

MINUTES
LITCHFIELD ZONING BOARD OF APPEALS
March 1, 2022 - 7:30 p.m.
Town Hall Annex
80 Doyle Rd., Bantam, CT

Members Present: Brian Donohue, Brian McKernan, Lara Hillman, Jonathan Zwick, David Foss
Members Absent: None

B. Donohue opened the meeting at 7:35 p.m. with a roll call of the members and explained the format of the hearing.

B. Donohue moved to adopt the Moratorium that for the period commencing on March 18, 2022 and terminating on June 30, 2022, a moratorium is hereby established on all applications to this Board for variances and for appeals of decisions of the Land Use Administrator. During this period no such applications will be accepted. This moratorium is adopted due to staffing change in the land use department and the realization that such changes could negatively impact the Board in the performance of its statutory duties, B. McKernan seconded and the motion passed unanimously.

PUBLIC HEARINGS

Case 22-2-1 To discuss and possibly act upon a request from Lex-Litchfield, LLC (1) West Setback of 10', (2) east Setback of 8.4', (3) Aggregate of 23.4' (4) Rear of 29.4' from HTC Section 2. (5) Building Coverage of 30.2%, (6) Building Height of 13.08' and 15.92' Measuring Height from Section 3. (7) hanging sign variance from Section 4 (8) Enlargement/addition from GSR H5 for property at 15 West Street.

Attorney Peter Alter of Alter & Pearson, was present for the application. A brief review of what was presented at the previous hearing was done. Mr. Alter responded to concerns contained in a letter presented last month from 7 West LLC & Russak Associates dated 2/1/22 in his letter to the board dated March 1, 2022.

Paul Bacchiocchi of Tecton Architects explained that the applicant is proposing to adaptively reuse the historic courthouse as a 20-room boutique hotel with a restaurant and roof terrace. The site is legally non-conforming as to the 20,000 sf minimum lot area in the HTC zone. The front portion of the Courthouse was completed in 1889 and no additions are proposed to this portion of the building. The original upper story courtroom is proposed to be maintained and converted into the hotel's restaurant. The rear portion of the existing building was constructed in 1930.

In order to provide code compliant access, including an elevator, the applicant is proposing to construct an addition to the southwest corner of the building. The addition would have a footprint of 625 sf. The one-way site driveway is location in the westerly portion of the site and will connect West Street to the Post Office parcel located in the rear. A port cochere (covered entrance large enough for vehicles to pass through) is proposed in the southwest corner of the site so that guest can arrive and depart in a covered area. The main entrance to the hotel will be located in the new addition.

Because the site is listed on both the national and local historic registers the project has been reviewed by both the National Parks Service and the State Historic Preservation Officer; Litchfield Historic District has also given approval.

Patrick Kenny, P.E. of Bohler Engineering explained that the existing driveway will be extended to the rear of the property connecting to the municipal parking lot. He discussed site topography as it relates to extending the driveway.

The Chair stated that B. McKernan has listened to the recording of the previous hearing.

Jeff Russak asked about sewer easements. The Board stated that these issues will be addressed at the Special Exception hearing in the Planning and Zoning Commission. He's in favor of the proposal but wants to verify that the variances requested are documented to the plans presented.

Arthur Schmidt, Cleve Fuessenich, Sean Fogarty, Carol Bramley, Eileen Schmidt and Jeff Zullo spoke in favor of the proposal.

No one spoke in opposition to the application.

B. Donohue moved to close the public hearing at 9:01 D. Foss seconded and the motion passed unanimously.

Case 22-3-1

To discuss and possibly act upon a request from Rudolf Morgan for North & south side yard variances of 1' each and rear yard variance of 10' for a proposed pool house. North and south side yard variances of 8' each for proposed deck addition. Max. bldg. coverage of 3.9% from HR30 Section 2 for property at 77 South St.

Rudolf Morgan and Zahra Metghalchi were present for the application. They would like to extend the very narrow deck to the rear to allow for better use. They will not extend the existing deck any further out to the sides.

The pool will not need any variances. The proposed pool house is 25'x25' and will encroach a foot on each side setback. They are requesting a rear yard variance of 11' because Mr. Morgan feels they don't wouldn't use any space in the rear.

The Board suggested the applicant consider a smaller pool house to meet the setbacks. Trees are not taken into consideration in determining a hardship.

No one spoke for or against the application.

L. Hillman moved to close the hearing at 8:25, D. Foss seconded and the hearing closed

REGULAR MEETING

Consider Case – 22-2-1-

B. Donohue moved to approve the application because the building predates zoning, the variances requested are minimal to meet code requirements to update the building and the plans presented show a tasteful design, J. Zwick seconded and the motion passed unanimously.

Consider Case – 22-3-1

D. Foss moved to approve the 8' side yard setback variances and for the deck expansion deck, because it does not expand the existing non-conformity and improves safety,

To deny the 1' side yard setback variances and 10' rear yard variance for the pool house because no hardship was presented and alternatives exist, seconded and the motion passed unanimously

The lot coverage variance was denied as it will not be needed for the pool house construction, B. McKernan seconded and the motion passed unanimously.

Approval of Minutes – February 1, 2022

D. Floss Move to approve, J. Zwick seconded and the motion passed unanimously

Adjournment

B. Donohue moved to adjourn at 9:55 p.m., L. Hill Seconded and the motion passed unanimously.

Brian Donohue
Chairman

Date