MEETING MINUTES
LITCHFIELD ZONING BOARD OF APPEALS
October 6, 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 7:34 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 while he explored an alternative location for the barn that would not require a variance. TAHD approval for this modification was received on 09/01. On 10/05, J. Patrick submitted a letter requesting application be withdrawn.

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 was opened on 08/04 and continued while the Commission sought a legal opinion from Attorney S. Byrne. At the 09/01 meeting, Chairman Donohue read Attorney Byrne's letter into the record. The letter suggested a variance could be legally granted based on the unusual hardship of the lot's unique topography, which would likely be upheld in court. The discussion centered on whether to grant the variance for a house built on a non-conforming, triangular lot where unintentional mistakes were made during the initial zoning permit application with the use of an incorrect property map. Commissioners were unsure if they had additional questions for Attorney Byrne or if a review the original 2022 house permit was necessary and did not want to close the public hearing. Application was again continued.

Attorney D. Thomas, engineer F. D'Amico and owner P. McAree were again present for the today's hearing. Attorney Thomas inquired if a new comment was received from Attorney Byrne. Since the previous meeting, the Commission did not contact or request a follow up legal opinion from Attorney Byrne. Attorney Thomas did not present any new information but referenced the legal counsel's prior opinion that the situation is "confiscatory."

Public Comment – Support – No one from the public spoke in support of the application. Opposition - J. Butler of 219 Campville Road shared concerns about setting a precedent, potential future easement impacts if frontage changes, loss of privacy and questioned if the lot was truly unbuildable. He also graciously thanked the Commission for allowing the neighbors the opportunity to be heard during the hearing. No one else from the public spoke.

Commissioners spent several minutes silently rereading Attorney Byrne's letter and reviewing the application material. A procedural note indicated the board unanimously chose to exclude the original 2022 zoning permit documents from the official record for this public hearing.

Motion: B. Donohue moved to close the public hearing at 7:42 pm, J. Zwick seconded, there was no discussion and vote to close was unanimous.

REGULAR MEETING

Consider Case – 26-08-02
WITHDRAWN

Consider Case – 26-08-03
The Commission recognized the A-2 survey error based on the incorrect 1973 map instead of the actual 1996 documents was unfortunate and not the result of any intentional misrepresentation by owner P. McAree. All agreed, the lot's unique triangular shape created a difficult and nearly impossible configuration for a home's buildable footprint. Commissioners were reminded; Attorney Byrne's legal opinion was just advice. For the case consideration, they were not voting on the previous mistakes, that have been corrected, but should vote on the presented facts. This application was messy but not malicious. Commissioners McKernan and Zwick expressed concerned with setting a precedent for approving after-the-fact permits in situations where applicant's may deliberately falsified information when weighed with a unique hardship. Legitimate concerns expressed by neighbors regarding easements, privacy and if a smaller, less impactful home could have been constructed were noted. Attorney Byrne's letter referencing several similar situations in which a lot's unique topography is recognized as a unusual hardship and granted variances were upheld in court was also noted.

Motion: B. Donohue moved to approve the application 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 based on the uniqueness of the property as an actual building lot and the hardships associated with the topography. Motion was seconded by D. Foss. Votes for approval were received from Chairman Donohue, M. Blasavage, D. Foss and J. Zwick. A vote to deny was given by B. McKernan. Variance approval is granted by a 4-1 vote.

Approval of Minutes – September 1, 2026

Motion: J. Zwick moved to approve the 09/01 minutes, B. Donohue seconded and vote to approve was unanimous. D. Foss did not attend the 09/01 meeting and abstained.

Adjournment

Motion: B. Donohue motioned to adjourn at 8:31 pm, J. Zwick seconded and vote was unanimous.

_____ _____

Brian Donohue, Chairman Date