MEETING MINUTES
LITCHFIELD ZONING BOARD OF APPEALS
August 4, 2026 - 7:30 p.m.
Town Hall Annex, 80 Doyle Road, Bantam, CT
In Person Only

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

At 7:39 p.m., B. Donahue opened the meeting by taking the members' attendance and explained the format for the hearing procedure and case considerations.

PUBLIC HEARING

Case – 26-08-01 To discuss and possibly act upon – Sink – 47 Byrnes Avenue - from Section 1.2. Rural Residences Subsection 2. Building Placement Front Setback 50' for a 31' front yard variance for construction of a 4' wide covered porch.

Due to a Land Use office oversight, applicant arrived after agenda item 26-08-03 started. The Commission returned here at 8:59 pm. The legal notice was published in the Waterbury Republication on 07/23 and 7/28. B. McKernan confirmed the certificate of mailing list for the neighbor notification letters. Owner G. Sink purchased the property in 2019 and was present for the application. Constructed in 1954, the majority of the house is located in now what is the front setback. House is 23' from the front easement line. The slope of the front roof is pitched directly in line over the front porch and creates dangerous ingress/egress to the house throughout the winter months. Existing front porch is a 2' x 3' concrete slab. Application is for a 4' x 6'covered front porch with a roof line perpendicular to the existing front. Preexisting non conformity is 29' and small addition will only increase the non conformity by 2'. Applicant noted, this house is the only one on the street without a covered front porch.

Public Comment – No one from the public spoke for or against the application.

Motion: J. Zwick moved to close the public hearing at 9:02 pm, B. Donohue seconded and vote to close was unanimous.

Case – 26-08-02 To discuss and possibly act upon – Patrick– 202 Wheeler Road – from Section 1.2. Rural Residences Subsection 2. Building Placement Front Setback 50' for a 25' variance for construction of a barn.

The legal notice was published in the Waterbury Republication on 07/23 and 7/28. The applicant submitted a letter dated 08/04 requesting today's public hearing not be opened until the 09/01 meeting. Owner is exploring an alternative option for the barn that would not require a variance. TAHD is reviewing the modification.

Case – 26-08-03 To discuss and possibly act upon –18 Lutz LLC – 18 Lutz Drive – from Section 1.2. Rural Residences Subsection. 2. Building Placement Rear Setback 50' for a 20' rear yard variance and from Section 1.2. Rural Residences Subsection 2. Building Placement Front Setback 50' for a 30' front yard variance for the continued construction of a new house.

Attorney D. Thomas, engineer F. D'Amico and owner P. McAree were present for the application. The legal notice was published in the Waterbury Republication on 07/23 and 7/28. B. McKernan confirmed the certified, return receipt mailing list for the neighbor notification letters. Original construction on the house started in 2024. The discovery of an A-2 survey error resulted in an October 2024 ZBA front yard variance request of 16'. This commission denied the application on 10/22/24 as "precedent states hardship is considered to be self-imposed and the additional financial hardship does not justify ground for a variance." With the variance not granted, the construction of the enclosed and partially built house was not completed.

This application differs from the 2024 variance request. Attorney Thomas reminded the Commission, the lot's preexisting, legal non-conforming triangular shape has created unique constraints. Previously, the approximately 350' property line to the south, on Lutz Drive, was recognized as the front yard and has a 50' setback. The approximately 275' property line to the east and parallel to Campville Road was the side yard with a 20' setback. The about 195' rear property line to the north has a 50' setback. This application cites Section 4.3 Interior Lots and moves the front, rear and side property lines. The previous side yard, parallel to the public Campville Road to the east, is modified to the front yard. The property is accessed by a driveway from Lutz Drive to the south, which should now be considered the rear yard. As a private road, Lutz Drive is to be recognized as a shared driveway with all six houses on Lutz Drive being interior lots. The north property line is now the only side yard. By altering the two largest property lines from front and side to front and rear yards, the buildable area is significantly reduced. D. Thomas stated these unique constraints now result in a building envelope of 4,559 sq ft and are confiscatory under the standard setback rules. With many questions raised, all were in agreement, the interpretation of the application would require legal counsel. It is unclear if Attorney S. Byrne, who previously advised the Commission in 2024, or the recently hired Halloran & Sage would be contacted.

Public Comment – Support – No one from the public spoke in support of the application. Opposition - J. Butler of 219 Campville Road is concerned with the property frontage being moved to the abutting Campville Road border and inquired if this would force an easement through his property for a driveway. E. Warner of 19 Lutz Drive questioned what becomes of the private Lutz Drive and the portion he owns. Neighbor E. Clark noted the

after-the-fact construction and the fairness of granting a variance for a problem he feels the builder created.

Rebuttal – Attorney Thomas stated identifying the Campville Road border as the property frontage cannot force an easement through 219 Campville Road. TAHD also approved the house site and septic in 2024. P. McAree informed the Commission this property was approved for a house in 2022 and he purchased the plans from the previous owner. This was confirmed by Land Use office staff in attendance.

Motion: The Commission will be requesting a legal opinion on this complicated application. J. Zwick moved to continue the application, M. Blasavage seconded and the motion was unanimously approved.

REGULAR MEETING

Consider Case – 26-08-01
The Commission discussed the hardship of the dangerous ingress/egress during the winter months from ice and snow build up on the roof directly over the existing front porch. The small addition changes the roof line and protects residents from falling ice. The covered porch prevents ice and snow from accumulating on the front steps and increases safety. Most of house, that predates zoning, is already in the front setback and the addition only increases the non conformity by 2'. House is also the only one on the street without a covered front porch.

Motion: J. Zwick moved to approve the application from Section 1.2. Rural Residences Subsection 2. Building Placement Front Setback 50' for a 31' front yard variance for construction of a 4' wide covered front porch, B. McKernan seconded, there was no discussion and motion to approve was unanimous.

Consider Case – 26-08-02
Public hearing was not opened. Application will either be opened or withdraw on 09/01.

Consider Case – 26-08-03
Pending a legal opinion, the opened public hearing was continued until 09/01.

Approval of Minutes – June 30, 2026

Motion: J. Zwick moved to approve the 06/30 minutes, D. Foss seconded and approval vote was unanimous.

Adjournment

Motion: J. Zwick moved to adjourn at 9:04 pm, M. Blasavage seconded and vote was unanimous.

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Brian Donohue, Chairman Date