

From: Lois Laczko October 10, 2008 3:44:19 PM  
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To: SimsburyCT\_ZBAMin  
Cc:

ZONING BOARD OF APPEALS MINUTES  
REGULAR MEETING  
JULY 23, 2008

I. CALL TO ORDER

Peter Stempien, Chairman, called the regular meeting of the Zoning Board of Appeals to order at 7:30 p.m. in the Main Meeting Room of the Simsbury Town Offices. The following members were present: Thomas Horan, Nancy Haase, Katie Martin and alternate Tegan Blackburn. Also in attendance were Lynn Charest, Zoning Compliance Officer and other interested parties.

II. APPOINTMENT OF ALTERNATES

Chairman Stempien appointed Ms. Blackburn to serve for the vacant position.

Mr. Horan read the Call.

III. PUBLIC HEARING

1. 08-11 Application of Nina H. Carley, Owner, J. P. Country Builders, Applicant, requesting a rear yard variance to construct a 20-foot x 12-foot shed, pursuant to Article Eight, Section A of the Simsbury Zoning Regulations on property located at 3 Wild Flower Lane. R-40 Zone

Patrick Collin, J. P. Country Builders, spoke on behalf of this application. Mr. Collin gave the Chairman the signed affidavit regarding the posting of the sign. He said that the homeowners would like to construct a shed on their property. The problem is the rear yard because of limited locations to place the shed. There is a garden pond located in the back corner and also not much of a build-able area from the building line to their home. There also is slope (approximately 20-foot drop) to the southern side of the property. There also is an easement to that side of the property. Mr. Collin set that they would like to build the shed in an area right off of the driveway and set it back. The shed would be used for things now currently stored in the homeowner's garage. Mr. Collin showed the board members pictures of the property showing the slope going down and

also the location where he would like to construct this shed.

Chairman Stempien clarified this board's job stating that they need to try to make the least amount of infringement onto the zoning regulations as possible (if not at all). The board's job is not to grant a variance. The homeowner's job is to be able to use his property the way he would like to. Mr. Collin said that they have been working with the town staff trying to arrange this shed so it would fit. The board members discussed other options, but agreed that the grade is an issue. Ms. Martin said that it is tricky as the left side of the driveway just drops.

Chairman Stempien asked if they had spoke with the neighbors and showed them what was planned. John Yacawych, J. P. Country Builders, said that there is a letter in the file from a neighbor in support of this project. Ms. Tegan asked if the shed size is 12-feet x 20-feet. Mr. Collin said that the property owners originally wanted a 16-foot x 12-foot shed, but then decided to change to the 20-foot x 12-foot larger size. Chairman Stempien read a letter from two neighbors, Moira Daley, 5 Wild Flower Lane, and Raymond Hansen, 2 Wild Flower Lane, both in support of the shed construction.

The board members continued their discussion with the applicants on the most appropriate location for this shed. Mr. Yacawych said that the concern is the existing garden pond. The board members and Ms. Charest also looked over the set back lines on the plot plan.

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Chairman Stempien opened the public hearing for public comment. As no one wished to speak, he closed the public hearing.

#### IV. DISCUSSION AND POSSIBLE VOTE ON ANY AGENDA ITEM

Ms. Martin moved to approve the application of Nina H. Carley, Owner, J. P. Country Builders, Applicant, requesting a 10-foot rear yard variance to construct a 20-foot x 12-foot shed, pursuant to Article Eight, Section A of the Simsbury Zoning Regulations on property located at 3 Wild Flower Lane. The hardship being the placement of the house on the property, the topography, and there is no other suitable location on the property to put the shed. The motion was seconded by Mr. Horan and passed unanimously.

The board briefly discussed the application. Mr. Horan said that the applicant did due diligence by working with the town to try and find the best spot to place the shed. All the different angles and placements were

looked at. Chairman Stempien said that he would have been against this application if the applicants had not tried working with the town staff to try and come up with a reasonable solution. Ms. Blackburn said that the slope does create some issues. Chairman Stempien explained to the applicant that they should not apply for the building permit until 15 days after the legal notice of approval appears in the Courant in case someone does appeal their decision.

V. APPROAL OF MINUTES of June 25, 2008

Mr. Horan moved to approve the minutes of June 25, 2008 as presented. The motion was seconded by Ms. Martin and passed unanimously.

VI. ADJOURNMENT

Ms. Martin moved to adjourn the meeting at 8:00 p.m. The motion was seconded by Ms. Haase and passed unanimously.

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Thomas Horan, Secretary