

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, 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,

Mary Ann Turner, Secretary