A regularly scheduled meeting of the Zoning Board of Appeals of the Town of Trumbull was held at Trumbull Town Hall Council Chambers (5866 Main Street) on Wednesday, June 1, 2022.

MEMBERS PRESENT: Steve Elbaum – Chairman
Rob Saunders – Vice Chairman
Richard Mayo – Secretary
Catherine Creager
Matthew Reale
Joseph Rescsanski, Alternate

MEMBERS ABSENT: Brian Reilly, Alternate

ALSO PRESENT: Roberto Librandi – Trumbull Land Use Planner
Attorney James Cordone – Town Attorney
Gia Mentillo – ZBA Clerk
Trumbull Community Television

A quorum being present, Chairman Elbaum called the meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

MOTION MADE (Saunders), seconded (Creager) to approve the May 4, 2022 revised minutes.
Vote: 5-0  Motion Carried

PUBLIC HEARING and WORK SESSION:

Chairman Elbaum asked that applicants and their representatives state their name and address prior to presenting their applications, noting that there will be opportunities for public comment after each presentation followed by a closed work session during which the Board will vote on said application.

Application # 22-13 – 43 Moose Hill Road,
Attorney Kevin Curseaden for Sana Naz and Jacob Awan.
To allow a 67.1’ side yard variance where 75’ is required and 7.9’ is proposed and an 11.3’ front yard variance where 63.7’ is proposed and 75’ is required to construct a garage in the AA Residential Zone (interior lot) under Art. III, Sec. 9 and Art. XV of the Trumbull Zoning Regulations. (Continued from May 4, 2022)

Anna Rycenga, Professional Land Use Consultant for Curseaden & Moore, introduced herself as the representative of Sana Naz and thanked Gia Mentillo for her efforts in supporting applicants and representatives through the application process. Ms. Rycenga explained the proposed variance application (see attached exhibit).

Chairman Elbaum asked whether Ms. Rycenga had received a copy of the letter from the neighboring property owner. She confirmed this to be true, noting that the applicant can provide a landscaping plan for vegetation if needed. Chairman Elbaum asked whether Ms. Rycenga thought, in her professional opinion, that additional screening would be necessary as requested by the neighbor and what existing screening is present. Ms. Rycenga stated that she did not believe additional screening was necessary as there are large trees currently screening that area of the proposed garage, adding that the applicant would be happy to consider additional vegetation if needed.

Commissioner Creager asked why the proposed setback of 7.9’ was required for the garage location, and Ms. Rycenga stated that location was the only feasible placement after considering the size of the garage and the narrowness of the property. Jacob Awan, contractor for 43 Moose Hill Road, stated that other layouts where heavily considered, but there were no other viable options. Mr. Awan also noted that the existing one-car garage is situated in a way that it cannot actually be utilized by residents as it is located beneath the home, has to be accessed from the rear, and cannot fit post vehicles due to the pitch of the area.

Commissioner Reale asked whether the existing garage would be removed, and Mr. Awan confirmed that to be true. Commissioner Rescanski asked whether any of the existing vegetation would need to be removed from the property to construct the garage or associated driveway. Mr. Awan confirmed all vegetation would remain. Commissioner Rescanski stated that the Board may want to consider additional vegetation as condition of approval.

Public Comment: Peter Noga introduced himself as the resident of 55 Moose Hill Road, stating that he has concerns regarding the water shed from 43 Moose Hill Road as a result of proposed construction. Mr. Noga informed that there is a significant wet land presence in the area and informed that similar projects in the neighborhood have resulted in significant drainage issues in the past. Mr. Noga asked that the applicant be required to conduct an environment impact assessment of the property prior to application approval.

Chairman Elbaum informed that the Town engineering department has already set a condition of approval as adhering to the administrative policy for stormwater management and drainage design standards. Commissioner Reale noted that the applicant would need to still obtain a building permit during which time the building and engineering department would factor in considerations of wet land impact.
The Chairman asked what Mr. Noga’s property’s proximity is to the applicant’s which he informed that his property is situated to the rear, left corner of that of the applicant.

Work Session: Chairman Elbaum stated that there appears to be sufficient screening of the property and that the proposed structure is setback from the road.

Vice Chairman Saunders stated that the proposed garage will be constructed over the existing driveway that goes around to the back of the home and that there is no need for removal of existing vegetation, meaning there is also no need to require additional screening.

Commissioner Reale agreed with Saunders.

Engineering Comments: Prior to engineering approval, applicant must show compliance with the Administrative Policy for Stormwater Management and Drainage Design Standards.

Motion Made (Saunders), Seconded (Creager), to approve with conditions Application #22-13 – 43 Moose Hill Road, Attorney Kevin Curseaden for Sana Naz and Jacob Awan.

Vote: 5-0 Motion Carried

Application # 22-15 – 421 Shelton Road, Attorney Timothy Herbst for 421 Shelton Road LLC.

To allow a renovation of a pre-existing non-conforming detached accessory apartment in the AA Residential Zone under Art. I, Sec. 4 of the Trumbull Zoning Regulations.

Timothy Herbst introduced himself of 421 Shelton Road with an office located at 6570 Orange Center Road, Orange, CT. Atty. Herbst stated that the proposed renovation if for a legal preexisting non-conforming accessory apartment within a home that was purchased last year with the knowledge that there was an existing legal apartment at the time. Because permits for said apartment were issued in 1982, it was found the apartment was not entirely compliant with current zoning regulations as detached apartments are no longer allowed (codified 1984).

Atty. Herbst informed that the property has been consistently taxed for said apartment. He informed that there will be no increase to the size of the detached garage or apartment and that all proposed work will be done to the interior, and the use will not be expanded or changed in any way. This proposal will improve the existing character of the property. Atty. Herbst pointed out that the current Trumbull Plan of Conservation and Development call for increased forms of alternative housing in town. Atty. Herbst referenced the case Zachs v. Zoning Bd. Of Appeals of Town of Avon, 218 Conn. 324, 334 (1991), stating that the ZBA should consider the following three fundamental factors when deciding whether the proposed application is an intensification of a non-conforming use: (1) the extent to which the current use reflects the nature and purpose of the original use; (2) any differences in the character, nature and kind of use involved; and (3) any substantial difference in effect upon the neighborhood resulting from differences in the activities conducted on the property.
Chairman Elbaum asked Atty. Herbst to clarify whether the taxation of the apartment was being stated as having added to the non-conformity of the structure or having created the non-conforming use. Atty. Herbst stated that the taxation is an indication that the apartment is a prior non-conforming use, noting that this could apply to the doctrine on municipal astatpo because the town issued a permit for the apartment. Atty. Herbst sited CT general statutes 29-265C stating, “nine years from date of issuance of a building permit... for construction or alteration of a one-family dwelling, two family dwelling or structure located on the same parcel as a one-family dwelling or two-family dwelling, for which... a certificate of occupancy... has not been issued by the building official, such building permit shall be deemed closed.”

Commissioner Reale asked whether the number of bathrooms or bedrooms within the apartment would be changed. Atty. Herbst clarified that both would be reduced.

Public Comment: None.

Work Session: Commissioner Reale stated that the Board’s only concern is regarding whether or not the proposed variance will result in an intensification or expansion of a non-conforming use, which he does not feel it will.

Engineering Comments: Prior to engineering approval, applicant must show compliance with Article XI- Flood Damage Prevention Ordinance of Trumbull Zoning Regulations

Motion Made (Creager), Seconded (Mayo), to approve with conditions Application #22-15 – 421 Shelton Road, Attorney Timothy Herbst for 421 Shelton Road LLC.

Vote: 5-0 Motion Carried

Application # 22-16 – 33 East Lake Road,
John Heber, Pinewood Lake Association (PLA) President, for PLA

To allow a 48.5’ front yard variance where 1.5’ is proposed and 50’ is required to construct a 3’ x 45’ handicapped accessible ramp in the AA Residential Zone under Art. II, Sec. 1.2 and Art. III of the Trumbull Zoning Regulations.

John Heber introduced himself as the president of the Pinewood Lake Association (PLA) seeking a variance to install a handicapped ramp at the front of the PLA clubhouse 4.5’ from the front of the building, noting that this installation would allow for handicap access to the second floor of the building. Mr. Heber informed that he is working to do a full update to the building and Mr. Doug Wenz has signed off on all other renovation other than the requested ramp for which PLA is seeking a variance.

Chairman Elbaum asked Mr. Heber how handicap members got to the second floor before to which Mr. Heber replied they had to be carried. Mr. Heber added that the requested length of the ramp was to allow compliance with ADA regulations while minimizing the length of the ramp.

Chairman Elbaum asked whether Mr. Heber received a copy of the letter of opposition submitted by the abutting neighbor. Mr. Heber confirmed he received a copy.
Vice Chairman Saunders asked if there was any other way to make the second floor accessible. Mr. Heher stated that the only other option would be an interior elevator or at the South side of the building where the topography would necessitate a 85’ ramp in order to comply with ADA regulations.

Public Comment: Anthony Cusello introduced himself as the resident of 2 West Mischa Road speaking in opposition to application 22-16. He informed that he is a member of the Pinewood Lake Association who does not object to the building improvements but to the expansion of the use of the building to be a year round facility. Mr. Cusello stated that the facility was originally approved as a seasonal use structure and is currently being used as a commercial building in a AA residential zone, which seemingly indicates that any work done would be against town regulations as it would expand a nonconforming use. Mr. Cusello stated that police do not respond to calls about noise and people using the facility after hours, noting that the downstairs area holds up to 110 people and generates significant noise.

Chairman Elbaum asked Mr. Heber to come forward and questioned how many additional handicapped people he felt the proposed ramp would bring to the facility. Mr. Heber stated that, though the ramp would help many of PLA’s elderly members more easily access the second floor, he does not feel there would be a significant increase in attendance as a result. He stated that his goal in renovating the facility is not to have parties but to make it a better place for members of which there are about 400 families. He informed that many of the signatures Mr. Cusello received are from members of the same families, comprising roughly 6-7 families out of the 400 he is charged with representing, adding that the vote to renovate the building as planned passed with a 2/3 majority.

Work Session: Rob Librandi stated that a potential approach to alleviating safety concerns with the ramp terminal would be to contact the public works department regarding the potential of extending the existing sidewalk to effectively increase the physical barrier between pedestrians and vehicles.

Commissioner Reale stated that the Board’s purview is limited to whether or not to approve the proposed variance to allow a 1.5’ front yard setback where 3.5’ currently exists which he felt to be a de minimis change. He stated the concerns of the neighbor to be fair concerns, but informed that the ZBA does not have oversight regarding those concerns. The Commissioner voiced support for approving the application, noting that the variance will simply make accessing the building more convenient for handicapped members.

Atty. Cordone informed that the plans would not need to go before the Planning and Zoning Commission for approvals as the proposed work is entirely to the interior of the structure.

Engineering Comments: None.

Motion Made (Mayo), Seconded (Reale), to approve Application #22-16 – 33 East Lake Road, John Heher for Pinewood Lake Association.
Vote: 5-0 Motion Carried
Application # 22-17 – 184 Hilltop Circle
Andrew and Beth Maldonado

To allow a front yard variance of 20’ where 30’ is proposed and 50’ is required to construct a deck in the AA Residential Zone under Art. II, Sec. 1.2 and Art. III of the Trumbull Zoning Regulations.

Andrew Maldonado introduced himself as the resident and applicant of 184 Hilltop Circle and informing that his contractor Mark was present to answer any technical questions the Board may have. Mr. Maldonado stated that he is seeking a 20’ variance where 50’ is required to construct a rear deck. He informed that the property is a corner lot resulting in two front yard setback requirements of 50’ and highlighted that the proposed deck would be situated at the rear of his dwelling, surrounded by the existing structure.

Public Comment: None.

Work Session: Chairman Elbaum stated that there is a hardship because the property in questions is a corner lot, adding that the proposed deck will be well hidden.

Engineering Comments: Prior to engineering approval, applicant must show compliance with the Administrative Policy for Stormwater Management and Drainage Design Standards.

Motion Made (Reale), Seconded (Creager), to approve with conditions Application #22-17 – 184 Hilltop Circle, Andrew and Beth Maldonado.
Vote: 5-0 Motion Carried

Application # 22-18 – 71 Frelma Drive
John DelVecchio, Jr

To allow a 22’ x 26’ detached garage with a side yard variance of 15’ where 5’ is proposed and 20’ is required and a rear yard setback variance of 19.9’ where 30.1’ is proposed and 50’ is required in the A Residential Zone under Art. II, Sec. 1.3 and Art. III of the Trumbull Zoning Regulations.

Joseph Gluse introduced himself as a registered architect for the state of CT, representing John and Laura DelVecchio of 71 Frelma Drive who are seeking a side yard variance to allow a 5’ setback where 20’ is required and a rear yard variance to allow 30.1’ where 50’ is required. He added that they are also seeking to construct a garage larger than 1,000 square feet as required by the Trumbull Zoning Regulations. Mr. Gluse stated that all possible locations for the proposed structure on the property would result in an encroachment to setback requirements, adding that the proposed location allows the topography of the land to be used to the owner’s benefit as the proposed structure would be set back into the hill resulting in less of the garage showing than what is portrayed. Mr. Gluse added that the occupants have currently have several cars which are having to be stored in a paid for facility due to the inadequacy of the resident’s current two car garage.
Chairman Elbaum asked if any plumbing or electrical would be added to the structure, noting the presence of a pull down latter. Mr. Gluse stated there would be no plumbing or HVAC added but there would be electricity for lights, outlets, and an automatic garage door, noting that the pull down latter accessing a limited space storage area that would be inhabitable.

Commissioner Rescsanski asked whether the existing tree situated at the front of the proposed structure would be removed and whether adjacent home owners where spoken to. Mr. Gluse stated that the tree would be removed as construction would harm its integrity and that the neighbors where not spoken to directly but did receive letters notifying them of the application.

Commissioner Reale asked for the ceiling height of the top floor of the structure which Mr. Gluse stated to be no more than 6’. The Commissioner asked if there was any intention to use the space for occupancy which Mr. Gluse confirmed there was no such intention. Commissioner Reale asked for confirmation that the several extras cars owned by the resident could be parked in the driveway if the proposed structure where not allowed on the property. Mr. Gluse confirmed that to be true, noting that there are several cars parked throughout the property as-is and that the topography of the land makes it difficult to effectively park the vehicles as it is entirely sloped from front to rear.

Public Comment: None.

Work Session: Chairman Elbaum stated that he supported the application because it was clarified that there is no intent to have an occupant on the second floor of the proposed structure.

Engineering Comments: Prior to engineering approval, applicant must show compliance with the Administrative Policy for Stormwater Management and Drainage Design Standards.

Motion Made (Reale), Seconded (Saunders), to approve with conditions Application #22-18 – 71 Frelma Drive, John DelVecchio, Jr.
Vote: 5-0 Motion Carried

Application #22-19 – 37 Evelyn Street
Rich Slade for Christine Donadeo
To allow a 34’ x 24.8’ garage and workshop with a side yard variance of 15’ where 5’ is proposed and 20’ is required and a rear yard setback variance of 45’ where 5’ is proposed and 50’ is required and a height variance of 8.5’ where 23.5’ is proposed and 15’ is required. Also a side yard setback variance for 26’ x 12’ in ground pool of 13.5’ where 11.5’ is proposed and 25’ is required in the A Residential Zone under Art. II, Sec. 1.3 and Art. III, Sec. 7 of the Trumbull Zoning Regulations.

Richard Slade introduced himself as the resident of 37 Evelyn Street seeking a variance to construct a two (2) car garage at the left, rear corner of his property as well as add an in ground pool at the back of his patio.
Chairman Elbaum asked if the applicant saw the letter submitted by his neighbor. Mr. Slade stated that he spoke with that neighbor earlier in the day who asked if he would consider installing a fence behind the garage and having a 10’ setback as opposed to a 5’ setback to allow for maintenance behind the structure. Mr. Slade stated that he felt that was a good suggestion and would be happy to make that change and install a fence. Mr. Slade added that his neighbor also requested a water shed assessment be done for which he has already hired Fairfield County Engineering.

Vice Chairman Saunders asked for confirmation that the neighbor’s only concern was regarding the property line which abutting his own. Mr. Slade confirmed that to be true noting that abutting line to be his rear property line. Chairman Elbaum asked for confirmation that the applicant is willing to have the Board amend the application to a 10’ rear setback which Mr. Slade confirmed he would be okay with that change.

Public Comment: None.

Work Session: Vice Chairman Saunders proposed that the application be amended to allow a variance of 40’ where 50’ is required and 10’ is proposed and include a condition of approval that a fence be installed at the rear property line.

Engineering Comments: Prior to engineering approval, applicant must show compliance with the Administrative Policy for Stormwater Management and Drainage Design Standards.

Motion Made (Reale), Seconded (Creager), to amend Application #22-19 – 37 Evelyn Street, Rich Slade for Christine Donadeo.
Vote: 5-0 Motion Carried

Application # 22-20 – 1488 Huntington Turnpike,
Ionel Hriscu
To allow a 23.3’ x 25.1’ workshop with a front yard variance of 19.8’ where 30.2’ is proposed and 50’ is required. Also, to allow a square footage variance of 284.83 sq. ft. where 584.83 sq. ft. is proposed and 300 sq. ft. is required in the AA Residential Zone under Art. II, Sec. 1.2 and Art. III of the Trumbull Zoning Regulations.

Ionel Hriscu introduced himself as the applicant and resident of 1488 Huntington Turnpike requesting a side and front yard setback variance to construct a 584.83 square foot workshop on the property. Mr. Hriscu stated that he spoke directly with all of his neighbors, and they are all in support of his application. Mr. Hriscu presented letters of support to the ZBA. Chairman Elbaum stated that all letters of support where roughly identical and where received from residents at the following addresses: 1514 Huntington Turnpike, 1487 Huntington Turnpike, and 6 Wild Flower
Lane. Mr. Hriscu stated that 6 Wild Flower lane is the neighbor that would be most impacted and they are fully in support as they know it will help him to clean up the rest of the property.

Chairman Elbaum asked whether the workshop would be for personal or commercial use, whether plumbing would be installed, and if there was any intention to have it occupied as a dwelling. Mr. Hriscu stated it to be for personal use only with no intention of adding plumbing or having someone utilize it for living purposes.

Commissioner Creager asked why the structure had to be located as proposed. Mr. Hriscu stated the proposed location was the only flat area of the property that did not interfere with septic or water lines.

Commissioner Rescsanski asked if the home is on septic or sewer, noting that the lines are not indicated on the submitted survey, to which Mr. Hriscu replied sewer.

Public Comment: None.

Work Session: There were no additional comments.

Engineering Comments: Prior to engineering approval, applicant must show compliance with the Administrative Policy for Stormwater Management and Drainage Design Standards.

Motion Made (Mayo), Seconded (Creager), to approve with conditions Application #22-20 – 1488 Huntington Turnpike, Ionel Hriscu.

Vote: 5-0 Motion Carried

Chairman Elbaum asked for a motion to adjourn, motion made (Creager) and seconded (Rescsanski). The June 1, 2022 meeting of the Zoning Board of Appeals adjourned at 8:25 p.m. with unanimous consent.

Dated at Trumbull, CT this 9th day of June, 2022.
By: Gia Mentillo, ZBA Clerk
Good Evening Chairman, Members of the Zoning Board of Appeals and staff. My name is Anna Rycenga, I am a Professional Land Use Consultant here on behalf of the owner/applicant Sana Naz and Jacob Awan. My office address is 3 Lafayette Street, Milford, CT of Curseaden & Moore. Attorney Kevin Curseaden is away on military duty and am present on his behalf. Also, present is the applicant, Jacob Awan.

Just some housekeeping items for the record. The notice requirements have been met and certificates of mailing have been filed with your secretary. I hope you all had an opportunity to visit the property to orient yourselves with the proposed plans.

Just some background information, the property is located at 43 Moose Hill Road in the Northeast area of town in the AA zone. The lot is a single story house and the proposed plans reflect the location of the existing structure; and there is a 200 feet access driveway via easement. The lot is a legal, preexisting nonconforming interior lot (Lot n/f Florence Hackett) as shown on Subdivision Map #2341 - “Map of Whitefield Acres South, Prepared for Glenn Gorelick, Trustee, Trumbull, Conn.” Dated December 3, 1984 on file with the Trumbull Town Clerk. The lot is 24,882.5 square feet (0.57 acres) where to today’s zoning standard regulations where 87,120 square feet (1 acre) is required. As you are aware, the lot does not comply with the current standard Residence AA Zone Minimum Lot requirements, not to mention Interior Lot requirements.
The Existing setbacks are 50 feet Easterly, 31.3 feet Northerly and 31.9 feet Southerly all where 75’ required for each yard.

The existing house was built circa 1952 and that information is on the Assessor’s Field Card.

**Variances Requested:**

We are seeking a variance request to allow a 2-car garage addition (27.4’ x 30.6’), and a 2nd Floor Addition over the existing legal non-conforming footprint, by varying the Trumbull Zoning Regulations Article XV (15), Subsection 9.7, which states minimum front, side and rear setbacks shall be 75 feet in AAA and AA zones. A side yard setback of 7.9 feet where 75’ is required and a yard setback of 63.7 feet where 75 feet is required for a proposed garage attached to a legal preexisting non-conforming house, and a side yard setback of 31.1 feet where 75 feet required yard setback and 50 feet where again 75 feet required for a proposed 2nd floor addition over existing footprint, all on a legal preexisting non-conforming lot located in the AAA zone.

**Standards for Granting a Variance:**

As you all are aware, in order for a zoning board of appeals to grant a variance under the CT General Statutes Subsection 8-6(s)(3), two conditions must be met: (1) the variance must be shown not to substantially affect the comprehensive zoning plan, and (2) adherence to the strict letter of the zoning ordinance must be shown to cause an unusual hardship unnecessary to the carrying out of the general purpose of the zoning plan.

(1) **The variance must be shown not to substantially affect the comprehensive zoning plan**

The comprehensive plan is a general plan to control and direct the use and development of property in a municipality or a large part of it by dividing it into districts according to the present and potential use of the properties. The comprehensive plan usually consists of the zoning regulations themselves and the zoning map which has been established pursuant to those
regulations in the absence of a formally adopted comprehensive plan. The requirement of a comprehensive plan is generally satisfied when the zoning authority acts with the intention of promoting the best interests of the entire community.

This proposed application is in compliance with the comprehensive plan because this is a single-family use with a proposed 2nd story addition and a 2 car garage in a single-family AA zone; and the comprehensive plans allows 2 story single family homes with 2 car garages in the AA zone; many properties located in the AA Zone have 2 car garages in conjunction with a 2-story single family house; and the proposed garage addition is the minimum size necessary to park 2 cars.

(2) Adherence to the strict letter of the zoning ordinance must be shown to cause unusual hardship unnecessary to the carrying out of the general purpose of the zoning plan.

The hardship which justifies a zoning board of appeals to grant a variance must be one that originates in the zoning ordinance and arises directly out of the application of the ordinance to circumstances or conditions beyond the control of the party involved. Proof of the existence of practical difficulty or unusual hardship is a condition precedent to the granting of a variance. The applicant has the burden of proving hardship peculiarly affecting her land by the application of the zoning ordinance. The applicant must show that because of some peculiar characteristic of his property, the strict application of the zoning regulations results in an unusual hardship as opposed to the general impact which the regulation has on other properties in the same zone.

Secondly, the adherence to the strict letter of the zoning ordinance must be shown to cause unusual hardship. The following legal hardships specific to this property which are out of the owner and applicant’s control, and that do not exist generally across the AA Zone are that this is:

- Substantially undersized interior lot. Lot is 62,237.5 square feet or 71% undersized for AA zone
- The lot is narrow for the Zone as the width of the lot is 125.78 feet where 150 feet is required
- Location of existing utility lines and easements
- Topography/Elevations on the site
- Location of the existing structure on site
- Lot does not have 30 feet of road frontage. Lot has an access easement.
It is also my professional opinion that the proposal is in harmony with the general purpose and intent of the Town of Trumbull Regulations and with due regard to conserving health, safety, convenience, welfare and property values. Accordingly, the hardships arise out of the strict application of the current zoning regulations as applied to this unique pre-existing nonconforming interior lot compared to the application of the zoning regulations to the other properties (both interior and standard) in the AA zone.

I hope this Board would consider granting the variance due to the difficult hardship on this property. I can answer any questions the Board may have at this time.

Some examples of variances upheld in other cases include:

“A variance was upheld where the owner of a residential lot wanted to add a two-car garage over the side yard setback in a neighborhood where most other properties had two car garages.”


“A variance granted by a zoning board of appeals for a vacant lot was upheld even though it was possible to build a house which was smaller than the proposed structure without a variance where the size of the lot, a storm drainage easement, the fact that the lot abutted a river, and the setback lines were unique features of the lot which prevented construction of a house reasonably similar in size to the other houses in the area.”


Topographic conditions on the property may be the basis for granting a variance as long as other properties in the Zone do not have the same problem. The location of the property along with the history of the lot resulted in accessory structure being located in the front yard close to the street. Due to the unique characteristics and history of this property when compared to other AA Zone properties town wide, the application and enforcement of the zoning setback regulations to this land results in unusual hardship prohibiting a 2nd story addition and two-car garage from being built on the property without a variance, when that does not impact other properties in the AA Zone in the same manner because they do not have the unique characteristic of being an interior lot that existed prior to the current zoning regulations.