

ENFIELD ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES
MONDAY, October 25, 2021 7:00 PM
ENFIELD TOWN HALL – COUNCIL CHAMBERS
820 ENFIELD STREET – ENFIELD, CT

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2021 OCT 26 AM 10:26

Shida M Bailey

Call to Order

Chairman LaRosa called the meeting to order at 7:07 p.m.

Chairman LaRosa stated that they need a Secretary; Commissioner Urbanowicz stated that he would do it.

Roll Call

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

Chairman LaRosa seated Alternate Commissioners Plopper and Stroiney.

Also present were Laurie Whitten, Director of Development Services and Ben Winter, Assistant Town Planner.

Motion: Commissioner Plopper made a motion, seconded by Commissioner Kwasnicki, to move items 5 & 6 on the agenda to the bottom of the order.

The motion passed with a 5-0-0 vote as Commissioner Kwasnicki voted but was not seated.

Votes: 5-0-0

New Business

- a. **ZBA# 2021-09-24** – 51 Burnham St – Variance request from Section 3.30.4.B – to allow more than one accessory structure; Anthony Messina, owner/applicant; Map 52/Lot 278; R-33 Zone.

Commissioner Urbanowicz read the legal notice. Chairman LaRosa explained how the meeting will be conducted and read the definition of a variance.

Anthony Messina and Mary Messina of 51 Burnham Street addressed the Commission. Mr. Messina stated that he was granted a building permit for a shed on his property. He stated that he had to remove the first shed, which was added to the property 42 years ago, as it was falling apart. Mr. Messina stated that he was told he needs a variance to replace that shed as it is a second shed. He stated that he had a permit for the two sheds that were there, but he was told by Planning that they do not have any record of it. Mr. Messina stated that he is applying for a variance for the shed he took down a month ago because they want to replace it. He stated that they need two sheds and described the items that they need to keep in the sheds.

Commissioner Mastroberti asked if this would be his second shed since he took the first one down. Mr. Messina stated that he did tear the old one down because it was falling apart, and that he decided to just purchase a new shed and have it delivered rather than re-build the old one.

Commissioner Kwasnicki asked if this lot is non-conforming, to which Ms. Whitten replied that it is. She stated that they had two accessory structures and had taken one down. Ms. Whitten stated that they would like to replace the shed they took down, but it is a different size and going in a different location. She stated that a non-conforming lot is only supposed to have one accessory structure.

Commissioner Kwasnicki asked what makes the lot non-conforming. Ms. Whitten stated that it is non-conforming because of the size of the lot, as it does not meet the R-33 standards.

Commissioner Kwasnicki asked what the existing structure on the left side of the property is. Mr. Messina stated that it is the second storage shed that they have a permit for. He stated that they do their own landscaping and have their own equipment. Mr. Messina stated that the structure has an asphalt shingled roof and is a 12x24 shed from Kloter Farms.

Mr. Messina stated that it is dangerous for them to be carrying equipment down their basement stairs.

Chairman LaRosa asked when the regulation was put in, to which Ms. Whitten replied that she does not know.

Chairman LaRosa stated that they have always allowed multiple accessory structures and he does not know when this regulation was enacted. Ms. Whitten stated that the applicants were granted permits for two sheds, and as long as they are not going over the coverage it should not matter. Chairman LaRosa asked if Staff checked to make sure the coverage is not being exceeded. Ms. Whitten stated that they did, and the applicants will have an excess of over 50 square feet (SF) if this is granted.

Commissioner Kwasnicki asked if it would be considered an accessory building if the property had a detached garage. Ms. Whitten replied that it would, and that the only thing not considered an accessory is the aboveground pool.

Commissioner Kwasnicki asked if it would just be considered one building if the applicant wanted to add on that same footprint to the existing accessory building. Ms. Whitten stated that this is correct and if that was the case the applicant would not be here.

Commissioner Stroiney asked why the new shed is in a different place from the old shed. Mr. Messina stated that the new shed is longer and they do not want to move the grapevine that is back there. He stated that it is also more level on the side and that location would be best. He stated that the hatchway stairs get slippery when they get wet and their patio furniture is heavy.

Commissioner Stroiney asked if this meets the side setback requirements, to which Ms. Whitten replied that it does.

Commissioner Kwasnicki asked when they applicants bought their home, to which Mrs. Messina replied that they bought it in 1978.

Mr. Messina stated that they have a one-car garage and they can barely fit a car in there so they cannot put any equipment in there.

Chairman LaRosa asked if anyone in the audience would like to speak; no one came forward.

Motion: Commissioner Stroiney made a motion, seconded by Commissioner Mastroberti, to close the Public Hearing.

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

Votes: 5-0-0

Commissioner Mastroberti stated that since the applicant had two sheds before, it is only fair to give him this one.

Commissioner Stroiney stated that he is struggling with the rules of the variance, given that the applicant has lived on the property since before the R-33 regulations.

Commissioner Urbanowicz stated that there are viable alternatives, such as adding onto the existing structure or re-building where the previous structure was. He stated that he is having a hard time finding the hardship but he sympathizes with the applicants.

Commissioner Plopper stated that she sees no reason not to grant them the variance and she understands their plight.

Chairman LaRosa read the definition of a variance again. He stated that the applicant should be allowed to have a second shed in keeping with the harmony of the area, as they have always had two. Chairman LaRosa stated that there are other options, but granting a variance will not hinder anything in the neighborhood or go against the strict interpretation of the rules.

Commissioner Urbanowicz stated that they need to ask the point of having the regulation if they are going to vary it because they want to help someone when there are other options that would work within the regulations.

Commissioner Mastroberti stated that they took the old shed down and it would be difficult for the applicant to put the new shed in the same location due to the land. Chairman LaRosa stated that it would be difficult to build a bigger shed, not one that is the same size as the old one.

Commissioner Mastroberti stated that the law did not exist previously, which is why the applicants had the two sheds in the first place.

Ms. Whitten read a portion of the regulations regarding non-conforming lots, stating that the regulations make it sound like you can have more than one accessory structure. She stated that the applicants should not even be here, based on the regulations.

Mr. Messina stated that he would like to withdraw his application.

Motion: Commissioner Plopper made a motion, seconded by Commissioner Stroiney, to accept the withdrawal without prejudice.

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

Votes: 5-0-0

Approval of Minutes

a. September 27, 2021 – *Regular Meeting*

Motion: Commissioner Stroiney made a motion, seconded by Commissioner Mastroberti, to approve the minutes from the September 27, 2021 meeting.

The motion passed with a 6-0-0 vote.

Votes: 6-0-0

Correspondence / Staff Reports

Ms. Whitten explained the new procedure for filing the minutes, stating that the new procedure will streamline things for the Town Clerk.

Adjournment

Commissioner Urbanowicz made a motion to adjourn. The meeting was adjourned at 7:43 p.m.

Prepared by: Elizabeth Bouley, Recording Secretary

Respectfully Submitted,

Mary Ann Turner, Secretary