

ENFIELD ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES
MONDAY, September 27, 2021 7:00 PM
ENFIELD TOWN HALL – COUNCIL CHAMBERS
820 ENFIELD STREET – ENFIELD, CT

RECEIVED
ENFIELD TOWN CLERK
2021 SEP 28 AM 9:27
Sharon M. Bailey

Call to Order

Vice Chairman Andrew Urbanowicz called the meeting to order at 7:05 p.m.

Roll Call

Commissioner Turner took the roll and present were Commissioners Andrew Urbanowicz, Charles Mastroberti, Kelly Davis, Mary Ann Turner and Alternate Commissioners Richard Stroiney, Catherine Plopper and Robert Kwasnicki. Absent was Commissioner Maurice LaRosa.

Also present was Ricardo Rachele, Zoning Enforcement Officer.

Chairman LaRosa entered the meeting.

Motion: Commissioner Turner made a motion, seconded by Commissioner Kwasnicki, to move the Town Attorney Report and Old Business to after New Business on the agenda.

The motion passed with a 5-0-0 vote.

Votes: 5-0-0

New Business

- a. **ZBA# 2021-07-13** – 56 Highland Park – Variance request from Section 4.10.3 – to allow for up to 6% increase in lot coverage; Jeffery Magee, owner/applicant; Map 33/Lot 37; R-33 Zone.

Commissioner Turner stated that she does not have a Legal Notice. Attorney Carl Landolina of Fahey Landolina & Associates submitted a copy to the Commission.

Mr. Landolina stated that Mr. Magee purchased the property from family members and has owned it since 2002 without making any changes to it. Mr. Landolina stated that it was discovered that the coverage exceeds the allowable coverage in the zone when Mr. Magee was looking to obtain a Building Permit to put a spa on an existing concrete pad in his backyard.

Mr. Landolina stated that Mr. Magee had one inquiry about the sign on his property from a neighbor. He stated that this has been there for decades and is in harmony with the neighborhood.

Chairman LaRosa read the definition of a variance.

Commissioner Kwasnicki stated that the R33 zone requires 30,000 square feet (SF) of lot area and 150 feet of frontage, and this property is 5,000 SF. Mr. Rachele confirmed this to be correct.

Ms. Landolina stated that this property is undersized and was created before the existence of zoning. He stated that all of the lots in that area are the same size and would likely require a variance.

Chairman LaRosa asked what makes this lot unique, to which Mr. Landolina replied that it is 5,000 SF and undersized.

Commissioner Kwasnicki asked if the hot tub is going on an existing slab and not increasing anything, to which Mr. Landolina replied that this is the case.

Chairman LaRosa asked if the buildings there are already being taxed; Mr. Landolina stated that they are, including the deck the garage and the shed.

Chairman LaRosa stated that this stems back to the applicant's closing attorney and should have been found when he bought the property.

Motion: Commissioner Turner made a motion, seconded by Commissioner Urbanowicz, to close the Public Hearing.

The motion passed with a 5-0-0 vote.

Votes: 5-0-0

Commissioner Turner stated that there are many properties on the street that are probably overbuilt for that street and they are all different. She stated that she would be in favor of the variance since he is not adding anything to make this more nonconforming.

Commissioner Kwasnicki stated that there is a unique hardship with this property as they cannot strictly enforce the zoning ordinance because the property will be in violation

Commissioner Turner stated that there were no comments from the Building Department and there is an error in the Water Pollution Control (WPC) comments which should say they have no comments at this time. Mr. Rachele stated that the Building Department did not respond and the permit is held up right now

Motion: Commissioner Turner made a motion, seconded by Commissioner Urbanowicz, to approve ZBA# 2021-07-13.

The motion passed with a 5-0-0 vote.

Votes: 5-0-0

Chairman LaRosa stated that the reason for approval is that the applicant is not going further out of compliance, and what is there was there before he bought the property.

Approval of Minutesa. June 28, 2021 – *Regular Meeting*

Motion: Commissioner Turner made a motion, seconded by Commissioner Kwasnicki, to approve the minutes from the June 28, 2021 meeting.

Commissioner Turner pointed out a typo on the minutes.

The motion passed with a 3-0-2 vote with Commissioners Davis and Urbanowicz abstaining.

Votes: 3-0-2

Correspondence / Staff Reports

Mr. Rachele stated that there is nothing at this time.

Chairman LaRosa stated that they have not met the new girl yet and maybe she will come to a meeting.

Other Business

Commissioner Turner suggested that if there is a meeting in October the applications be sent out so the Commission can review and discuss.

Adjournment

Commissioner Turner made a motion to adjourn. The meeting was adjourned at 7:26 p.m.

Prepared by: Elizabeth Bouley, Recording Secretary

Respectfully Submitted,

Mary Ann Turner, Secretary