



**STAFF REPORT
ZONING BOARD OF APPEALS
Meeting date: June 9th, 2025**

Date: June 2nd, 2025

Prepared By: Alex Samalot, Zoning Enforcement Officer
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Application Type: Variance Application

Subject Property: 79 Filley St., Bloomfield, CT (PID 100075)

Zone: R-30 Residential District (R-30)

Applicant: Antony Doornweerd

Property Owner: Philip Crosby



79 Filley St. Overhead View with GIS Plotted Wetlands– Town of Bloomfield GIS 2023

Variance Request:

79 Filley Street —Applicant: Antony Doornweerd, Owner: Philip Crosby, for a Variance of the Zoning Regulations Section 6.7.B.2.a (5.5 foot reduction of the retaining wall setback), and Section 6.4.I.8 (Permit Standards and Conditions, Grading Table) to restore an excavated portion of his yard with a retaining wall.

Hardship Statement:

The Applicant shall state for the record the grounds for the variance.

Parcel Information:

79 Filley Street is located in the R-30 Residential District (R-30). According to the official property card, the parcel is 0.4 acres, and is developed with single family residence. All abutting properties to the North, East, South and West are within the R-30. No wetlands are depicted on GIS mapping of 79 Filley Street however, some amount of wetlands are depicted the northern abutting Town owned parcel.

The topography depicted on the approved house as built would not comply with current zoning and was likely the natural topography based on application information for the new single family home. There is currently an open face of soil at this steep grade that could not be restored to the previous grade without a variance. The proposed plan utilizes a retaining wall to have less steep slopes on each side and a fence at the top (and drainage feature) for safety.

Legal:

Sec. 8-6. Powers and duties of board of appeals. (a) The zoning board of appeals shall have the following powers and duties: (1) To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official charged with the enforcement of this chapter or any bylaw, ordinance or regulation adopted under the provisions of this chapter; (2) to hear and decide all matters including special exceptions and special exemptions under section 8-2g upon which it is required to pass by the specific terms of the zoning bylaw, ordinance or regulation; and (3) to determine and vary the application of the zoning bylaws, ordinances or regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such bylaws, ordinances or regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured, provided that the zoning regulations may specify the extent to which uses shall not be permitted by variance in districts in which such uses are not otherwise allowed. No such board shall be required to hear any application for the same variance or substantially the same variance for a period of six months after a decision by the board or by a court on an earlier such application.

(b) Any variance granted by a zoning board of appeals shall run with the land and shall not be personal in nature to the person who applied for and received the variance. A variance shall not be extinguished solely because of the transfer of title to the property or the invalidity of any condition attached to the variance that would affect the transfer of the property from the person who initially applied for and received the variance.

Staff Comments:

- All projects that are mentioned in the application that are not the retaining wall are not part of this variance. The applicant mentions a patio and shed in their application. If a variance is required for any additional scope of work beyond the retaining wall, that will be treated as a separate matter and a separate hardship must be presented.
- If granted, the applicant shall submit application to the Building Department, Zoning Department, and the Inland Wetlands & Watercourses Commission for review of the construction of the retaining wall.
- The original/natural grading of the property would not meet grading specifications and would require a variance. With the engineered retaining wall with safety features, the grading on either side is less steep.
- In June, an updated Site Plan was submitted that demonstrates a 7 foot retaining wall setback (5.5 foot difference from the 12.5 foot setback in the Bloomfield Zoning Regulations) for the western and northern properties is feasible.

If the Board is inclined to grant the variance, the following language is suggested:

"I make a MOTION to GRANT the variance as requested for 79 Filley Street, Bloomfield, CT as follows: a Variance of the Zoning Regulations Section 6.7.B.2.a (5.5 foot reduction of the retaining wall setback), and Section 6.4.I.8 (Permit Standards and Conditions, Grading Table) to restore an excavated portion of his yard with a retaining wall.

The exceptional difficulty or unusual hardship on which the decision is based is as follows: **BOARD LISTS ITS FINDINGS HERE.**

If the Board is inclined to deny the variance, it shall state its reasons on the record.