

# Memorandum:

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**To: Pomfret Planning and Zoning Commission**

**Date: May 9, 2008**

**From: James D. Rabbitt, AICP, Town Planner**

**Re: Inlaw and caretaker apartments.**

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The second page of this memo includes the revised text as approved by the Planning and Zoning Commission on April 28, 2008 with an effective date of May 9, 2008.

## **PERMITTED BY SPECIAL PERMIT (COMMISSION)**

**Add new Text:**

### **Rural Residential**

#### **4.2.16 Accessory Apartments**

- a. **In-Law Apartments (attached)**
- b. **Caretaker Apartments (attached or detached)**

### **Pomfret Street District**

#### **5.2.18 Accessory Apartments**

- a. **In-Law Apartments (Attached)**
- b. **Caretaker Apartments (attached or detached)**

**Add new Text:**

#### **12.18 Accessory Apartment:**

The Commission recognizes that many families need, on a temporary basis, to provide housing for members of their extended families (i.e in-law apartment). In addition, families may need assistance to maintain a property and/or household, on a temporary basis or provide housing for a paid staff member (i.e. caretaker apartment). Accessory apartments, may therefore be permitted as accessory uses to single-family dwellings and allowed by special permit provided:

##### **12.18.1 Attached accessory apartments**

- a. **Attached in-law apartment:** The space devoted to the in-law apartment within a single-family dwelling must be interconnected by at least one doorway to the remainder of the dwelling, so that a person could gain access to the in-law apartment from an interior doorway serving the remainder of the house, and vice versa. Electric utilities shall run off of a single meter.
- b. **Attached caretaker apartment:** The space devoted to the caretaker apartment within a single-family dwelling must contain a separate exterior entrance. Electric utilities shall run off of a single meter.

##### **12.18.2 Detached accessory apartment – if an accessory apartment is located in a detached building**

- a. the lot area shall be at least double the minimum required by Section 10.1, and the exemption offered in Section 12.18.6 shall not apply
- b. both the existing house and the proposed accessory dwelling shall demonstrate compliance with the Connecticut Public Health Code.

##### **12.18.3 Relationship to owners of property**

- a. **In-law Apartment:** may be occupied only by parents, siblings, grandparents, great grandparents, children, grandchildren, great

- grandchildren, aunts uncles, nieces, nephews, or first cousins of one or more persons who occupy the remainder of the principal dwelling.
- b. Caretaker Apartment: may be occupied only by an employee of the property owner(s) employed to assist in the maintenance of the property and/or household. The owner of the property shall submit a sworn affidavit that the individuals(s) living in the caretaker apartment are employed by the owner of the property for the purpose of maintaining the property and/or household.
  - c. In-law and/or caretaker apartments shall not be rented for income.
- 12.18.4 Only one accessory dwelling unit shall be permitted for each lot.
- 12.18.5 No accessory dwelling unit shall be approved if accessory to a two-family dwelling or any multi-family use or a common interest community; and
- 12.18.6 The lot shall conform to the minimum lot area requirement for the zone in which the property is located. A parcel which existed prior to January 1, 2008 which contains a residential home shall be exempt from the minimum lot area requirement;
- 12.18.7 The owner of the property (who must be a natural person in whom the fee title of the subject premises is vested) shall certify by a sworn affidavit that he or she will occupy either the principal dwelling unit or the accessory dwelling unit; and such sworn affidavit shall be updated during each tax revaluation year and prior to any transfer of ownership indicating that an owner does or will occupy either the principal dwelling unit or the accessory dwelling unit. The sworn affidavit shall be sent via certified mail to the Town of Pomfret Planning and Zoning Commission by the property owner.
- 12.18.8 The accessory dwelling design:
- a. In-law Apartment:
    - 1. be no less than 500 square feet and shall not exceed 700 square feet unless, in the opinion of the Commission ( $\frac{3}{4}$  vote of the entire commission required), a greater amount of floor area is warranted by the specific layout or circumstances of the particular building; and
    - 2. contain no more than one (1) bedroom, one (1) bath, and (1) kitchen; and
    - 3. be designed to preserve and maintain the single-family residential appearance of the subject lot and be consistent with the single-family character of the neighborhood; and
    - 4. have at least one (1) side of the accessory dwelling unit be at or above grade; and
    - 5. No more than two (2) individuals shall reside inside of the in-law apartment.
  - b. Caretaker Apartment:
    - 1. be no less than 500 square feet and shall not exceed 1,000 square feet unless, in the opinion of the Commission ( $\frac{3}{4}$  vote of the entire commission required), a greater amount of floor area is warranted by the specific layout or circumstances of the particular building; and
    - 2. contain no more than two (2) bedroom, one and one half (1  $\frac{1}{2}$ ) bath(s), and (1) kitchen; and
    - 3. be designed to preserve and maintain the single-family residential appearance of the subject lot and be consistent with the single-family character of the neighborhood; and

4. have at least one (1) side of the accessory dwelling unit be at or above grade; and
5. No more than four (4) individuals shall reside inside of the caretaker apartment.

12.18.9 The building shall, upon establishment of the accessory dwelling unit:

- a. the building upon establishment of an accessory dwelling unit shall retain the exterior architectural style of the primary residence and shall “maintain” the appearance of a single family residence.~~maintain the exterior appearance and style (roof line, roof pitch, building materials, window style and spacing, etc.) of the principal residence; and~~
- b. have any secondary entrance incorporated into the principal residence to reflect the architectural style of a single-family unit, and
- c. no stairs above the first floor shall be added to the outside of the building.

12.18.10 No additional curb cuts shall be created to serve an accessory dwelling unit and access from the public right-of-way shall serve both the principal and accessory units; and

- a. at least four (4) off-street parking spaces (which may include garage **and driveway** spaces) shall be provided to serve both the principal dwelling and the accessory dwelling unit and such parking shall not be located in the required front, side, or rear yard setback.
- b. Parking spaces shall be screened from abutting property lines by fences, vegetation, or earthen berms. Where existing topography, site conditions, property ownership and/or landscaping will effectively screen parking from an abutting residentially zoned area, the Planning and Zoning Commission may modify the above screening and setback requirements with a ¾ vote of the entire commission.

12.18.11 A standard notice, approved by the Town Attorney, shall be filed on the land records of the Town stating that the property contains an in-law apartment or caretaker apartment and that it is not approved for use as a two-family dwelling.