

**COVENTRY ZONING BOARD OF APPEALS  
REGULAR MEETING MINUTES**

Tuesday, February 17, 2026

Town of Coventry, Town Hall Conference Room B, 1712 Main Street Coventry, CT 06238  
& Zoom Teleconference

	MEMBER	PRESENT	ABSENT
<b>REGULAR MEMBERS:</b>	William Zenko, Chair	X	
	Mike Gerrity, Vice Chair	X	
	Caroline Dowd, Secretary	X	
	Peter DePaola	X	
	Suzanne Haviland	X	
<b>ALTERNATE MEMBERS:</b>	Lisa Conant	X	
	Lorraine Funk	X	
	Robert Morin	X	

<b>STAFF:</b>	Heidi Leech, Planning Technician / Zoning Enforcement Officer
	Andrea Vassallo, Recording Secretary

**1. CALL TO ORDER:**

W. Zenko, called the meeting to order at 7:00 PM.

**2. ROLL CALL / SEATING OF ALTERNATES:**

- 3.** Commissioners Zenko, Dowd, and DePaola recused themselves from application ZBA-25-17 since they were absent from the last meeting allowing Alternates Conant, Funk, and Morin to be seated for continuity with the continued public hearing. Zenko states that he did watch the recording and review the application materials. Gerrity took over as Chair for the duration of the Public Hearing for ZBA-25-17.

**4. READING OF LEGAL NOTICE:**

Continuation of the public hearing from January 20, 2025, for application ZBA-25-17.

**5. EXPLANATION OF PROCEDURES:**

Vice Chair, M. Gerrity explained to all parties present the meeting and voting procedures.

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#### 6. PUBLIC HEARINGS:

**a. ZBA-25-17** – Request for a variance from Table 4.04A.b of the Zoning Regulations to authorize a previously constructed rear deck 39 feet from the rear property line when 50 feet is required at 710 Goose Lane in the GR-80 Zone; Owners Zachary Beauchesne & Erin Fish, Applicant: Zachary Beauchesne.

Vice Chair, M. Gerrity stated that the public hearing is a continuation from January 20, 2026, Regular Meeting, that the ZBA wanted to have the town attorney available to confer with on this application. Coventry Town Attorney, Richard Roberts, Esq., is present to advise, as needed.

The Owner/Applicant Zachary Beauchesne briefly restated a summary of the application need and hardship.

- **Hardship Claim:** Physical limitations of the property (wetlands, septic, small backyard) restrict usable space; deck is necessary for safe family use and enjoyment.
- **Intent:** Owners admitted mistake, sought to rectify after receiving a violation notice, and emphasized that the hardship would have existed even if they had applied pre-construction.
- **Neighbor Relations:** Claimed complainant (neighbor) assisted with deck construction and only objected after an unrelated dispute involving a potential fire hazard on their property involving a maple shack.

#### **Public Opposition:**

Attorney John Parks, a land use attorney, Enfield, CT, returned to represent a neighbor and opposed the application and stated:

- The hardship was self-created, as the deck was built without following zoning regulations.
- Stated ZBA lacks authority to grant variances for self-created hardships.
- Warned that approval would likely result in legal challenge, as the case does not meet statutory or regulatory requirements.

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- And cited case law of similar Connecticut cases (e.g., East Lyme, Stafford) where self-created hardships led to denied variances that he presented to Coventry ZBA January 20, 2026.

**Public Comment:**

Andrew Johnson, Pucker Street, Coventry

- In favor of the Application/Owner.
- Stated the lot is an existing non-conforming lot.
- Family safety was the main concern of the applicant when the deck was built.
- Criticized the process as overly rigid and not neighborly.

Brian Murray, 29 Cassidy Hill Road

- Vice Chair, M. Gerrity read into the record an email previously provided in opposition by abutting neighbor B. Murray.

Sarah Johnson, Pucker Street, Coventry

- In favor of the Application/Owner.
- Stated the contextual surrounding neighborhood a safety issue for a young family – hence the applicants need to build a safe structure for their family.

Dave (unknown last name), Geraldine Drive, Coventry

- In favor of the Application/Owner.
- Opposes the opposing party using knowledge from Planning and Zoning to oppose this application

**Self-Created Hardship Discussion:**

Coventry Zoning Enforcement Officer Heidi Leach read into the record the formal hardship statement provided by the applicant, Z. Beauchesne, which cited the physical limitations of the subject property.

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Coventry Town Attorney, Richard Roberts, Esq., opined what is the claimed hardship of the applicant. The applicant is claiming physical limitations of the land, not that he built a nonconforming deck and doesn't want to remove it.

J. Parks rebutted and referenced the subject property site plan, assessors' card, and case law denying granted variances for self-created hardship.

Extensive debate continued whether the hardship was self-created due to lack of permit or inherent to the lot's characteristics. Discussion further ensued on whether the ZBA could or should grant a variance for a structure already built.

#### **Commissioner Concerns/Comments:**

S. Haviland asked J. Parks if this was more an issue about order, if the applicant had asked for a variance before the deck was built, is there the possibility they could have granted the variance. J. Parks' opinion is no. The regulations state what the setback is, whether you build the deck before or after asking for a variance doesn't matter. It is still self-created. You can't just build something that doesn't meet the regulations. He said the person who complained is doing the ZBA a favor reminding them what their rules are and what their job is. He said his client shouldn't need a lawyer, the ZBA should just do their job based on what the rules say.

DePaola said he appreciates Attorney Parks' expertise, but the ZBA hears applications for setback variances regularly. The ZBA wouldn't need to exist if there wasn't the ability to give relief from the rules. Z. Beauchesne said he did some research on the Coventry ZBA records and found past approvals of similar variances, even for pre-existing structures. He did not have the specific application information with him.

J. Parks stated that changing the zoning regulations is a full process through the Planning & Zoning Commission and not through the Zoning Board of Appeals. That the applicant received a notice of violation from the Coventry Zoning Enforcement Officer and did not appeal it – which would have been the proper process.

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H. Leech said that the notice requested Mr. Beauchesne contact the Building/Land Use Office within a certain timeframe to begin the process of bringing the property into compliance with Building, Health, Zoning and Wetlands which he did. Mr. Beauchesne applied for a Building/Zoning Permit to authorize the deck construction after the fact. At that time, he supplied a proposed site plan showing existing wetlands, upland review area, setbacks, property lines and septic area. This proposed plan confirmed that the deck did not meet the required rear yard setback. Leech conveyed the applicant had the legal right to apply for a variance from the ZBA if they could prove a legal land-based hardship, otherwise the deck would need to be reduced to fit within the setbacks. Beauchesne also applied for and received a Minimal Impact Wetlands Permit.

ZBA Commissioners and Town Staff discussed the permitting process and that the applicant cannot obtain a building permit without first obtaining a variance since a building permit can't be issued without a Zoning approval. H. Leech stated that the Building Inspector, Randy Heckman, had not physically visited the subject property but reviewed the proposed plans and photos.

S. Haviland addressed Attorney Parks again, with the threat of being sued hanging over our heads, no matter what you are saying this is a self-created hardship. Our attorney seems to be saying the opposite, that the ZBA can look at the land-based hardship either way. J. Parks said that is correct, but his version of a self-created hardship might be different and more technical. He said in the end the ZBA should listen to their attorney.

Gerrity said he doesn't think the fact that Beauchesne built the deck without pulling a permit precludes him from having the right to ask for a variance. Attorney Roberts said that the ZBA just needs to be clear whether the variance is because he already built the deck and isn't going to tear it down, it is what it is. Or it's a case of THE PROPERTY is what it is and is an undue hardship because of setbacks, so they need a little relief on the deck. S. Haviland just wants to make sure it is clarified for the record on what is being voted on.

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M. Gerrity **closed the Public Hearing** at 8:00 PM.

**MOTION:** M. Gerrity **MOVED** to **APPROVE** the request for a variance, ZBA-25-17, from Table 4.04A.b of the Zoning Regulations to authorize a previously constructed rear deck 39 feet from the rear property line when 50 feet is required at 710 Goose Lane in the GR-80 Zone with the finding that:

- 1) it **is** in harmony with the general purpose and intent of the zoning regulations, and
- 2) **will not** be contrary to the public interest.

**Discussion:**

The variance is **granted based on the existing land-based hardships unique to the property**, specifically a large area of wetlands encompassing the northeast and northwest portions of the subject property as well as the existing septic system and leach field in the front yard, to the west. The house is largely surrounded by unbuildable land due to proximity to property lines, wetlands and septic system. There is no other available area for the deck to be reasonably constructed.

R. Morin **SECONDED; MOTION CARRIED; 5:0:0**

Yea	Gerrity, Haviland, Conant, Funk, Morin
Nay	0
Abstain	0

**\*W. Zenko resumed the role of Chair\***

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**7. NEW BUSINESS/DISCUSSION:**

- a. Approval of January 20, 2026, Meeting Minutes

**MOTION:** L. Conant **MOVED** to **APPROVE** January 20, 2026, Regular Minutes. R. Morin **SECONDED; MOTION CARRIED; 5:0:0**

Yea	Gerrity, Haviland, Conant, Funk, Morin
Nay	0
Abstain	0

- b. Member Updates

H. Leech informed the ZBA of Land Use Commissioner and Affordable Housing training requirements (4) hours total that must be completed by each commissioner within one (1) year of their appointment date. She will provide additional information at the next meeting.

**\*Regular meeting concluded at 8:05 PM to allow Staff to connect a new Zoom session for the Executive Session.\***

- c. Executive Session with ZBA Counsel, Attorney Dory Reiser, Re: Status of Appeal of ZBA-25-16 Decision (Pending Litigation)

**Present:** ZBA Members: Zenko, Gerrity, Dowd, DePaola, Haviland, Conant, Funk and Morin, Staff: Heidi Leech, Planning Technician/Zoning Enforcement Officer, and Attorney Dorian Reiser, Counsel to the ZBA (via Zoom)

**\*ZBA Entered Executive Session at 8:10 PM\***

**\*ZBA Exited Executive Session at 8:44 PM\***

**8. ADJOURNMENT:**

M. Gerrity **MOVED** to **ADJOURN** at 8:45 PM. R. Morin **SECONDED; MOTION CARRIED; 5:0:0**

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The next regular meeting is scheduled for: **Tuesday, March 17, 2026 at 7PM**

Respectfully submitted by Andrea Vassallo, Acting Recording Secretary

Please see the minutes of subsequent meetings for approval of these minutes and any corrections hereunto.