

From: Carrie Vibert April 2, 2012 12:05:43 PM
Subject: Zoning Board of Appeals Minutes 02/22/2012 ADOPTED
To: SimsburyCT_ZBAMin
Cc:

ZONING BOARD OF APPEALS
REGULAR MEETING
February 22, 2012

I. CALL TO ORDER

Acting Chairman Katie Martin called the regular meeting of the Zoning Board of Appeals to order at 7:07 P. M. in the Main Meeting Room at Simsbury Town Hall. The following members were also present: Carol Bingham, Paul Cocchi, Dennis Fallon, Craig MacCormac, and Greg Piecuch. Also present were Lynn Charest, Zoning Compliance Officer; Lisa Gray, Commission Clerk; and other interested parties.

II. APPOINTMENT OF ALTERNATES

Ms. Martin appointed Paul Cocchi to serve for Peter Stempien, Dennis Fallon to serve for Thomas Horan, and Greg Piecuch to serve as Secretary.

III. PUBLIC HEARING

A. 12-01 Application of Carol A. Brown, Owner, for a variance, pursuant to Article Eight, Section A, of the Simsbury Zoning Regulations to allow for construction of a new garage on property located at 4 Westminster Cartway. (Map H-06, Block 103, Lot 012). R-40 Zone.

Ken Brown explained that he is seeking a 3-foot front yard variance to construct a new garage, allowing for his current garage to be converted to living space.

Ms. Martin read letters in favor of the application from Bonnie Aldrich; Judith McCarthy, 6 Westminster Cartway; Nathan and Mary Mayhew, 3 Westminster Cartway; and Virginia Cox, 5 Westminster Cartway.

Ms. Martin opened the hearing to public comment; hearing none, she closed the public hearing.

12-01 A motion was made by Ms. Bingham to approve the 3-foot front yard variance, as requested, based on the topography of the property and the

location of the septic. The motion was seconded by Mr. Piecuch, and unanimously carried.

B. 12-02 Application of Thomas R. Evans, Owner, for a variance, pursuant to Article Nine, Section D, of the Simsbury Zoning Regulations to allow for the relocation of a barn on property located at 132 Hopmeadow Street. (Map F-18, Block 156, Lot 006). B-1 Zone.

Thomas Evans explained he is seeking a variance to tear down and rebuild a barn (which is currently located partially on a neighboring property) and relocate it entirely on his own property. The barn is currently non-conforming, but relocating it will require it to conform to current regulations. Therefore, he is seeking a 17-foot side yard variance.

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Mr. Evans is redeveloping this entire piece of property for future retail use and wishes to use the barn as storage space for the retail tenant(s). He stated that the proposed placement of the barn is necessary because of the narrowness of the lot, the placement of existing structures on the lot, and the need for vehicles to be able to safely turn around on the property to avoid having to back out onto Hopmeadow Street.

Mr. Evans further stated that the Design Review Board found his plan to be generally consistent with the Guidelines for Community Design, with recommendations.

The Board agreed to also hear Mr. Evans' application 12-03 and then vote on the two applications separately. Application 12-03 is as follows:

12-03 Application of Thomas R. Evans, Owner, for a variance, pursuant to Article Ten, Section E, of the Simsbury Zoning Regulations to allow for the location of a circulation drive and parking within the side yard setback on property located at 132 Hopmeadow Street. (Map F-18, Block 156, Lot 006). B-1 Zone.

Mr. Evans explained he is seeking additional variances of 11 feet for a circulation drive and 5 feet for parking spaces. He further explained that a 30-foot wide circulation drive is necessary to avoid having vehicles back out onto Hopmeadow Street, and that the parking spaces allowed for in his site plan are the minimum required by the town, based on the square footage of all proposed buildings on the property, including the proposed barn. Town regulations require that both the driveway and parking be located at least 20 feet from the side property line abutting Talcott Acres

condominiums, a residential community. The drive is proposed to be placed within nine feet, and the parking within 15 feet of the side property line. Besides the need to avoid having vehicles back out onto Hopmeadow Street, Mr. Evans stated that the reason for these requests is due to the narrowness of, and the placement of existing structures on, the lot.

Ms. Martin opened the hearing to public comment.

Bob Haffner, 126 Hopmeadow Street, spoke in opposition of the variance for the driveway because of existing traffic issues he felt would be worsened with the addition of another business in that area.

Richard DeGrandis, owner of the neighboring property, Avon Barber Shop, spoke in opposition to the variance for the relocation of the barn because he felt there is sufficient space on the property to locate the barn entirely out of the setback area.

Judy Rubinowitz, 126 Hopmeadow Street, was opposed to constructing a driveway wider than two lanes.

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After several comments of a similar nature, all in opposition to the variances, Ms. Martin closed the public hearing.

12-02 A motion was made by Mr. MacCormac to grant a 17-foot side yard variance to relocate the barn, based on safety and the owner's ability to use the property to his beneficial enjoyment. The motion was seconded by Mr. Cocchi. The Board felt that any existing hardships are self-imposed by the owner. All were opposed to the motion. Motion failed.

12-03 A motion was made by Mr. MacCormac to grant the 11-foot driveway and 5-foot parking variances based on safety concerns. The motion was seconded by Mr. Piecuch. After lengthy discussion, all were opposed because of lack of hardship and it was agreed that the applicant is attempting to squeeze too many structures and impervious surfaces onto an undersized lot. Motion failed.

IV. APPROVAL OF MINUTES

A. December 21, 2011

A motion was made by Mr. Piecuch to approve the minutes of the December 21,

2011 meeting, as presented. The motion was seconded by Mr. Fallon, and passed unanimously.

V. ADJOURNMENT

A motion was made by Mr. MacCormac to adjourn the meeting at 8:50 P. M.

Greg Piecuch, Acting Secretary