

ENFIELD ZONING BOARD OF APPEALS  
REGULAR MEETING  
**AGENDA**  
MONDAY, SEPTEMBER 28, 2020 7:00 PM

**Join OfficeSuite Meeting**

<https://meeting.windstream.com/j/11112500870>

Meeting ID: 111 1250 0870

One tap mobile

+16467415292,,11112500870# US (New York)

+16467415293,,11112500870# 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: 111 1250 0870

**Watch the ZBA Meeting at:** <https://youtu.be/XpYAEBAgwS0>

**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*
- 5. Legal Notice**
- 6. New Business**
  - a. **ZBA# 2020-08-26** – Variance application to allow a 28-foot front yard setback where a 35-foot front yard setback is required in order to accommodate a garage and breezeway; Robert Senez, owner/applicant; Map 59/Lot 163; R-33 Zone.
- 7. Approval of Minutes**
  - a. June 22, 2020 – Regular Meeting
  - b. July 27, 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 **October 26, 2020.**

*Maurice LaRosa, Chairman Mary Ann Turner, Secretary*

## *A D V E R T I S E M E N T*

**FROM: Planning Office**

**DATE: 9/17/2020**

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The Enfield Zoning Board of Appeals will hold a Regular Meeting on Monday September 28, 2020 at 7:00 p.m online at:

**Join OfficeSuite Meeting**

<https://meeting.windstream.com/j/11112500870>

Meeting ID: 111 1250 0870

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concerning the following public hearings:

- a. **ZBA# 2020-08-26** – Variance application to allow a 28-foot front yard setback where a 35-foot front yard setback is required in order to accommodate a garage and breezeway; Robert Senez, owner/applicant; Map 59/Lot 163; R-33 Zone.

**Dated this 17<sup>TH</sup> day of September 2020 Maurice LaRosa, *Chairman* and Mary Ann Turner, *Secretary***

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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 2020-08-26

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: ROBERT SENEZ

Phone: 860 745-2198

Home Address: 18 POMEROY RD.

E-Mail: BOBSENEZ@COX.NET

Property Address: SAME

Relation to Property: \_\_\_\_\_

Map: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: 375

Property ID \_\_\_\_\_

Zone: \_\_\_\_\_

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: ROBERT + DIANE SENEZ

Address: 18 POMEROY Rd. Enfield

When was the property acquired? 1985

Provide property history:

Describe your application: (Please Print)

ATTACHED GARAGE

Applicable Section(s) of the Zoning Ordinance \_\_\_\_\_

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

NAME: Michael DeCorte ADDRESS: 28 TABOR Rd

860-614-5708 (phone)

\_\_\_\_\_ (fax)

mdc@comcast.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: Subscribed and sworn to before me this 26th day of Aug 20 20

[Signature]

Notary Public  Justice of the Peace  Commissioner of Superior Court

(Please check one)

Commission expiration date stamp ▶ June 30 2025

DEPARTMENT DATE STAMP

**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)?

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

Owner(s):

North: Richard Albetski

East: JOSE CARRATINI

South: ANNIE KEPTANIS

West: MEGAN

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): \_\_\_\_\_

**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)?

WE'RE RETIRED, OLDER & NEED CAR IN GARAGE

**Question #2**

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

CORNER LOT

**Question #3**

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

CORNER LOT

**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.

none

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.

*Diane Aug*  
Applicant's Signature \_\_\_\_\_ 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: *Rich Albertski* Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_ Address: \_\_\_\_\_  
*Phyllis St.* \_\_\_\_\_

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.**

ET RD

TABOR RD

THERESA ST

PHILLYS ST

POMEROY RD

18 Pomeroy Rd

7

9

4

18

3

16

8

25

23

12

127.63

124.35

109.74

134.52

127.90

New 10x14

New 24x24 Garage

Drive Way Removal

New Driveway

1483

1492

1473

125

1223

1516

1510

1465

70.28

29.75

98.53

1502

126.57

1527

127.90

1502

1525

1537

125

POMEROY RD

1531

135

1531

1549

1554

100

100.11

99.99

126.16

1544

1524

124.51

14.47

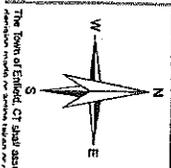
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1556

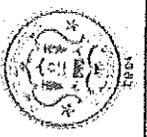
143.31

1530

1530



The Town of Enfield, CT shall assume no liability for any errors, omissions, or inaccuracies in the information provided regardless of how caused or any other person's reliance on the information provided hereon. The information is provided for informational purposes only and does not constitute a warranty of any kind.





LIBER 491 PAGE 687

**To all People to whom these Presents shall come, Greeting:**

KNOW YE, THAT we, MARTIN G. SPILLER and RAELEYN M. SPILLER, both of the Town of Enfield, County of Hartford and State of Connecticut

for the consideration of SIXTY-ONE THOUSAND (\$61,000.00) DOLLARS

received to our full satisfaction of ROBERT D. SENEZ and JENNIFER M. O'CONNELL, both of the Town of Vernon, County of Tolland and State of Connecticut

do give, grant, bargain, sell and confirm unto the said ROBERT D. SENEZ and JENNIFER M. O'CONNELL

and the survivor of them, and the heirs and assigns of the survivor of them forever a certain piece or parcel of land together with all buildings and improvements thereon and appurtenances thereto, situated on the Northerly side of Pomeroy Road and Westerly side of Phyllis Street, known as No. 18 Pomeroy Road, in the Town of Enfield, County of Hartford and State of Connecticut, being further known and designated as LOT NO. 375 according to and as shown on a certain map or plan entitled "Sheet Eight of "Whitacres" Theresa Street Property of John H. Woods Enfield, Conn. Oct. 1946 Scale: 1" = 50' Robert H. Chambers, C.E. Civil Engineer Rockville, Conn.", on file in the Town Clerk's Office of said Town of Enfield, Book of Maps, Volume 5, Page 185, to which reference is hereby made, being bounded and described as follows:

NORTHERLY: by land now or formerly of Edward A. Lazarek Et Ux., a distance of one hundred twenty-six and fifty-seven one-hundredths (126.57) feet;

EASTERLY: by Phyllis Street, a distance of one hundred twenty (120.00) feet;

SOUTHEASTERLY: by the curve connecting the Westerly line of Phyllis Street with the Northerly line of Pomeroy Road, a distance of thirty-one and forty-one one-hundredths (31.41) feet;

SOUTHERLY: by Pomeroy Road, a distance of one hundred ten and forty-five one-hundredths (110.45) feet; and

WESTERLY: by Lot No. 374 on said map and by Lot 399, partly by each, a distance of one hundred sixty-eight and eighty-one one-hundredths (168.81) feet.

Being the same premises conveyed to the Grantors herein by deed from Robert B. Williams and Athalie Williams, dated June 10, 1980 and recorded in the Enfield Land Records in Volume 451 page 358.

Said premises are subject to a pole line and guy wire easement in favor of Connecticut Light and Power Company, and to restrictive covenants and agreements as of record appear.

Said premises are subject to a mortgage in favor of The McCue Mortgage Company, dated June 13, 1980 and recorded in the Enfield Land Records in Volume 451 page 360, said mortgage having a present principal balance of approximately \$47,281.73, which mortgage the Grantees herein assume and agree to pay as part consideration for this deed.

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 public or private law; and to taxes to the Town of Enfield on the List of October 1, 1983, which taxes the Grantees herein assume and agree to pay as part consideration for this deed.

\$305.00 State Conveyance Tax Collected  
 \$67.10 Town Conveyance Tax Collected  
 Signature of Clerk

TO HAVE AND TO HOLD the above granted and bargained premises, with the appurtenances thereof, unto them the said grantees and the survivor of them, and the heirs and assigns of the survivor of them forever, and to their own proper use and behoof. And also, the said grantors do for ourselves and our heirs, executors, administrators, and assigns covenant with the said grantees, their survivor and such survivor's heirs and assigns, that at and until the ensembling of these presents, we are well seized of the premises, as a good indefeasible estate in FEE SIMPLE; and have a good right to bargain and sell the same in manner and form as is above written; and that the same is free from all encumbrances whatsoever, except as is above written.

AND FURTHERMORE, we the said grantors do by these presents bind ourselves and our heirs and assigns forever to WARRANT AND DEFEND the above granted and bargained premises to them the said grantees and to the survivor of them and to such survivor's heirs and assigns, against all claims and demands whatsoever, except as is above written.

IN WITNESS WHEREOF, we

have hereunto set our hands this 24th day of August, 1984

Signed and Delivered in the presence of (Type or Print name below each signature.)

WITNESS:

*Nancy C. Hanson*  
*Harry N. Sanchevski*

GRANTOR:

*Martin G. Spiller*  
*Raelyn M. Spiller*

STATE OF CONNECTICUT, }  
COUNTY OF Hartford } ss. Windsor Locks August 24, 1984

Personally Appeared MARTIN G. SPILLER and RAEALYN M. SPILLER  
Signer(s) of the foregoing Instrument, and acknowledged the same to be their  
free act and deed, before me.

*Harry N. Sanchevski Jr*  
Notary Public / J. of Peace / Commissioner of Superior Court

STATE OF CONNECTICUT, }  
COUNTY OF } ss. 19

Personally Appeared \_\_\_\_\_, as aforesaid, Signer of the foregoing Instrument, and  
acknowledged the same to be \_\_\_\_\_ free act and deed as such  
and the free act and deed of said corporation/partnership, before me.

Grantees' Address:

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

...18 Rometoy Road.....  
...Enfield, CT 06082.....

RECEIVED FOR RECORD AUG 24 1984 at 4:15 pm  
ATTEST *M. Aloppoulos Jr* TOWN CLERK

# Quitclaim Deed

THIS QUITCLAIM DEED, executed this 1 day of August, 2005,  
 by first party, Grantor, DIANE SENEZ  
 whose post office address is 18 POMEROY Rd ENFIELD CONNECTICUT 06082  
 to second party, Grantee, ROBERT SENEZ AND DIANE SENEZ  
 whose post office address is 18 POMEROY Rd, ENFIELD, CONNECTICUT 06082

WITNESSETH, That the said first party, for good consideration and for the sum of ZERO  
 Dollars (\$ 0 )  
 paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the  
 said second party forever, all the right, title, interest and claim which the said first party has in and to the following described  
 parcel of land, and improvements and appurtenances thereto in the County of HARTFORD  
 State of CONNECTICUT to wit:

house and property at  
 18 POMEROY ROAD, ENFIELD, CONNECTICUT 06082

~~RECORDED IN  
 ENFIELD TOWN CLERK'S OFFICE  
 2005 AUG 17 AM 10:20  
 SUZANNE J. OLECHNICKI  
 TOWN CLERK~~

08/05/2005 No State Conveyance Tax Collected No Town Conveyance Tax Collected

IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above written.  
Signed, sealed and delivered in presence of:

Signature of Witness: [Signature]

Print name of Witness: Sharon Vacca

Signature of Witness: [Signature]

Print name of Witness: GARY VACCA

Signature of First Party: [Signature]

Print name of First Party: DIANE SENEZ

Signature of Second Party: [Signature]

Print name of Second Party: ROBERT D. SENEZ

Signature of Preparer: [Signature]

Print name of Preparer: DIANE SENEZ

Address of Preparer: 18 POMEROY RD.

State of CONNECTICUT  
County of HARTFORD

On August 1, 2005 before me, John G. Fenner Sr.  
appeared Diane Senez

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.  
[Signature]  
Signature of Notary

JOHN G. FENNER, SR.  
Notary of Peace  
My Commission Expires: 01/05/2009  
Affiant \_\_\_\_\_ Known \_\_\_\_\_ Produced ID \_\_\_\_\_  
Type of ID \_\_\_\_\_  
(Seal)

RECORDED IN  
ENFIELD LAND RECORDS  
10 23  
2005 AUG -5 AM 11:03  
SUZANNE F. OLECHOWSKI

Page 2  
DOC#0601068

CONNECTICUT  
TOWN OF ENFIELD  
LOAN NO.: 0504957475



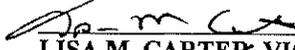
WHEN RECORDED MAIL TO: FIRST AMERICAN MORTGAGE SOLUTIONS, 1795 INTERNATIONAL WAY, IDAHO FALLS, ID 83402, PH. 208-528-9895

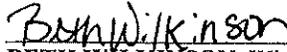
### RELEASE OF MORTGAGE

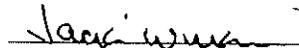
KNOW ALL MEN BY THESE PRESENTS, The undersigned, **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS")**, AS NOMINEE FOR **MERIDIAN HOME MORTGAGE CORPORATION, ITS SUCCESSORS AND ASSIGNS**, located at **P.O. BOX 2026, FLINT, MICHIGAN 48501-2026**, the owner, or nominee of the beneficial owner, of the indebtedness secured by that certain Mortgage described below, does hereby release, discharge and reconvey to the persons legally entitled thereto, all of its right, title, and interest in and to the real estate described in said Mortgage, forever satisfying, releasing, cancelling, and discharging the lien from said Mortgage.

Said Mortgage dated **SEPTEMBER 10, 2018** and executed by **ROBERT SENEZ AND DIANE SENEZ**, located at **18 POMEROY RD, ENFIELD, CT 060822035**, Mortgagor, to **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS")**, AS NOMINEE FOR **MERIDIAN HOME MORTGAGE CORPORATION, ITS SUCCESSORS AND ASSIGNS**, Original Mortgagee, and recorded on **SEPTEMBER 17, 2018** in Book **2704** at Page **25** as Instrument No. **2019004179** in the Town Clerks Office for the Town of **ENFIELD**, State of **CONNECTICUT** and more particularly described on said Deed of Trust referred to herein.

IN WITNESS WHEREOF, the undersigned has caused this Instrument to be executed on **JULY 29, 2019**.  
**MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.**

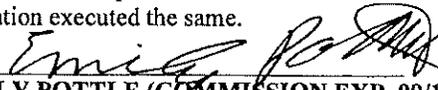
  
\_\_\_\_\_  
**LISA M. CARTER, VICE PRESIDENT**

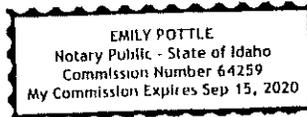
  
\_\_\_\_\_  
**BETH WILKINSON, Witness**

  
\_\_\_\_\_  
**JACKI WILKINS, Witness**

STATE OF IDAHO COUNTY OF BONNEVILLE ) ss.

On **JULY 29, 2019**, before me, **EMILY POTTLE**, personally appeared **LISA M. CARTER** known to me to be the **VICE PRESIDENT** of **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.** the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

  
\_\_\_\_\_  
**EMILY POTTLE (COMMISSION EXP. 09/15/2020)**  
NOTARY PUBLIC





# 18 POMEROY RD

**Location** 18 POMEROY RD

**Mblu** 059 / 0163 / /

**Acct#** 041600020030

**Owner** SENEZ ROBERT D + DIANE M

**Assessment** \$101,410

**Appraisal** \$144,870

**PID** 4848

**Building Count** 1

**Fire District** 4

## Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2017	\$82,130	\$62,740	\$144,870
Assessment			
Valuation Year	Improvements	Land	Total
2017	\$57,490	\$43,920	\$101,410

## Owner of Record

**Owner** SENEZ ROBERT D + DIANE M

**Sale Price** \$0

**Co-Owner**

**Certificate**

**Address** 18 POMEROY RD

**Book & Page** 2728/0817

ENFIELD, CT 06082

**Sale Date** 07/18/2019

## Ownership History

Ownership History				
Owner	Sale Price	Certificate	Book & Page	Sale Date
SENEZ ROBERT D + DIANE M	\$0		2728/0817	07/18/2019
SENEZ ROBERT D	\$0	1	2050/0006	08/05/2005
SENEZ ROBERT D + DIANE	\$0	2	0841/0141	01/14/1994
SENEZ ROBERT D + HARDEN DIANE	\$0	3	0501/0441	06/13/1985

## Building Information

**Building 1 : Section 1**

**Building Photo**

**Year Built:** 1957  
**Living Area:** 1,008  
**Replacement Cost:** \$114,636  
**Building Percent Good:** 71  
**Replacement Cost Less Depreciation:** \$81,390

**Building Attributes**

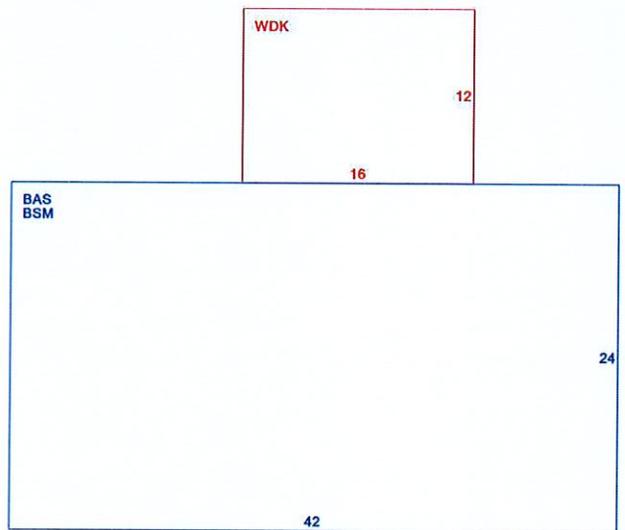
Field	Description
Style	Ranch
Model	Residential
Grade:	
Stories	1.00
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure	Gable
Roof Cover	Arch Shingles
Interior Wall 1	Drywall
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	
Heat Fuel	Oil
Heat Type:	Hot Water
AC Type:	None
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)	
Usrflld 106	
Bsmt Garage(s)	
Fin Bsmt	100
FBM Quality	Rec Room
Whirlpool(s)	
Sauna	
Walk Out	No

**Building Photo**



(http://images.vgsi.com/photos2/EnfieldCTPhotos/A00\02\18\25.JPG)

**Building Layout**



(ParcelSketch.ashx?pid=4848&bid=4848)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,008	1,008
BSM	Basement	1,008	0
WDK	Deck	192	0
		2,208	1,008

Solar	
Usrflid 300	
Usrflid 301	
Usrflid 302	
Usrflid 304	
Fndtn Cndtn	
Basement	
Usrflid 701	
Usrflid 305	
Usrflid 900	No
Usrflid 901	No
Usrflid 303	

**Extra Features**

Extra Features	Legend
No Data for Extra Features	

**Land**

**Land Use**

Use Code 101  
Description Res Dwelling  
Zone R33  
Neighborhood 057  
Alt Land Appr No  
Category

**Land Line Valuation**

Size (Acres) 0.45  
Frontage 130  
Depth  
Assessed Value \$43,920  
Appraised Value \$62,740

**Outbuildings**

Outbuildings						Legend
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	\$82,130	\$62,740	\$144,870
2017	\$82,130	\$62,740	\$144,870
2016	\$82,130	\$62,740	\$144,870

Assessment			
Valuation Year	Improvements	Land	Total

2018	\$57,490	\$43,920	\$101,410
2017	\$57,490	\$43,920	\$101,410
2016	\$57,490	\$43,920	\$101,410

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## TOWN OF ENFIELD

ZBA# 2020-08-26 18 Pomeroy St.- Variance for Front Yard Setback  
Public Hearing Sign on Pomeroy Rd.



Photo taken from Stop Sign Line at Phyllis & Pomeroy



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

Telephone (860) 253-6355  
Fax (860) 253-6310

[www.enfield-ct.gov](http://www.enfield-ct.gov)



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## TOWN OF ENFIELD

Photo taken from Pomeroy Rd Front Yard



Photo Taken from North Side Property Line





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# TOWN OF ENFIELD

Photo Taken from Phyllis St Front Yard



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

<b>Application #</b>	2020-08-26	<b>Meeting Date:</b>	September 28, 2020
<b>Address:</b>	18 Pomeroy Road	<b>Prepared By:</b>	Savannah-Nicole Villalba, MA
<b>Applicant:</b>	Robert Senez, represented by Michael DelConte		Assistant Town Planner
<b>Property Owner:</b>	Robert Senez	<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>	059/0163	<b>Applicable Zoning Regulations:</b>	4.10.3

**PROPOSAL:**

This is a variance application for a proposed attached garage and driveway reorientation. The current structure and lot are non-conforming. The house is located on an angle and is within the required front yard setbacks.

The current driveway orientation opens into the intersection of Phillys St and Pomeroy Road. The applicants are seeking to add an attached garage and breezeway and reorient the driveway so that it opens on Phillys Street. To do so would require further encroachment into the front yard setbacks.

The applicant is requesting a reduction in the front yard setbacks on the east side of the property from 35-feet, as required in Section 4.10.3 – Special Requirements for Legal Non-Conforming Lots Under 33,000 Square Feet, to 28 feet.

**Hardship:** Home exists on an angle on the property, which is also a corner lot. Home is existing within the front yard setback 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.



# TOWN OF ENFIELD

## ADJACENT USES:

North: R-33

South: R-33

East: R-33

West: R-33

## PICTURES



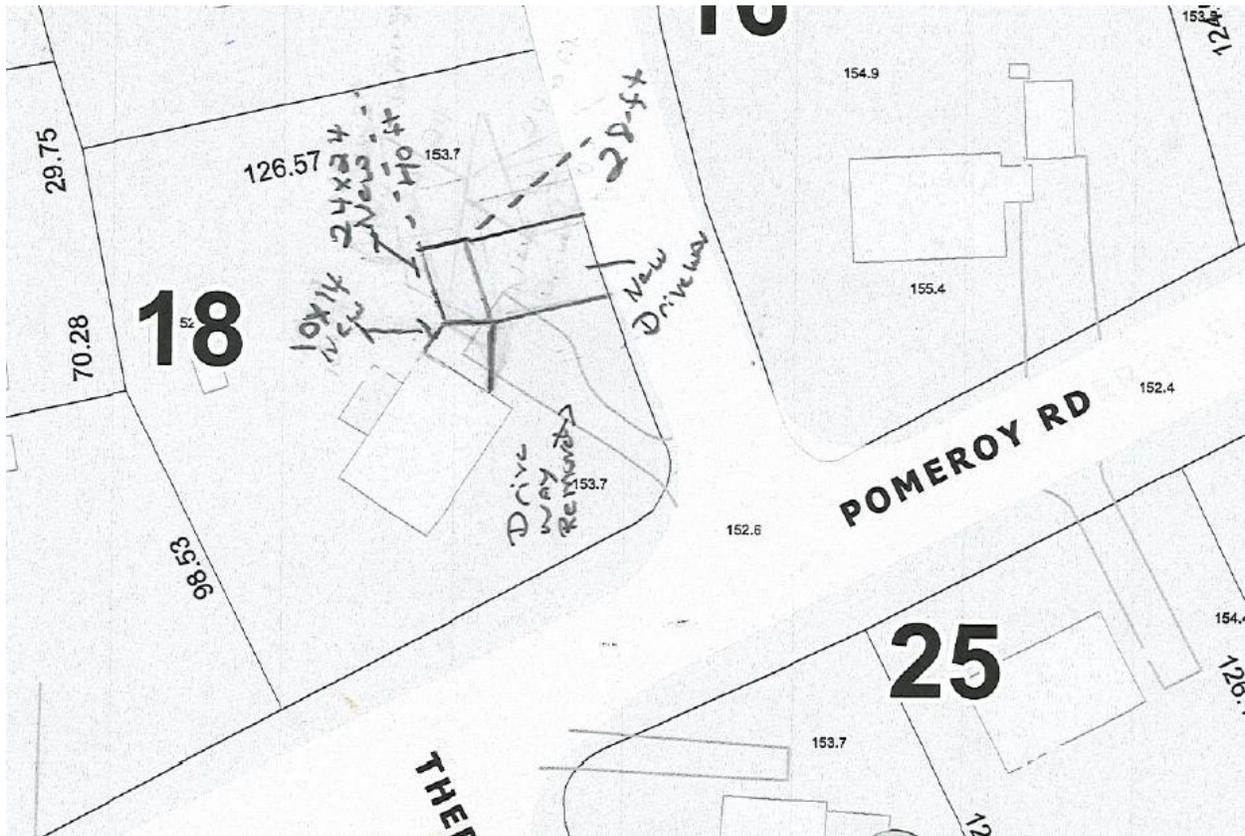
Department of Development Services  
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## TOWN OF ENFIELD



### PROPERTY HISTORY

The home was built in 1957 and has no history of any other Planning and Zoning or Zoning Board of Appeals approvals. The only building permits on file are for HVAC and Vinyl Sliding 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;
- 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



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## TOWN OF ENFIELD

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.

### **STAFF COMMENTS:**

- John Cabibbo, Assistant Town Engineer, commented that there are no engineering concerns with the revised plan to move the driveway and that the proposed driveway location is an improvement on the existing location as it is moved away from the intersection.
- Ray Steadward, Chief Building Official, had no concerns regarding this application.

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### **RESOLUTION**

**MOTION TO APPROVE** ZBA# 2020-08-26 – Variance application to allow a 28-foot front yard setback where a 35-foot front yard setback is required in order to accommodate a garage and breezeway; Robert Senez, owner/applicant; Map 59/Lot 163; R-33 Zone according to the materials submitted under ZBA# 2020-08-26.

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

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**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**

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

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**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, Mary Ann Turner and Alternate Commissioners Catherine Plopper and Richard Stroiney.

Absent were Commissioners Andrew Urbanowicz, Robert Kwasnicki and Charles Mastroberti.

Chairman LaRosa seated Alternate Commissioners Plopper and Stroiney for the absent Commissioners.

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

**Motion:** Commissioner Turner made a motion, seconded by Commissioner Stroiney, to move Old Business to after Item 7 on the agenda.

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

**Votes: 5-0-0**

**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.

Commissioner Turner read the legal notice.

Michael Haughn, 4 Hollywood Drive, addressed the Commission utilizing an aerial photograph of the property to explain his application. Mr. Haughn pointed out the area where they would like to move the garage and breezeway to meet the back of the house. He explained that this would push further into the side yard setback since the property line is on an angle, which is already non-conforming. Mr. Haughn stated that they would like to obtain a variance to proceed with this.

Alternate Commissioner Kwasnicki joined the meeting.

Commissioner Turner asked the applicant to explain the second story. Mr. Haughn stated that his house does not currently have a second story so this would be above the roofline of the existing house.

Ms. Pacacha stated that the height cannot be taller than 35 feet or 2.5 stories. Commissioner Turner asked whether the Planning & Zoning Commission (PZC) had reviewed the height, to which Mr. Haughn replied

that they had. Ms. Pacacha clarified that the applicant had worked with Zoning Enforcement Officer (ZEO) Ricardo Rachele and that it had not gone to the PZC.

Commissioner Turner stated that all that is being done is squaring off the existing house. She stated that she looked at a couple of other houses in the neighborhood and was unable to find any variances for those homes.

Commissioner Mastroberti joined the meeting.

Chairman LaRosa asked if the applicant had thought about not squaring that corner. Mr. Haughn stated that he did think about cutting in from the corner or going at an angle. Chairman Turner stated that this would make no sense as the applicant is only squaring off the back of his building to the side of his building.

Chairman LaRosa asked what the property is causing a problem with, to which Commissioner Turner stated that the property has caused a problem because it is non-conforming and he cannot move his house.

Chairman LaRosa asked 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 Plopper, to close the Public Hearing.

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

**Votes: 5-0-0**

Chairman LaRosa stated that the property is already non-conforming and their job is to make it less non-conforming. He stated that he does not see a hardship that the property is causing. Commissioner Turner stated that the property is causing a non-conformity because the house was put there in 1952, and due to lack of zoning rules at the time the house was not put squarely on the property.

Chairman LaRosa asked what is unique about this property compared to the others, to which Commissioner Turner replied that it has nothing to do with the other properties and they do not take those into consideration. Chairman LaRosa stated that the Commission always looks at what is unique to the property. Commissioner Turner replied that his property is unique because the house was placed on the site in the cockeyed way and he cannot fix it.

Commissioner Kwasnicki stated that it is parallel to the front but they cut the properties at an angle so even if they squared it up at the top edge, the side edge by the garage would be non-conforming on the other end.

Commissioner Turner stated that the applicant is only trying to fill in the dead spot, to which Chairman LaRosa replied that he could do this without encroaching further on the property line. Commissioner Turner stated that she does not know where he could put that cut.

Ms. Pacacha stated that she and the applicant had discussed the hardship, which is the angle of the property cut line. She stated that just because the other properties nearby have the same problem does not mean a hardship does not exist. Ms. Pacacha stated that any improvement to both side yards would need a variance either way due to the way these lots were cut.

Commissioner Turner stated that Chairman LaRosa's suggestion will not give the applicant ten feet, to which Chairman LaRosa replied that he does not need ten feet and only has to maintain the 5.2 original side setback. Commissioner Turner stated that it may be doable but it makes no logical sense, and that this is asking the applicant not to square off his property just for that half-foot difference between 5.2 and 4.5.

Chairman LaRosa stated that it is not just 7 inches in that one spot but rather it is 4.5 feet on the entire property line. Commissioner Turner stated that according to the plans, the garage will not be brought over by the extra 4 feet but rather he is staying straight to the property and only adding what is on the back.

Commissioner Kwasnicki asked if the applicant would need a variance if they square off the building and stay 5.2 feet from the property line. Ms. Pacacha stated that this would fall under the expansion of non-conforming structures and they would therefore need to obtain a Special Permit via Public Hearing before the PZC.

Ms. Pacacha explained the state statute in which a structure is grandfathered and no enforcement/variances can be required if it has been in place for more than three years, even if it does not meet regulations.

Commissioner Turner asked if the applicant will have to go before the PZC if the variance is granted. Ms. Pacacha stated that if the variance is granted, they will not have to go before the PZC. She stated that they will need a Building Permit.

The Commission examined an aerial photograph of the building to see how the houses were placed on the properties. Commissioner Kwasnicki noted that the houses are not parallel to the street but rather are parallel to the property line. He stated that the property is causing a hardship due to the way it is divided up.

Commissioner Turner asked if the applicant is taking down the existing building in order to build the new structure. Ms. Pacacha stated that she is not sure and under this application they are just looking at the variance and not the construction. She went on to state that the 4.5 feet would be the new side yard setback for that property. Ms. Pacacha explained that it would only be 4.5 feet for whatever is attached to the house. She stated that the Commission has to take coverage into consideration as well, which is 20% in residential neighborhoods.

Commissioner Turner asked if there is a way to find out if the building is coming down and being rebuilt, or just modified. Ms. Pacacha stated that what is represented in the application is just the addition of the L-shaped fill-in and there is no indication that anything is being taken down. Commissioner Davis stated that the application is for an addition to the existing garage so they are not taking down the garage.

Commissioner Turner stated that they need to take a recess for a few minutes while Commissioner Plopper attempts to rejoin the meeting.

**Motion:** Commissioner Turner made a motion, seconded by Commissioner Stroiney, to enter into recess.

The motion passed with a 4-0-1 vote with Commissioner Plopper abstaining as she had been kicked off of the meeting.

**Votes: 4-0-1**

**Motion:** Commissioner Turner made a motion, seconded by Commissioner Plopper, to come out of recess.

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

**Votes: 5-0-0**

Commissioner Turner stated that the Commission liaison does not recommend they go back into Public Hearing, so the Commission has to go by what they know at this point.

**Motion:** Commissioner Turner made a motion, seconded by Commissioner Davis, to approve ZBA# 2020-06-29.

The motion failed with a 3-2-0 vote with Chairman LaRosa and Commissioner Stroiney voting against.

**Votes: 3-2-0**

Chairman LaRosa instructed the applicant to get in touch with the Planning Department to determine the next steps.

### **Approval of Minutes**

#### **a. June 22, 2020- Regular Meeting**

**Motion:** Commissioner Turner made a motion, seconded by Commissioner Davis, to table the minutes from June 22, 2020 in order to make revisions.

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

**Votes: 5-0-0**

### **Correspondence / Staff Reports**

Ms. Pacacha stated that Staff will be moving forward with the Plan of Conservation & Development (POCD) and Zoning Regulation updates. She stated that there are no pending applications for ZBA.

### **ZEO APPEALS FEE**

Ms. Pacacha stated that legal opinion had been obtained and sent to the Commission back in February or March. She stated that they have not moved the appeals fee forward with the Town Attorney at this time.

Chairman LaRosa stated that he would like more notice on months that the Commission has meetings. Ms. Pacacha stated that Staff is making sure everything is up on the website 10-15 days prior. Commissioner Kwasnicki stated that the Commissioners can sign up on the town website to get notifications when agenda items are posted, to which Chairman LaRosa replied that they need the packets so they can go out and see the properties. Commissioner Turner stated that if it can all get uploaded to the website, an email can get sent to the Commissioners. The Commission discussed how best to obtain the information they need prior to the meetings.

Chairman LaRosa requested a running list of the Commission's decisions so they can see what decision was made and what the follow up has been. Chairman LaRosa provided an example of a property where the variance was denied for a gazebo and ten years later the gazebo is still in place. He stated that follow-up information is important and that they have requested a list many times.

Commissioner Turner stated that there needs to be more follow-up, and a Certificate of Compliance needs to be filed according to the regulations. Ms. Pacacha stated that she would try to track it down and update it for the Commission.

Commissioner Turner requested that a ZEO be sent out to O'Hear Avenue to find out if the trailers had been removed. The Commission discussed various projects that had taken place and are in need of follow-up.

### **Adjournment**

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

The meeting was adjourned at 7:43 p.m.

Prepared by: Elizabeth Bouley, Recording Secretary

Respectfully Submitted,

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**Mary Ann Turner, Secretary**