

From: Lois Laczko November 2, 2011 2:09:52 PM  
Subject: Zoning Board of Appeals Minutes 09/28/2011 ADOPTED  
To: SimsburyCT\_ZBAMin  
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ADOPTED

ZONING BOARD OF APPEALS  
REGULAR MEETING  
September 28, 2011

I. CALL TO ORDER

Chairman Peter Stempien called the regular meeting of the Zoning Board of Appeals to order at 7:02 P. M. in the Main Meeting Room at Simsbury Town Hall. The following members were also present: Tegan Blackburn, Edward Cosgrove, Thomas Horan, Katie Martin, and Greg Piecuch. Also present were Lynn Charest, Zoning Compliance Officer; Lisa Gray, Commission Clerk; and other interested parties.

II. APPOINTMENT OF ALTERNATES

Chairman Stempien appointed Tegan Blackburn to serve for Carol Bingham, and Edward Cosgrove to serve for John McCann.

III. PUBLIC HEARING

A. 11-11 Application of Mark F. and Jennifer S. Madura, Owners, for a Variance, pursuant to Article Three, Section A.5, and Article Eight, Section A of the Simsbury Zoning Regulations, to allow for construction of a detached garage in front of the dwelling and within the front yard setback, on property located at 30 Oxford Court. (Map H-08, Block 116, Lot 10). R-15 Zone.

Mark Madura explained that he has an existing detached garage structure that has deteriorated to the point where it is no longer usable, and he is seeking a variance to replace it in a different location, situated in front of his home. The current structure was built on a downward slope, which contributed to its deterioration, but the proposed location for the new structure is on level ground. The board suggested that, due to the unique topography and soil types on the site, the owner contract with a structural engineer to determine if, in fact, this is the best location for the structure.

Mr. Madura requested that the application be tabled to the next regularly scheduled meeting.

A motion was made by Ms. Martin to table the application to the October 26, 2011 meeting. The motion was seconded by Mr. Horan, and unanimously carried.

B. 11-12 Application of Oran Gilmore, Owner, for variances from the side and rear yard setbacks to allow for construction of a 10' x 16' storage shed in the northwest corner of his property, pursuant to Article Eight, Section A of the Simsbury Zoning Regulations, on property located at 37 Tunxis Road. (Map K-04, Block 208, Lot 002). R-15 Zone.

Oran Gilmore noted that he has reduced the structure size to 10' x 14', thereby reducing the requested variance from 10.63 feet to 8.63 feet. He stated his hardships to be the fact that his entire lot is non-conforming, it contains a very steep slope and right-of-way, and the property does not have a garage or usable basement.

Mr. Gilmore also noted that his neighbor, Wendy Waterman, has a shed and his shed would be placed next to hers, with a distance of 30 inches between the sheds. He is aware that Ms. Waterman would prefer a distance of 36 inches, but, with the location being directly next to a large maple tree,

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Mr. Gilmore is concerned with the root structure of the tree he might discover once he starts digging to install the piers. He feels that, the farther away from the tree he can be, the better.

Mr. Gilmore showed a PowerPoint presentation depicting his property and the proposed location of the shed.

Mr. Piecuch asked if, since Mr. Gilmore is building the shed himself, he could reduce the size to 9.5 feet to satisfy the neighbor and allow for the tree's large root structure, and Chairman Stempien asked if he would be willing to split the difference and make a distance of 33 inches between the shed. Mr. Gilmore replied yes to both inquiries.

Chairman Stempien read a letter in favor of the variance from Wendy Waterman, 33 Tunxis Rd., in which she stated that she was in agreement with the 30-inch distance between the two sheds, but would prefer 36 inches.

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

A motion was made by Mr. Cosgrove to approve the variance, as presented, based on the topography of the lot and the fact that the lot preceded zoning. The motion was seconded by Mr. Horan, and unanimously carried.

IV. APPROVAL OF MINUTES

A. July 27, 2011

A motion was made by Mr. Piecuch to approve the minutes of the July 27, 2011 meeting, as presented. The motion was seconded by Mr. Horan, and passed unanimously.

V. ADJOURNMENT

A motion was made by Mr. Cosgrove to adjourn the meeting at 7:57 P.  
M.

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Thomas Horan, Secretary