

**MINUTES**  
**LITCHFIELD ZONING BOARD OF APPEALS**  
**June 6, 2023 - 7:30 p.m.**  
**Town Hall Annex**  
**80 Doyle Rd., Bantam, CT**  
*In person meeting*

Members Present: B. Donohue, M. Blasavage, D. Foss (arrived at 7:41), B. McKernan, J. Zwick.  
Members Absent: None.

At 7:35 p.m., B. McKernan opened the meeting by taking attendance of the members and explained the format of the hearing.

**PUBLIC HEARING**

**Case - 23-5-1**      To discuss and possibly act upon a request from James Orioles of 107 North Shore Road – Variance for enlargement of deck area by 159 square feet, General Standards and Requirements H. Non-Conforming Uses, Buildings/Structures, Lots 5. Enlargement or Additions

J. Orioles was present for the application, continued from last month, Application is to enlarge the deck area at the back of the cottage to allow for handicap ramp access from end of existing driveway for disabled family members. Since the previous hearing, application has received an email approval from White Memorial, approval from Inland Wetlands, developed a building code compliant handicap access ramp plan and removed a 120 square foot shed, a 20 square foot outhouse and two 24 square foot doorway overhangs (188 square foot combined total removed). (D. Foss is now present at 7:41pm.) Area between driveway and ramp will be leveled out to soften slope.

Public Comment: Neighbor S. Avritch objected to the increased footprint. A handout of similar North Shore Road ZBA applications since 2014 and a “Lot Coverage Details” report on his interpretation of the application was distributed to the commissioners. Jen Orioles stated, as presented here, application received IWC and White Memorial approvals. B. Donohue moved to close the hearing at 8:04 pm, B. McKernan seconded and vote to close was unanimous.

**Case - 23-6-1**      To discuss and possibly act upon a request from Michael Larsen of 35 Van Winkle Road – Variance for enlargement of deck area by 144 square feet, General Standards and Requirements H. Non-Conforming Uses, Buildings/Structures, Lots 5. Enlargement or Additions.

M. Larsen was present for the application. A 144 square foot gazebo was recently removed. Application is to extend/widen deck by 6' or 144 total square feet. IWC and White Memorial have issued approvals. The hardship is lot is non-conforming.

Public Comment: No one spoke for or against the application. It was then determined that applicant did not mail out letters to his neighbors. Hearing will be continued to a special meeting on July 11.

**Case - 23-6-2**

To discuss and possibly act upon a request from Rich Nelson of 41 Prospect Mountain Road – Installation of an above ground pool for a rear yard variance of 15' from Rural Residence Section 2. Building Placement Rear Setback 50'.

R. Nelson was present for the application. B. McKernan confirmed postal green cards. Above ground swimming pool is 16' x 30'. Pool can't go to left since will be over septic. Pool placement to right will be too close to well and underground utilities. House is less than 47' to rear property line and would need a larger variance for a round pool. Pool will have a sand base. There is a wood line between this property and neighbor located behind the property. Hardship is location of septic, well, underground utilities and is nowhere else to put pool due to the topography.

Public Comment: No one spoke for or against the application. B. Donohue motioned to close the hearing at 8:20 pm, D. Foss seconded, there was no discussion and vote to close was unanimous.

**Case - 23-6-3**

To discuss and possibly act upon a request from Frutteto Amore Fattoria Trust of 28 Jefferson Hill Road South – For construction of two hay and equipment barns for a front yard variance of 70' from Specific Standards and Requirements Section J. Farm Subsection 1.

M. Chadwick was present for the application. B. McKernan confirmed the postal green cards. Applicant noted six neighboring barns are all within 13' to 30' from the road. There is an 8' grade at 100' from the road and barns will be more visible on the hill. By placing barns closer to the road, there will be less disruption to the land. Haying equipment is currently being stored in the open field. Back of large property is forest and wetlands. Hardship is moving barns to center of field would increase earthwork to make footings for the barns and substantial additional driveway would reduce size and utility of hay field. If barns are pushed up the hill, they will have a greater impact and be more visible to those

driving on Route 254 and to people visiting the abutting Land Trust and Audubon properties.

Public Comment: Neighbors C. Raftery and J. Jr. and D. Protacio submitted letters of support. No one else spoke for or against the application. M. Blasavage moved to close the hearing at 8:35, B. Donohue seconded, there was no discussion and vote to close was unanimous.

**Case - 23-6-4**

To discuss and possibly act upon a request from Karen Pascoe of 61 Talmadge Lane – For two variances for installations of building code compliant stairs and shed dormer for safe interior stair passage from General Standards and Requirements Section H. Non-Conforming Use, Building/Structures, Lots Subsection 5. Enlargements or Additions.

K. Pascoe and engineer J. Dismukes were present for the application. B. McKernan confirmed postal green cards. J. Dismukes noted non conforming stairs are a hazard and many people involved with this project have fallen down these stairs. More headroom is needed to construct building code compliant stairs to access the second floor bedrooms. Proposed dormer needed for more headroom will match the existing dormer on the other side of roof line. House eaves are only 6” and have caused all windows to rot. Eaves will be extended to the recommended building code of 12” prior to all windows being replaced. The hardship is the entire house is in the front yard setback. K. Pascoe mentioned her real estate agent lives to the west next door and is happy to see the property being improved.

Public comment: No one else spoke for or against the application. J. Zwick moved to close the hearing at 8:48 pm, D. Foss seconded, there was no discussion and vote to close was unanimous.

**REGULAR MEETING**

**Consider Case – 23-5-1**

The commission discussed the changes to the access ramp improved safety and were well within the regulations. By replacing the two rear windows with doors, the hardship was self-created. The two proposed back decks have an 8” drop from deck to ground and commission could not determine if there should be stairs from decks or just stair from back doors for cottage egress. B. Donohue moved to approve the 19 foot x 47 inch access ramp variance as presented at the 05/06/23 hearing and to not approve the two 5’ x 8’ deck addition variances for enlargement of the deck area by only 51 square feet from General Standards and Requirements H. Non-Conforming Uses, Buildings/Structures, Lots 5. Enlargement or Additions, B. McKernan seconded, there was no additional discussion and vote for modified approval was unanimous.

**Consider Case – 23-6-1**

Since neighbors were not notified, application is continued to the next meeting. M. Larsen will contact Land Use Office for instructions.

**Consider Case – 23-6-2**

The commission noted pool will be installed on sand and not concrete so is not a permanent structure. Well, septic, underground utilities, property line and topography limit where pool can be located, Pool will be against deck attached to the house and is the best location. M. Blasavage moved to approve the installation of a 16' x 30' above ground swimming pool for a rear yard variance of 15' from Rural Residence Section 2. Building Placement Rear Setback 50', B. McKernan seconded, there was no discussion and approval vote was unanimous.

**Consider Case – 23-6-3**

Commission discussed 100' from street line may be far for hay and equipment barns but long term, barns could be used for animals. Hay is for commercial purposes. There were questions if property has farm status and what Connecticut regulation for barns and farms states. B. Donohue voted to continue hearing until commission has clarification, M. Blasavage seconded, there was no additional discussion and vote to continue hearing until the 07/11/23 special meeting was unanimous.

**Consider Case – 23-6-4**

The commission noted the house predates zoning. Application will not be impacting anything on the ground. Changes to stairs and second floor exterior are needed to make structure less non conforming by having stairs comply with building codes. J. Zwick moved to approve the application for two variances for installations of building code compliant stairs and shed dormer for safe interior stair passage from General Standards and Requirements Section H. Non-Conforming Use, Building/Structures, Lots Subsection 5. Enlargements or Additions, B. McKernan seconded, there was no discussion and vote to approve was unanimous.

**Approval of Minutes – May 2, 2023**

J. Zwick moved to approve the 05/02/23 minutes, M. Blasavage seconded and vote was unanimous.

**Adjournment**

Two applications were continued and there is no scheduled July meeting. The first Tuesday next month is the 4<sup>th</sup> of July. B. Donohue moved to hold a special meeting on Tuesday, 07/11/23 at 7:30 pm, M. Blasavage seconded, there was no discussion and vote was unanimous.

B. Donohue moved to adjourn at 9:40 pm, J. Zwick seconded, there was no discussion and vote was unanimous.

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Brian Donohue, Chairman

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Date