

**Blackwell & Spadaccini LLC**  
*Attorneys at Law*

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June 12, 2023

**Re: Application for Variance – Jason and Judy Vaillette**  
**68 Country Club Road, Bolton**

To the Members of the Zoning Board of Appeals:

Please accept this letter as a modification of an application to the Zoning Board of Appeals of the Town of Bolton made by Jason and Judy Vaillette of 68 Country Club Road, Bolton, Connecticut, dated March 26, 2023. This application as modified seeks a variance to encroach nine (9) feet into the 35-foot rear yard setback line of the property to allow for the construction of a pool and patio. It is anticipated that the pool will only encroach six (6) feet beyond the setback line with the patio taking an additional three (3) feet. A scale drawing showing location of the proposed pool is attached hereto.

This request is very different from the one presented by the Vaillettes at your April meeting. My clients have abandoned their plans to build an in-law suite on the back of their house. This allows the pool to be constructed closer to the house than originally proposed and reduces the encroachment into the setback line from 24 feet to just nine (9) feet.

A strict application of the regulations would result in undue hardship to my clients because there is only 23 feet between the foundation of the house and the 35-foot rear yard setback line. This makes it impossible to construct a pool without entering the setback area. This is the only part of the property where the pool can be constructed. It simply won't fit anywhere else on the lot except in front of the house which would be completely out of character with the neighborhood.

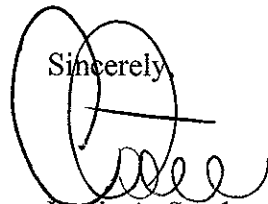
This hardship is peculiar to my clients' property in contrast to most of the other properties on the street because my clients' house was built further toward the back of the lot than most of the other houses. The properties across the street have large rear yards with many being over 90 feet. On the side of the street where my clients live, some houses are set back in a similar manner, but others also have large rear yards. Of the 19 lots within this portion of the Bolton Farms subdivision, only three have rear yards that are similar in size to the Vaillettes. Two of these lots have significant side yards where a pool could potentially be located, but this is not an option for the Vaillettes. Since this problem is unique to my clients' property, a variance would not be opening the door to other requests of this nature.

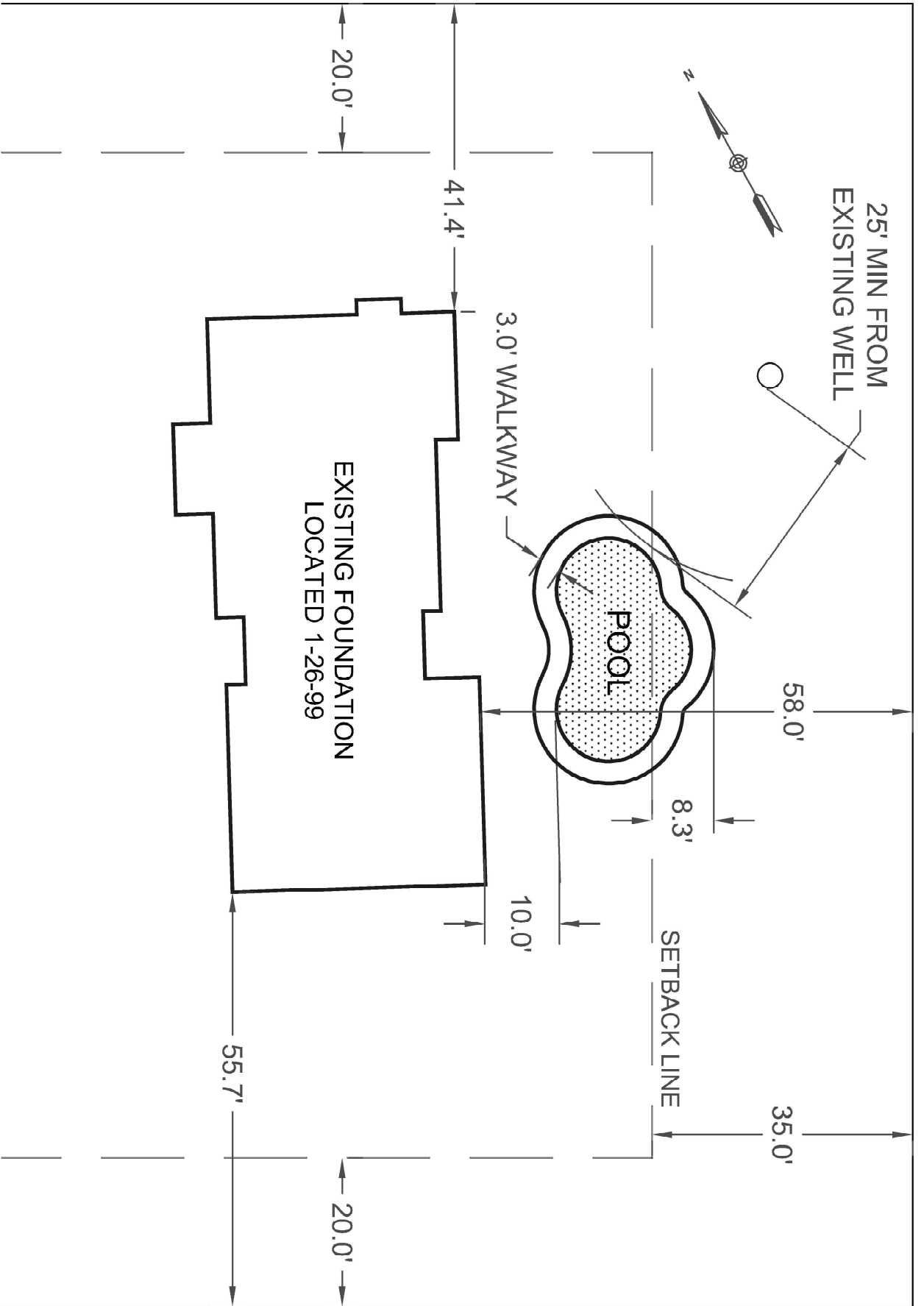
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A pool in the Vaillettes' back yard would not be out of character with the rest of the neighborhood. There are many other properties on this street that have pools in the back yard. Some of these pools appear to be within the setback lines. The pool that my clients are seeking to construct is the smallest size recommended by their contractor, being only 400 square feet. It is a kidney-shaped pool that is not larger than others in the same neighborhood.

The hardship did not come about because of any action on the part of my clients, and it is not a financial hardship. Furthermore, the presence of a large parcel of open space land directly behind my client's property mitigates the intrusion into the setback area. The purpose of a setback line is to ensure that structures are not built too close to a neighbor's property. This concern is alleviated by the fact that the property directly behind my client's property is reserved for open space and does not have any structures on it. If the neighbor in the back was another lot with a house, then a greater level of scrutiny would be justified.

None of the Vaillettes' neighbors have indicated any concerns or opposition to this request. The neighbors adjacent to Vaillettes' property are supportive of the application and we hope to have letters of support from them by the time of the hearing. The pool will bring enjoyment to the family and will help with back problems that Mr. Vaillette is experiencing. This modified request is reasonable and reduced in scope to provide an absolute minimum encroachment into the rear setback area. We ask that the Zoning Board of Appeals look favorably upon this application.

Sincerely  
  
Louis A. Spadaccini



68 COUNTRY CLUB ROAD  
 TOWN OF BOLTON  
 JUNE 8, 2023