil
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	3 Bedrooms
Full Bthrms:	1
Half Baths:	0
Extra Fixtures	
Total Rooms:	5
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	400
FBM Quality	Rec Room
Whirlpool(s)	
Sauna	
Walk Out	No

**Building Photo**



(<http://images.vgsi.com/photos2/EnfieldCTPhotos//00\02\90\58.JPG>)

**Building Layout**



(ParcelSketch.ashx?pid=13155&bid=13155)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,080	1,080
BSM	Basement	1,080	0
EBR	Encl Brzwy	88	0
FGR	Garage	264	0
		2,512	1,080

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 Category** No

#### Land Line Valuation

**Size (Acres)** 0.23  
**Frontage** 75  
**Depth**  
**Assessed Value** \$38,860  
**Appraised Value** \$55,520

### Outbuildings

Outbuildings						<u>Legend</u>
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
SHD1	Shed	FR	Frame	120.00 S.F.	\$740	1

### Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2018	\$90,820	\$55,520	\$146,340
2017	\$90,820	\$55,520	\$146,340
2016	\$90,820	\$55,520	\$146,340

Assessment			
Valuation Year	Improvements	Land	Total
2018	\$63,580	\$38,860	\$102,440
2017	\$63,580	\$38,860	\$102,440
2016	\$63,580	\$38,860	\$102,440

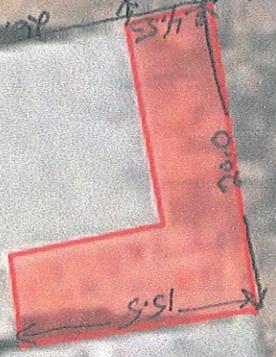
R-2

PROPOSED SIDE SETBACK  
OPENING SIDE SETBACK  
(4.5')  
(5.2')

69.6

75.4

R-15



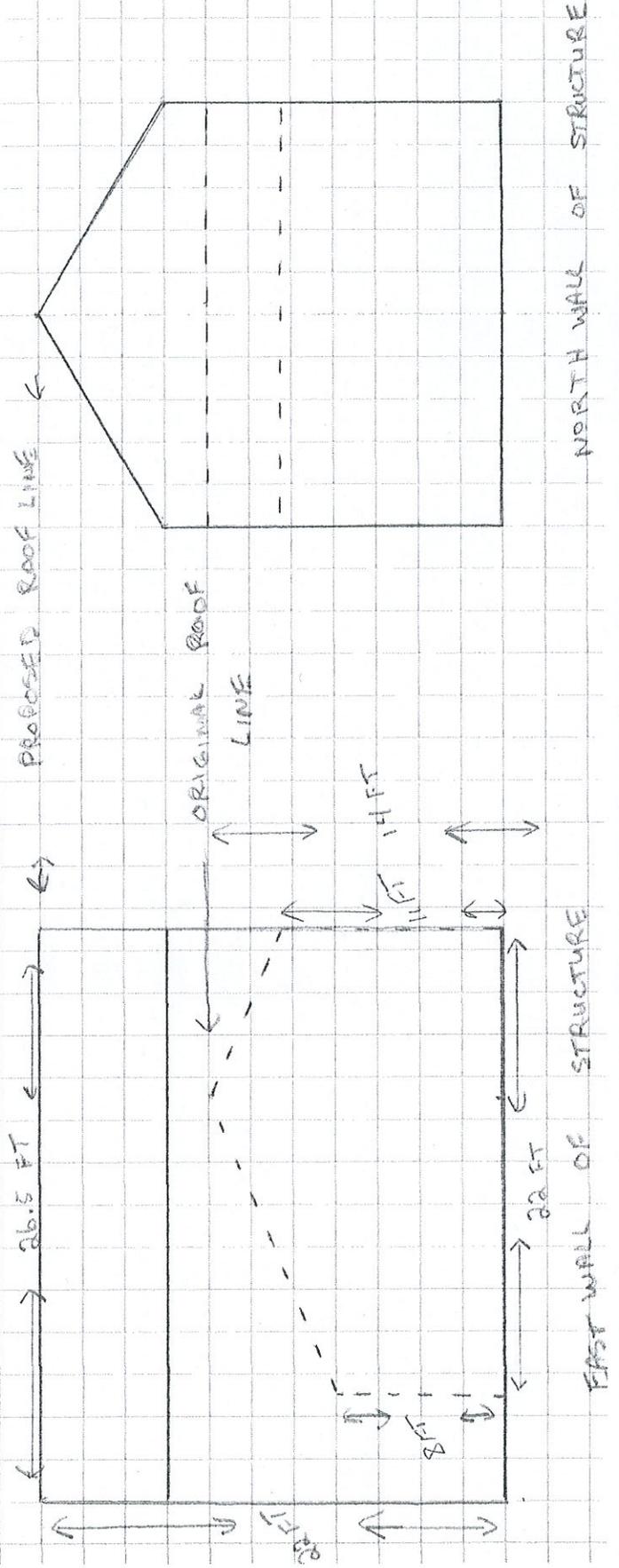
73-37

SCALE

1 BLOCK = 2 FEET

DOTTED LINES = ORIGINAL STRUCTURE

SOLID LINES = PROPOSED STRUCTURE





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

<b>Application #</b>	2020-06-29	<b>Meeting Date:</b>	July 27, 2020
<b>Address:</b>	4 Hollywood Drive	<b>Prepared By:</b>	Jennifer Pacacha, MRP, AICP
<b>Applicant:</b>	Michael Haughn		Assistant Town Planner
<b>Property Owner:</b>	Michael Haughn	<b>Wetlands/Watercourses:</b>	No
<b>Zone:</b>	R-33	<b>Aquifer Protection Areas:</b>	Yes
<b>Current Use:</b>	Residential	<b>Flood Zones:</b>	No
<b>Proposed Use:</b>	Residential	<b>Variances:</b>	None
<b>Map/Lot:</b>	73/37	<b>Applicable Zoning Regulations:</b>	4.10.3

**PROPOSAL:**

This is a variance application to allow a non-conforming home situated on an angle and within the required setbacks, to build a home addition to effectively square of the existing building and also add a second story. This would require further encroachment into the side setbacks. The applicant is requesting a reduction in the required side yard setbacks on the east side of the property from 10-feet, as required in Section 4.10.3 – Special Requirements for Legal Non-Conforming Lots Under 33,000 Square Feet, to 4.5 feet.

**Hardship:** Home exists on an angle on the property. Home is existing within the front and side setbacks already.

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.

**ADJACENT USES:**

North: R-33  
South: R-88  
East: R-33  
West: R-33



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# TOWN OF ENFIELD

## PICTURES



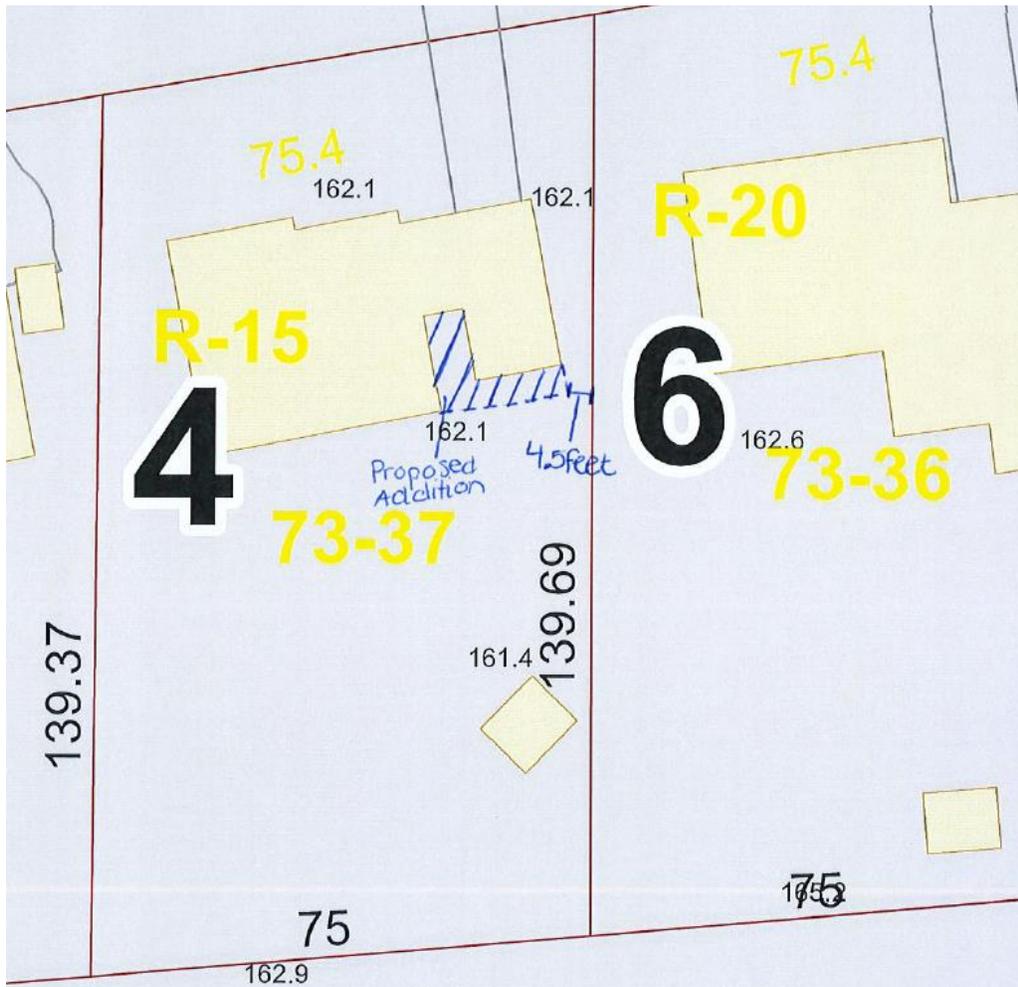
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Department of Development Services  
Building/Community & Economic Development/Planning & Zoning  
820 Enfield Street  
Enfield, Connecticut 06082

Telephone (860) 253-6507  
Fax (860) 253-6310  
[www.enfield-ct.gov](http://www.enfield-ct.gov)



## TOWN OF ENFIELD



### PROPERTY HISTORY

The home was built in 1952 with no history of any other Planning & Zoning or Zoning Board of Appeals approvals. The only building permits on file are for electrical permits or roof replacement.

### 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;



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## TOWN OF ENFIELD

- 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.

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### RESOLUTION

**MOTION TO APPROVE** ZBA# 2020-06-29 – 4 Hollywood Drive to allow a reduction in side yard setbacks from 10-feet to 4.5-feet in order to allow a building addition and a second story to the existing home; Michael Haughn, owner/applicant; Map 73/Lot 37; R-33 Zone according to the materials submitted under ZBA# 2020-06-29.

ENFIELD ZONING BOARD OF APPEALS  
REGULAR MEETING  
**MINUTES**  
MONDAY, JUNE 22, 2020 7:00 PM  
Virtual Meeting

---

**Call to Order**

Chairman Maurice LaRosa called the meeting to order at 7:01 p.m.

**Roll Call**

Commissioner Turner took the roll and present were Commissioners Maurice LaRosa, Kelly Davis, Charles Mastroberti, Mary Ann Turner and Alternate Commissioners Robert Kwasnicki, and Richard Stroiney.

Absent were Commissioners Andrew Urbanowicz and Catherine Plopper.

Chairman LaRosa seated Commissioner Stroiney for the absent Commissioner.

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 Old Business from item 5 to below item 7 on the agenda.

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

**Votes: 5-0-0**

**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.

Chairman LaRosa read the definition of a variance.

Tamara Pleasant, 110 Cottage Road, stated that when she purchased the house it seemed to very clearly have a place for a garage on the side of the house. Ms. Pleasant stated that her landscape slopes down quickly and is very different from her neighbors. She stated that it is not possible to put the garage at the setback with the stairs there, and she would have to tear the deck out and grade the backyard.

Commissioner Turner asked about the fire restraint requirements mentioned by the Fire Marshal. Ms. Pacacha explained that the Fire Marshal and Building Department had been concerned about fire ratings for the proposed garage, but that concern was eliminated when the proposed garage was found to be more than five feet away from the side of the house.

Commissioner Stroiney asked for clarification on which drawing in the packet was being used.

Ms. Pacacha stated that there had been a former A2 survey from when the house was built that showed a future attached garage on that side of the house.

Commissioner Turner asked if the applicant would be using the structure as a garage or a shed. Ms. Pleasant stated that she has a golf cart and snow removal equipment and no shelter for any of them.

Commissioner Kwasnicki asked Ms. Pacacha to explain the difference between an accessory structure and attached structure as pertains to the zoning regulations. Ms. Pacacha provided the definitions of and requirements for both accessory structures and attached structures.

Chairman LaRosa stated that there is a regulation saying an accessory structure has to be more than five feet from the main dwelling, to which Ms. Pacacha replied that this is a Building Department requirement and not actually contained within the current regulations.

Ms. Pacacha stated that the garage is proposed to be six feet from the house so it meets the regulations regardless. She stated that the variance is to allow it to be right next to the house rather than set back behind the rear line of the house, as putting it there would obstruct entry to the deck in the back. Ms. Pacacha went on to explain that the grade sloping down prevents the applicant from being able to push it back farther.

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

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

**Votes: 5-0-0**

Chairman LaRosa asked twice if anyone in the public would like to speak in favor or against the application; no one came forward.

Chairman LaRosa closed the Public Hearing.

Commissioner Kwasnicki asked for the definition of an attached structure, to which Ms. Pacacha replied that it has to be structurally connected to the home. Chairman LaRosa stated that a breezeway or other cover can attach it roof to roof and be considered attached.

Commissioner Turner stated that there is a slope in the back and it is against some marshy land, so there is a hardship because of the property. Commissioner Turner stated that due to this hardship, she is in favor of granting the variance.

Commissioner Davis agreed with Commissioner Turner.

**Motion:** Commissioner Turner made a motion, seconded by Commissioner Stroiney, to grant the variance for ZBA# 2020-05-18.

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

**Votes: 5-0-0**

**Motion:** Commissioner Turner made a motion, seconded by Commissioner Davis, to enter into a recess while she deals with technical difficulties.

The Commission voted by a 5-0-0 roll call vote to come back into session.

- 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.

Jennifer Bouchard, 37 Tabor Road, addressed the Commission stating that she is looking to add a family room to her house. Ms. Bouchard stated that her property is a corner lot and the house is on an angle rather than parallel to the street, and has two required 35-foot setbacks. She stated that she does not meet the required setbacks and requires the variance to reduce the front yard setback.

Commissioner Turner stated that the applicant has two side yard frontages so there is a clear hardship with the property. She stated that she appreciates the property having been clearly marked out because it is aggravating when this is not done.

Chairman LaRosa asked twice if anyone in the audience would like to speak in favor or against the application; no one came forward.

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

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

**Votes: 5-0-0**

Commissioner Turner stated that the property was clearly marked and she has no issue with it.

Chairman LaRosa stated that with a corner lot, the regulations require two front yard setbacks of 35 feet, which is why the variance is required.

Commissioner Stroiney asked if the property already has the variance in place since the front corners are already closer than 35 feet. Ms. Pacacha stated that a regulation allows the expansion of a nonconforming structure as long as it does not further encroach into the setback requirements. She explained that in this case due to the angle of the house, there is no way to expand on either side without encroaching, which is why the variance is needed.

**Motion:** Commissioner Turner made a motion, seconded by Commissioner Davis, to approve ZBA# 2020-05-22.

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

**Votes: 5-0-0**

- 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.

Randy Daigle, 55 Cottage Road, provided the Commission with an explanation for his variance request. He stated that the lots in this area are all nonconforming and he is trying to make his house one level and handicap accessible and also add a small bedroom and a two-car garage. Mr. Daigle stated that there used to be a garage on the property, and he is only looking for 3% over the existing 20% coverage. Mr. Daigle described some of his neighbors who have much more coverage and concluded that they are just trying to make their house livable for the rest of their lives.

Commissioner Stroiney asked if the addition would be going on the street side of the house, which Mr. Daigle replied that it is.

Commissioner Turner stated that the property is not causing any hardship and there are already two attached structures on the property that the applicant now wants to incorporate into the home. Mr. Daigle explained that they would be using one shed to increase the size of their bathroom in order to make it handicap accessible. Commissioner pointed out the boat and quonset hut on the property, which Mr. Daigle stated would be coming out and the boat had been sold.

Commissioner Turner explained that the property itself is not causing any problems, to which Mr. Daigle replied that the property is so small that it is not allowing them to achieve 20% coverage and they are only going over by 3%. Commissioner Turner went over some portions of the changes going into the back.

Mr. Daigle reiterated that the lot size itself is so small, it is not allowing him to do anything without going over the 20%. He stated that he is only going over by 3% when the houses on either side of him are over 30% of lot coverage. Chairman LaRosa stated that the Commission cannot look at the neighbors' property and can only consider the applicant's property.

Mr. Daigle stated that there used to be a garage out front and was taken down, to which Commissioner Turner replied that it was a single bay garage.

Commissioner Turner stated that he can go up, to which Mr. Daigle replied that he cannot since the house is on piers rather than foundation.

Commissioner Turner stated that if the applicant were to do this legally and go to the back of the building, it is ten feet to the side line rather than five. Ms. Pacacha confirmed that the side yard setback requirement is ten feet.

Commissioner Turner asked how wide the garage is; Mr. Daigle provided the dimensions of the garage. He stated that he redesigned it several times and cannot make it handicap accessible any other way.

Commissioner Kwasnicki asked for clarification on whether the house could be two stories. Mr. Daigle stated that his mortgage country will not allow him to demolish the house, which is the only way to move farther away from the lake.

Commissioner Turner suggested that the covered porch can be made into part of the house, to which Mr. Daigle replied that he would then have no access to the backyard. Commissioner Turner stated that if the applicant made the covered porch part of the house, got rid of the addition in the front and moved the garage toward the house, he would be within the required coverage and still get exactly what he is asking for.

Commissioner Turner asked if an accessory structure of a deck is considered coverage, to which Ms. Pacacha replied that it is considered coverage and a patio is not.

Commissioner Stroiney asked if the applicant would consider going down to a one bay garage, to which Mr. Daigle replied that he needs the second bay for storage.

Chairman LaRosa asked if they need the second story to the garage. Mr. Daigle stated that he can take the second story out as it is not needed.

Chairman LaRosa stated that the land itself shows no hardship, to which Mr. Daigle replied that the location and size of the lot are a hardship.

Chairman LaRosa stated that all of the properties around the lake are small and asked what makes this property unique. Mr. Daigle stated that there has already been a precedent set with several other properties in the area.

Commissioner Turner asked how much room is between the quonset hut and the neighbors, to which Mr. Daigle replied that it is 12 or 15 feet.

Discussion took place regarding the dimensions on the plans and possible options to make the design work. The Commission examined the site sketch via shared screen and Mr. Daigle explained the reasons for the dimensions of the two-car garage.

Commissioner Turner reiterated that it is not a hardship but rather a want. She stated that there are other options, such as making the garage smaller, getting rid of the porch or reconfiguring the interior of the house.

Mr. Daigle stated that he cannot put the garage on the other side due to the setback as he is expanding off of the existing corner. He stated that the location of the existing house and the angle of the property causes a hardship. Chairman LaRosa stated that the structure is causing a hardship, not the property itself. He added that if the size of the garage was cut down, the variance would not be needed. Commissioner Turner stated that if he makes the covered porch part of the house, that solves some of the problem.

The Commission discussed the dimensions of various features onsite, including the deck and covered porch.

Mr. Daigle stated that he cannot move the garage over because it will cover the entire entrance to the house. Chairman LaRosa stated that they are worried about the coverage of the land, not the placement of the garage. Mr. Daigle pointed out that this is why they are asking for the variance, and it is only 3%.

Commissioner Turner stated that it is not the Commission's place to give adjustments or suggestions. She stated that they can only look at whether it is a financial hardship, self-imposed, or the land causing an issue.

Mr. Daigle stated that it is the land, since they cannot go up because it is on piers, because of the shape and because it is so small. Commissioner Turner stated that there is no slope, dip, wetlands, encroachment or anything else on the land that is causing the problems.

Chairman LaRosa asked if anyone in the audience would like to speak.

Bill Creedon, 57 Cottage Road, stated that he lives right next door. He stated that the plans show a 40-foot addition with a 35-foot setback and there is not 75 feet from the road back so the plans need to be modified anyway. He stated that it does not meet the setback requirement and the garage has to be modified anyway.

Mr. Daigle concluded that the hardship is that he cannot go up due to the high water table and the property does not allow him to move the garage to the other side based on the angles and the size. He stated that he is looking for 3% variance of the lot coverage and a lot of the other houses in the area have much more than that.

**Motion:** Commissioner Davis made a motion, seconded by Commissioner Stroiney, to close the Public Hearing.

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

**Votes: 5-0-0**

Commissioner Davis asked why they cannot consider that the lot size is so small. Chairman LaRosa stated that when you buy a parcel of land, you buy it the size that it is. He stated that there are many areas in town where the parcels are small but they cannot allow people to go over the allowed coverage.

Commissioner Kwasnicki asked if there is a height limit, to which Chairman LaRosa replied that it is 2.5 stories.

Commissioner Kwasnicki asked if the water table issue is something that would be considered a hindrance unique to a property, requiring it to go out rather than up. Commissioner Turner stated that the houses in this area were meant to be cottages rather than full time housing. She stated that other newer properties down there have multiple stories, and that it is an expense rather than an engineering problem.

Commissioner Stroiney shared his screen to show for the record that the applicant is within the appropriate setbacks. The Commission examined the dimensions on the site plan and discussed the pertinent square footages and possible solutions to eliminate the need for a variance.

Chairman LaRosa stated that the size of the land is not a hardship and went on to provide examples of acceptable hardships, such as topography.

Commissioner Mastroberti stated that it cannot be self-imposed, so if someone buys a small property they cannot get a variance in order to expand. Chairman LaRosa stated that he cannot find the hardship as the applicant can reduce the size of his garage and get what he wants. He explained why the other two applications tonight were granted the requested variances.

**Motion:** Commissioner Turner made a motion, seconded by Commissioner Stroiney, to approve ZBA# 2020-06-05.

The motion failed with a 1-4-0 vote with Commissioner Davis voting in favor.

**Votes: 1-4-0**

### **Public Participation**

The Commission discussed whether Public Participation should be included on the agenda, ultimately decided to omit it from the agenda.

### **Old Business**

- a. Review of Bylaws – *Tabled*

**Motion:** Commissioner Turner made a motion, seconded by Commissioner Kwasnicki, to table the review of bylaws.

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

**Votes: 5-0-0**

- b. Instructional Guides & Application Forms – *Awaiting Review*

Chairman LaRosa properties should be staked out so Commissioners can see what the project is going to look like.

**Motion:** Commissioner Turner made a motion, seconded by Commissioner Stroiney, to table Instructional Guides & Application Forms.

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

**Votes: 5-0-0**

## **Approval of Minutes**

### **a. May 4, 2020- Special Meeting**

**Motion:** Commissioner Stroiney made a motion, seconded by Commissioner Davis, to approve the minutes from May 4, 2020.

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

**Votes: 5-0-0**

## **Correspondence / Staff Reports**

Ms. Pacacha stated that the new Assistant Town Planner has started and the Commission will be meeting her soon. She stated that Secretary Pam Schweitzer will be retiring at the end of the week and that they have started interviews for consultants for the Zoning Regulation and Plan of Conservation & Development (POCD) updates. Commissioner Turner requested that ZBA have a seat at those tables, which Ms. Pacacha replied that she will pass that along.

At Commissioner Turner's request, Ms. Pacacha provided the Commission with the new Assistant Town Planner's credentials.

## **Other Business**

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

Ms. Pacacha stated that there was a Town Attorney opinion on this and they have not had a chance to circle back to it.

Chairman LaRosa asked if the outdoor dining is permanent, to which Ms. Pacacha replied that it is temporary pending when the Executive Orders are lifted.

Chairman LaRosa stated that he had visited an interactive aquatic and zoo business and something like this should be included in the mall

## **Adjournment**

**Motion:** Commissioner Turner made a motion, seconded by Commissioner Davis to adjourn for the night. The meeting was adjourned at 8:47 p.m.

Prepared by: Elizabeth Bouley, Recording Secretary

Respectfully Submitted,

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**Mary Ann Turner, Secretary**