MEETING MINUTES
LITCHFIELD ZONING BOARD OF APPEALS
September 1, 2026 - 7:30 p.m.
Town Hall Annex, 80 Doyle Road, Bantam, CT
In Person Only

Members Present: Chairman B. Donohue, M. Blasavage, B. McKernan, J. Zwick.
Members Absent: D. Foss.

At 7:34 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 – 26-08-02 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 letters on 08/04 and 09/01 requesting public hearing not be opened. Owner is exploring an alternative option for the barn that would not require a variance. TAHD approval was received on 09/01.

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.

Application is continued from the previous meeting. Attorney D. Thomas, engineer F. D'Amico and owner P. McAree were again present for the application. Chairman B. Donohue read the requested legal opinion letter from Attorney S. Byrne dated 08/31/26 into the record. Attorney Byrne's current letter states, due to the unique triangle shape of the property, a valid hardship exists and granting the variance would alleviate an "unusual hardship" without substantially affecting the comprehensive zoning plan. As stated in the August minutes, Attorney Byrne's October 2024 legal opinion interpreted the variance request as "self-imposed and the additional financial hardship does not justify ground for a variance". While the Commission recognizes this is a different variance request from the 2024

application, the consideration is still if hardship is unusual or self-imposed. With this letter contradicting Attorney Byrne's own legal opinion from October 2024, the Commission has additional questions for the attorney.

Additionally, Attorney Thomas questioned whether the 2022 zoning permit for the house was incorrectly processed with frontage on Lutz Drive and the other two property borders as sides with 20' setbacks. Attorney Thomas implied this was how the 2022 permit was approved and the current proposal – with a 50' front setback, 50' back setback and a single 20' side setback – is too restrictive, does not allow sufficient space to construct a single-family home and is confiscatory. Commissioners would like to see the original 2022 house plans.

Public Comment – Support – No one from the public spoke in support of the application. Opposition - E. Warner of 19 Lutz Drive stated the 2022 house permit had the correct 1996 survey. J. Butler of 219 Campville Road is concerned with the precedent created by moving the frontage to the property line parallel to Campville Road, a possible forced easement and view of the portable toilet in the neighboring driveway since 2024.

In order to allow for a review of the 2022 zoning permit and with additional questions for Attorney Byrne, the Commission was not prepared to close the public hearing. The next meeting on 10/06/26 exceeds the 35 days for closing the opened hearing. The Commission requested an extension from the applicants. Attorney Thomas stated ZBA variances do not follow the state statutes for the 35-day rule but a formal letter requesting an extension would be submitted to the Land Use office.

Motion: M. Blasavage motioned to continue the public hearing until 10/06, B. Donohue seconded, there was no discussion and vote was unanimous.

Case – 26-09-01 To discuss and possibly act upon – Hartz - 188 Campville Road – from Section 1.2. Rural Residences Subsection 2. Building Placement Side Setback 50' for a 15' side yard variance for installation of an above ground swimming pool with deck.

Owners D & L Hartz were present for the application. B. McKernan confirmed the certificate of mailing list for the neighbor notification letters. House was constructed in 1997 on the long, narrow, nearly 3-acre property. Hilly topography of lot has proposed location as the only flat area suitable for an above ground pool that is not occupied by the septic system or reserve

area. Several supporting photos of the yard were submitted. TAHD approval was received on 08/17/26.

Public Comment: – No one from the public was present to speak for or against the application. A letter was submitted by neighbor R. Remeika supporting the pool's location on their abutting property line.

Motion: J. Zwick moved to close the public hearing at 8:51 pm, B. McKernan seconded and the vote to close was unanimous.

REGULAR MEETING

Consider Case – 26-08-02
Public hearing was not opened. Application will either be opened or withdraw on 10/06.

Consider Case – 26-08-03
Pending clarification on the received legal opinion and a review of the zoning permit issued for a house in 2022, the still opened public hearing is continued until 10/06.

Consider Case – 26-09-01
Commissioners were in agreement, the narrow, slopping property does not allow for an above ground pool any where else and proposed site is the best location. Hardship is the topography.

Motion: J. Zwick moved to approve the application from Section 1.2. Rural Residences Subsection 2. Building Placement Side Setback 50' for a 15' side yard variance for installation of an above ground swimming pool with deck, M. Blasavage seconded, there was no discussion and motion to approve was unanimous.

Approval of Minutes – August 4, 2026

Motion: M. Blasavage moved to approve the 08/04 minutes with the correction of changing the first line in Case 26-08-02 from Waterbury Republication to Waterbury Republican, J. Zwick seconded and vote to approve was unanimous.

Adjournment

Motion: B. Donohue motioned to adjourn at 8:53 pm, B. Donohue seconded and vote was unanimous.

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Brian Donohue, Chairman Date