

**MEETING MINUTES**  
**LITCHFIELD ZONING BOARD OF APPEALS**  
**January 6, 2026 - 7:30 p.m.**  
**In Person at Town Hall Annex, 80 Doyle Road, Bantam, CT;**  
**By Live Remote Internet Video or Telephone**

Members Present: Chairman B. Donohue, M. Blasavage, D. Foss, B. McKernan, J. Zwick.  
Members Absent: None.

At 7:38 p.m., B. Donahue opened the meeting by taking the members' attendance and explained the format for the hearing procedure and case consideration.

**PUBLIC HEARING**

**Case – 25-12-01** To discuss and possibly act upon - Benjamin – 3 Breezy Knoll - from Sec. 1.2.2. Front Setback 50' for a 7' front yard variance and Sec. 4.3 3b. Side Setback 20' for a 9' side yard variance for construction of new house. Hearing is continued from the 12/02/2025 meeting.

Owner T. Benjamin was again present for the application. At the previous meeting, the Commission questioned whether house could be relocated to eliminate the two 9' variance proposed on the North Shore Road side of property. A stamped copy of the new site plan submitted to the Commission that shifts the house, garage and driveway locations 9' south. This eliminates the need for this variance and the side yard variances are withdrawn. House envelope percentage was also previously unclear. Structure size was shrunk to conform with building coverage percentage. Application received IWC approval on 01/14. The Commission was satisfied with the Coleby Engineering modifications and will consider the 7' front yard variance.

Public Comment – No one from the public was present to support or oppose the application. D. Foss moved to close the hearing at 7:45 pm, J. Zwick seconded and motion unanimously carried.

**Case – 26-01-01** To discuss and possibly act upon – Cruz – 64 Naser Rd – from Sec. 5.2.5. May be located in the rear yard only and 8. Parking spaces shall be screened from public view and located in the rear yard for a variance for a proposed front yard accessory apartment

Applicant was joining the meeting through live remote internet video and was having difficulty with connecting. Meeting proceeded to Case 26-01-02 and then returned to this agenda item after that hearing was closed at 7:58 pm.

Since he is on vacation, owner V. Cruz attended the meeting via the RingCentral remote video connection. Postal receipt for certificate of mailing of neighbor notification letters was previous submitted to the Land Use office and is in the meeting file. Variance requests are for a second

floor accessory apartment with a proposed location within a garage to be constructed in the front yard and for the vehicle associated with the ADU to be screened within the garage but also in the front yard. Position of house is unusual as side of house is in front yard and faces the street and front door faces the side yard. House currently has no garage and driveway has parking spaces split between proposed location of the garage in the front yard and in the side yard by the front door. It was also noted the house's front door is located in the middle/center of the side of the house. Driveway areas at side and front of house are level and are the best location for a garage. The rear and side of house opposite from the street dramatically slope away from the front and are at a second story level. The entire back side of the house has a second story deck. The side of the house away from the street has a home office addition added on in 2023.

V. Cruz stated best location for the garage is either in the front or side yards at the ends of the driveway. However, the area outside of house's front door contains the well and all the underground utilities entering the house. If the garage was constructed here, well and utilities would need to be moved and house's front yard view would be of garage. If garage was extended to other side of house to offset it from front yard, a significant retaining wall would need to be constructed. With three children under five years of age living in the residence, there is concerned for their safety. The applicant convincingly illustrated the best and only appropriate location for the accessory apartment and vehicle parking would be within a front yard garage.

Public Comment – No one from the public was present to support or oppose the application. M. Blasavage moved to close the hearing at 8:28 pm, D. Foss seconded, there was no additional discussion and motion unanimously carried.

**Case – 26-01-02**

To discuss and possibly act upon – Lopane- 20 Decker Dr - from Sec. 1.2.2. Rear Setback 50' for a 30' rear yard variance and Sec. 4.3.3b. Side Setback 20' for two 2'side yard variances for construction of new house.

Owner S. Lopane was present for the application. Postal certificate of mailing receipts for neighbor notification letters were submitted. Property was a lot of record since 1964, is 0.31 acres and is the last lot on a dead end street. A site plan was submitted showing septic field is proposed for the front yard followed by a 20' wide parking area and then a 30' x 40' two bedroom house. Narrow width and shallow depth of lot positions most of house within the rear setback and slightly into both side yard setbacks. Proposed house is similar in character and size to existing neighboring structures. Application has TAHD approval.

Public Comment – No one from the public was present to support or oppose the application. D. Foss moved to close the hearing at 7:58 pm, B. McKernan seconded and motion unanimously carried.

**REGULAR MEETING**

### **Consider Case – 25-12-01**

The Commission was pleased with the submitted modification eliminating the side yard variances. With the owner's purchase of the adjoining property, reconstructing the house slightly east of the existing foundation will significantly reduce the amount of house within the front setback and will improve the picturesque view of Bantam Lake. Hardship is the preexisting, nonconforming small size to lots within the neighborhood surrounding Bantam Lake. With the noted reduction in nonconformity, B. Donohue moved to approve the application for a 7' front yard variance from *Litchfield Residence Districts* Section 1.2 *Rural Residence* Subsection 2. Building Placement Front Setback 50' for the construction of a new dwelling with attached garage on the property following the demolition of the existing structure. Motion was seconded by M. Blasavage and unanimously approved by the Commission.

### **Consider Case - 26-01-01**

The Commission noted the topography of the property as having a level front driveway area and a steep slope going into the back yard. Regulations placing an ADU in this rear yard would require moving the septic system and constructing high retaining walls that would create a significant safety hazard for the applicant's three young children. Relocating the existing well and underground utilities to have the house's view into the front/side yard be of a garage was not a reasonable option either. It was mentioned, the PZC is in the process of modifying both sections of the regulations the applicant is requesting variances for but amendments will not be effective for several months. The Commission was in agreement that the proposed garage location with the second floor ADU and vehicle parking within the garage was appropriate for this property. M. Blasavage moved to approve the application for a front yard variance from *Specific Standards and Requirements* Section 5.2. *Accessory Apartment* Subsection 5. May be located in the rear yard only and Subsection 8. Parking spaces shall be screened from public view and located in the rear yard for a garage to be constructed with a second floor accessory apartment with allowed ADU vehicle parking in the garage within this front yard. Motion was seconded by D. Foss, there was no additional discussion and motion was unanimously approved.

### **Consider Case - 26-01-02**

The Commission was in agreement the small size of this non-conforming, preexisting lot's hardship was created when it was determined the septic system installation could only be located on the front half of the property. A small parking area separates the septic field from a modest two-bedroom house. There is no option other than this location for the proposed house. J. Zwick moved to approve the application for a 30' rear yard variance from *Litchfield Residence Districts* Section 1.2. *Rural Residences* Subsection 2. Rear Setback 50' and for two 2' side yard variances from *General Standards and Requirements* Section 4.3 *Lots in Residence Districts* Subsection 3b. Side Setback 20' for construction of new house, septic and driveway. Motion was seconded by B. McKernan, there was no further discussion and motion to approve was unanimous.

### **Approval of Minutes – December 2, 2025**

J. Zwick moved to approve the 12/02/25 minutes, B. McKernan seconded and vote to approve was unanimous.

### **Adjournment**

B. Donohue moved to adjourn at 8:41pm, J. Zwick seconded and vote was unanimous.

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Brian Donohue, Chairman

Date