



# TOWN OF ENFIELD

## ENFIELD PLANNING & ZONING COMMISSION STAFF REPORT & DRAFT RESOLUTION

<b>Application #</b>	PH# 3014	<b>Meeting Date:</b>	September 23, 2021
<b>Address:</b>	113 Brainard Rd	<b>Prepared By:</b>	L. Whitten
<b>Applicant:</b>	Pat Ferreira		
<b>Property Owner:</b>	Ferreira John R + Patricia C	<b>Wetlands/Watercourses:</b>	No
<b>Zone:</b>	R33	<b>Aquifer Protection Areas:</b>	Yes
<b>Current Use:</b>	Residential /Home Occ	<b>Flood Zones:</b>	No
<b>Proposed Use:</b>	Commercial Vehicles	<b>Variances:</b>	No
<b>Map/Lot:</b>	36/237	<b>Applicable Zoning Regulations:</b>	4.50.10

### SPECIAL PERMIT/SITE PLAN REVIEW

**PROPOSAL** The applicant purchased the property with an accessory apartment, however never registered the use as an accessory apartment. This application proposes to utilize the accessory apartment

#### ADJACENT USES:

North: BR (Commercial Building)  
South: R33 (Residential Neighborhood)  
East: R33 (Residential Neighborhood)  
West: BR (Commercial Building)

#### PARCEL HISTORY

This 3.78 ac R-33 zoned parcel is located on the north side of Brainard Rd, 200 feet east from the intersection with Drummond Rd. This is a residential house with an in-law/accessory apartment. The accessory apartment was granted a permit in 2010 under a different owner. Due to the fact that the regulation permitting accessory apartments was added in 2013, it is necessary to treat this as a new application.

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

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The apartment is 18' x 30' = 540 sf in a 1,262 sf house

### APPLICABLE ZONING REGULATIONS:

#### 4.50.10 Temporary Conversions to Allow Accessory Apartments (Added 4/3/13 – Amended 7/25/13)

In HR-33, R-33, R-44 and R-88 Districts, the Commission may allow by Special Use Permit the temporary conversion of a single-family dwelling to incorporate one accessory apartment in order to provide for the temporary housing needs of members of an extended family.

#### A. Intent

The intent of this Section is to:

- i. Provide a process to assist family members desiring to address the housing and social needs of extended family members, among them the elderly and the disabled;
- ii. Provide an alternate housing arrangement, which can adequately and comfortably house elderly and disabled extended family members in a non-institutional manner;
- iii. Promote stronger family ties by providing living arrangements for extended family members;
- iv. Reduce the necessity for public agencies to provide housing and support services when extended family members are able and willing to provide same; and
- v. Establish a procedure to minimize potential impacts from accessory apartment conversions on abutting single-family uses.

#### B. Conditions

The following conditions shall be the minimum applied to all Special Use Permits approved under this Section.

- i. The applicant shall provide a site plan, floor plan, and building elevations in sufficient detail as required by the Commission to evaluate the request for an accessory apartment. **MEETS**
- ii. lot of the single-family unit shall conform to the minimum area requirements of the underlying district except that pre-existing non-conforming lots must have a minimum of 17,000 square feet of area. **MEETS**
- iii. At the time of application and every two years subsequent to the date of approval, the applicant shall present an affidavit to the Town, executed by the property owner(s), swearing or attesting that: **COA**
  - a. The owner will continue to reside on the premises; and
  - b. The occupant(s) of both units are related by blood, marriage, or adoption.
- iv. The Commission shall determine that the accessory apartment can be easily integrated back into the single-family dwelling upon expiration or termination of the Special Use.
- v. The accessory apartment shall be clearly subordinate in size to the single-family dwelling with a minimum finished floor area of 400 square feet and a maximum of 750 square feet. **MEETS**
- vi. Except when approved within a proposed new single-family home, the accessory apartment shall meet the following floor area requirements:



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- a. Any accessory apartment to be located within the existing single-family dwelling shall not result in the finished floor area for the existing single-family dwelling to be less than 800 square feet after conversion. **MEETS**
  - b. When an accessory apartment cannot be accommodated entirely within the existing single-family dwelling in accordance with subsection (a), the accessory apartment may include additional finished floor area not to exceed 750 square feet. **MEETS**
  - c. For existing single-family dwellings that exceed a finished floor area of 1,600 square feet, the Commission shall not approve applications under this section that include greater than 150 square feet of additional finished floor area. **NA**
  - d. For the purposes of this section, an attached garage shall be considered existing finished floor area when converted to an accessory apartment.
  - e. For any additional finished floor area to be permitted the lot must be able to meet the applicable coverage requirements of the underlying district without the need for a variance.
- vii. No additional entrances shall be located on any wall plane facing any street.
  - viii. No additional mailbox or mail slot shall be provided for the accessory apartment.
  - ix. In addition to the additional finished floor area permitted in Subsection (v.) above, an existing attached garage may be used for conversion to an accessory apartment.
  - x. The accessory apartment shall have safe and convenient access to the outside.
  - xi. The lot must be served by public water and sewer. The Commission may waive the requirements for connection to sewer and water lines upon a favorable report from the North Central District Health Department.
  - xii. The Commission may waive or modify any parking requirements or standards in these Regulations for the accessory apartment, based on the specific circumstances surrounding each application. The number of off-street exterior parking spaces shall not exceed four.
  - xiii. Upon written notice of termination of the Special Use by the Zoning Enforcement Officer due to failure to comply with the occupancy requirements of Subsection (iii.) above, the accessory apartment shall be removed within 120 days. The removal of all kitchen appliances and fixtures, and the utility lines and pipes servicing them, or the permanent and safe cutting and/or capping of these lines and pipes to the satisfaction of the Building Official and Zoning Enforcement officer shall constitute removal of the accessory apartment. The Zoning Enforcement Officer may allow the removal of the pre-existing kitchen instead of the kitchen in the accessory apartment.
  - xiv. The Special Use shall terminate upon the death(s) or relocation(s) of all qualifying occupant(s) of either unit (i.e. the owners and/or their relatives) or upon transfer of title to the property to a non-qualifying household or other entity. This condition shall appear on the Special Use permit that must be filed on the Land Records.
  - xv. The applicant shall sign an agreement stipulating agreement with provisions of this Section regarding the termination of the Special Use and the removal of the accessory apartment.

### DEPARTMENT COMMENTS:

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**Engineering Department - none**

**Health Department - none**

**Building Department –**

1. Approved under BP 28589 from 6/2010, not to be used as a second dwelling unit.

**Water Pollution Control Authority – none**

**Police Department - none**

**Fire Department – none**

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- a. **MOTION TO APPROVE PH# 3014** – 113 Brainard Rd – Special Permit application for an existing in law apartment; Patricia Ferreira, Owner/Applicant; Map 36/Lot 237; R-33 Zone.

**General Conditions:**

1. This approval is for the specific use, site, and structure identified in the application. Any change in the nature of the use, site, or the structure will require new approvals from the Enfield Planning and Zoning Commission.
2. This approval does not include signage permits.
3. This project shall be constructed and maintained in accordance with the referenced plans.
4. A building permit for the construction of facilities as approved must be obtained within 24 months of approval or this approval shall be rendered null and void, unless an extension is granted by the Commission.
5. All construction authorized by this approval shall be completed within five (5) years or this approval shall be considered null and void, unless an extension is granted by the Commission.
6. By acceptance of this permit and conditions, the applicant and owner acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.

**Site Specific Conditions:**

7. At the time of application and every two years subsequent to the date of approval, the applicant shall present an affidavit to the Town, executed by the property owner(s), swearing or attesting that: The owner will continue to reside on the premises; and The occupant(s) of both units are related by blood, marriage, or adoption
8. Upon written notice of termination of the Special Use by the Zoning Enforcement Officer due to failure to comply with the occupancy requirements of Subsection (iii.) above, the accessory apartment shall be removed within 120 days. The removal of all kitchen appliances and fixtures, and the utility lines and pipes servicing them, or the permanent and safe cutting and/or capping of

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these lines and pipes to the satisfaction of the Building Official and Zoning Enforcement officer shall constitute removal of the accessory apartment. The Zoning Enforcement Officer may allow the removal of the pre-existing kitchen instead of the kitchen in the accessory apartment.

9. The Special Use shall terminate upon the death(s) or relocation(s) of all qualifying occupant(s) of either unit (i.e. the owners and/or their relatives) or upon transfer of title to the property to a non-qualifying household or other entity. This condition shall appear on the Special Use permit that must be filed on the Land Records.
10. The applicant shall sign an agreement stipulating agreement with provisions of this Section regarding the termination of the Special Use and the removal of the accessory apartment.

### **Conditions to be met prior to signing of plans:**

11. All plans submitted for signature shall bear the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans.
12. The application number shall be displayed on the plans in or near the Title Block area.
13. A copy of the approval letter and conditions shall be incorporated into the final plans submitted for signature, preferably located on the cover sheet or first sheet of the plan set.
14. A list outlining how the conditions of approval have been met shall be submitted along with final plans submitted for signature.
15. A list outlining all changes to the plans shall be submitted along with final plans submitted for signature. The list should cite the sheet number where each change has been made.
16. The conditions of this approval shall be binding on the applicant, land owners, and their successors and assigns.

### **Conditions to be met prior to the issuance of permits:**

17. Two sets of paper plans with any required revisions incorporated shall be submitted to the Planning Department for signature of the Commission. The Director of Development Services may require Mylars.
18. This approval will become effective upon the filing of a Special Use Zoning Certificate signed by the Commission Secretary on the Land Records by the applicant. Such certificate must be filed within 120 days of approval by Commission. Proof of such filing shall be in the file prior to the issuance of any permits.
19. The applicant shall also submit final plans as approved by the Commission in a digital format compatible with the Enfield Geographic Information Systems Electronic Submittals Ordinance.
20. The applicant shall post a separate bond for Erosion and Sediment Control submitted in the form of cash or certified check, pledged to the Town, in an amount to be determined by the Town Engineer and the Director of Planning.
21. The applicant shall post a Landscaping Bond to the Town, in an amount and format determined by the Director of Planning.
22. A pre-construction meeting between the applicant, site contractors, project engineer and Town Staff shall be held.
23. Any required certificates and/or approvals from State or Federal agencies (i.e. CT-DOT, DEEP, Army Corps of Engineers) shall be obtained by the applicant and reported to the Planning and



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Zoning Commission file. Any changes to the plans required by such entities may require a plan modification from the Enfield Planning and Zoning Commission.

**Conditions which must be met prior to the Issuance of a Certificate of Compliance:**

24. Complete as-built plans certified to Class A-2 accuracy shall be submitted prior to the issuance of any certificates of zoning compliance. The as-built plan shall also contain a certification by a Professional Engineer that they have inspected the site improvements and that they have been installed in accordance with the approved plans. Any deviations or omissions must be noted.
25. The design professional who prepared the approved PZC architectural drawings, shall provide as-built drawings with a certification that they have complied with approved plans. Any changes need to be noted on the plans and a list of changes submitted.
26. No Certificate of Occupancy or other final approval may be issued until the Zoning Enforcement Officer has signed off on the final work. When minor site work cannot be completed because of weather or other pertinent reason, a conditional approval may be issued for a period not to exceed 180 days, providing satisfactory surety shall be posted with the Town of Enfield in an amount sufficient to complete the site work and with surety acceptable to the Town of Enfield.
27. A request for final project review and certificate of zoning compliance must be made to the Planning Department not less than 10 days before a Certificate of Occupancy or other final approval is requested from the Building Official.

**Note:** The Conditions of Approvals do not take the place of other requirements found in the Town Codes, Regulations, and Application Instructions.

Reference plans  
Drawing of unit