



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Office of Community Planning and Development

To: Simsbury Zoning Board of Appeals

From: Laura Barkowski, Code Compliance Officer

Date: August 24, 2022

RE: Application #22-07 of Lawrence Fazzolari, Owner/Applicant, for a variance pursuant to the Simsbury Zoning Regulations Section 3.5 to installation of a condenser within the front yard setback at the property located at 34 Simsbury Manor Drive (Assessor's Map H05, Block 103, and Lot 024). Zone R-15.



Description Of Variance

The applicant is requesting a variance to Section 3.5 of the Zoning Regulations to install a condenser within in the front yard setback. The lot is approximately .34 acres and is listed as a single-family split-level style residence constructed in 1963. This lot is located on the corner of Simsbury Manor Drive and Evergreen Drive.

Applicant Hardship

This is a corner lot with two front yards located within an R-15 zoning district with a minimum front yard setback of 35 feet. The proposed location of the mini-split condenser is 22 feet from the Evergreen Drive and located 18" from the residence.



Telephone (860) 658-3245
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8:30 - 7:00 Monday
8:30 - 4:30 Tuesday through Thursday
8:30 - 1:00 Friday

Staff Comment

The public hearing notice was published in the Hartford Courant on both August 11, 2022 and August 18, 2022. The neighborhood abutters were mailed notification of the public hearing

The proposed location would require a variance of 13 feet into the required front yard setback. The need for the variance request is the location of the generator is within the front yard setback. The side yard setbacks of the R-15 zoning district is 12 feet.

The applicant provided the picture below depicting the vegetative screening from Evergreen Drive.



The Board should determine if a hardship exists and state the findings on the record with respect to the following criteria:

1. That special conditions and circumstances exist that are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the area;
2. That these special circumstances relate to the condition of the land or parcel;
3. That the special conditions and circumstances are not related to the circumstances of the applicant and have not resulted from the actions of the applicant or the predecessor in title;
4. That the special circumstances constitute an exceptional difficulty or unusual hardship not of the applicant's making and are not solely a financial detriment;
5. That literal interpretation of the provisions of these Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district;
6. That granting the variance requested will not confer upon the applicant any special privilege or use that is denied by these Regulations to other lands, structures, or buildings in the same district.
7. That these circumstances justify the granting of the variance,
8. That the variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building, or structure; and
9. That the granting of the variance will be in harmony with the general purpose and intent of these Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Staff has provided a sample motion for discussion purposes only as Exhibit A:

Exhibit A

Motion to Approve Application #22-07 of Lawrence Fazzolari, Owner/Applicant, for a variance pursuant to the Simsbury Zoning Regulations Section 3.5 for the installation of a mini-split condenser within the front yard setback at the property located at 34 Simsbury Manor Drive per plans provided (Assessor's Map H05, Block 103, and Lot 024). Zone R-15

This approval is subject to the following conditions:

1. The applicant should provide adequate screening
2. Administrative zoning permit is to be obtained.

