

From: Lois Laczko October 29, 2010 10:49:54 AM  
Subject: Zoning Board of Appeals Minutes 07/28/2010 ADOPTED  
To: SimsburyCT\_ZBAMin  
Cc:

ADOPTED

ZONING BOARD OF APPEALS  
REGULAR MEETING  
July 28, 2010

I. CALL TO ORDER

Chairman Peter Stempien called the regular meeting of the Zoning Board of Appeals to order at 7:00 P. M. in the Board of Education Meeting Room at Simsbury Town Hall. The following members were also present: Cynthia Bingham, Tegan Blackburn, Thomas Horan, and John McCann. Edward Cosgrove arrived at 7:10 P. M., and departed at 7:40 P. M. Also present were Howard Beach, Zoning Compliance Officer; Lisa Gray, Commission Clerk, and other interested parties.

II. APPOINTMENT OF ALTERNATES

Chairman Stempien appointed Tegan Blackburn to serve for Nancy Haase.

III. PUBLIC HEARINGS

A. 10-08 Application of Eungsoo Ma, Owner, requesting a rear yard variance from Article Eight, Section A of the Simsbury Zoning Regulations to place a storage shed on property located at 118 Plank Hill Road. (Map F-09, Block 110, Lot 046). R-15 Zone.

Mr. Ma explained that he is seeking a 5-foot rear yard variance to place an 8' x 8' storage shed. He further explained that, because of the small size and topography of the lot, the proposed placement is the only feasible location on the property on which to place the shed. Chairman Stempien asked why the shed cannot be moved forward, out of the rear yard setback. Mr. Ma replied that moving the shed forward would limit the amount of sunlight and cast a shadow on an existing vegetable garden. Chairman Stempien reminded him that shade on a vegetable garden is not a valid hardship.

Chairman Stempien opened the hearing to public comment. Hearing none,

Chairman Stempien closed the public hearing.

A motion was made by Ms. Blackburn to grant the variance, as requested, based on the topography of the lot. The motion was seconded by Mr. Horan. All were opposed. Motion failed.

B. 10-09 Application of Edward J. and Lisa Britt Wahlberg, Owners, requesting a side yard variance from Article Eight, Section A of the Simsbury Zoning Regulations for placement of a shed on property located at 123 Great Pond Road. (Map E-07, Block 147, Lot 003). R-80 Zone.

Attorney T. J. Donohue explained that the owners are seeking a 30-foot side yard variance to construct a 12' x 20' shed. He stated the applicants' hardship to be the topography of the lot.

Regular Meeting

July 28, 2009

Minutes

Page 2

Attorney Donohue displayed photographs and read a letter of approval from Andi Auman, President of Whitman Pond Association.

Chairman Stempien noted that there are other locations on the property where the shed could be located. Attorney Donohue responded that there are several encumbrances on the lot, including two front yard setbacks, two conservation easements, and wetlands soil, and that all the neighbors and the homeowners association are in favor of the proposed placement.

Chairman Stempien opened the hearing to public comment. Hearing none, Chairman Stempien closed the public hearing.

A motion was made by Mr. Horan to approve the variance based on the restrictions of the homeowners' association, location of the septic system, and the location of the tree line. The motion was seconded by Ms. Bingham. Chairman Stempien was opposed. Motion carried.

C. 10-10 Application of Elizabeth Howley Dolan, Owner, requesting a side yard variance from Article Eight, Section A of the Simsbury Zoning Regulations to allow for construction of an entry addition on property located at 5 West Tomstead Road. (Map G-08, Block 121, Lot 060A). R-15 Zone.

Ms. Dolin explained she is seeking an 8-foot side yard variance to

construct an 8' x 14' front entryway/mudroom on her home. She noted that her lot is only 150' x 50' and was established prior to zoning regulations. She stated that the addition is necessary for her expanding family and safe entry into her home. She further stated that the majority of her neighbors are in favor of the variance and have signed a letter stating so.

Mark Drake, Mrs. Dolin's builder, distributed photographs and explained that there is virtually no way to make improvements on this non-conforming property without infringing on the setback areas or the front yard septic field.

Chairman Stempien opened the hearing to public comment.

Ron Rinaldi, 28 Seminary Rd., stated that he has no problem with the application.

Anne Hellwig, 26 Seminary Rd., stated that the Board has a letter from her stating her opposition to the variance because the addition would come within four feet of her property. She further stated that "at the last meeting", she agreed to let Mrs. Dolin construct a 6' x 10' addition, but she is now rescinding that approval because she feels Mrs. Dolin has the alternative to build on the west (rear) side of her property. Mrs. Hellwig also noted does not see a hardship.

Jeff Kazarian, 9 East Tomstead Rd., stated he has a complete view of the proposed location and has no problem with it.

Regular Meeting  
July 28, 2009  
Minutes  
Page 3

Mrs. Dolin stated she could understand Mrs. Hellwig's concerns if the Hellwig home were close to her own home; but, she stated that the Hellwig home is actually 125 feet from Mrs. Dolin's existing entry door.

Ms. Bingham noted that the home's existing entry stoop is four feet into the setback and that the proposed 8-foot addition would only bring the home four feet closer to the Hellwig's property line than it is now.

Ms. Blackburn asked for clarification of what Mrs. Dolin feels is the safety issue. Mrs. Dolin replied that the existing entryway is unsafe because it is deteriorating and, because of the slanting metal overhang, the stoop is often covered in ice in the winter.

Hearing no further comments, Chairman Stempien closed the public hearing.

A motion was made by Ms. Bingham to approve the variance, as requested, due to the non-conforming nature of the property. The motion was seconded by Ms. Blackburn and carried unanimously.

#### IV. APPROVAL OF MINUTES

##### A. June 23, 2010 Regular Meeting

A motion was made by Mr. Horan to approve the minutes of the June 23, 2010 regular meeting, as presented. The motion was seconded by Ms. Bingham.

Chairman Stempien suggested the following revision:

Item III, 1., Application 10-04 – the final decision should note that all members were opposed to the motion to approve and, therefore, the motion failed.

The motion carried unanimously, with the proposed revision.

#### V. OTHER BUSINESS

Chairman Stempien explained that the town is seeking to create a special fund to collect donations for creation of design standards for the town center code.

All members were in favor.

#### VI. ADJOURNMENT

A motion was made by Ms. Blackburn to adjourn the meeting at 9:01 P. M.

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Thomas Horan, Secretary