




Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Office of Community Planning and Development

To: Simsbury Zoning Commission

From: Laura Barkowski, Code Compliance Officer 

Date: September 28, 2022

RE: Application #22-08 John & Elizabeth Marion, Owner/Applicant, for a variance pursuant to the Simsbury Zoning Regulations Sections 3.5 for the construction of an addition \pm 1 foot within the side yard setback of the property located at 10 Victoria Lane (Assessor's Map C07, Block 212, Lot 010). Zone R-40.



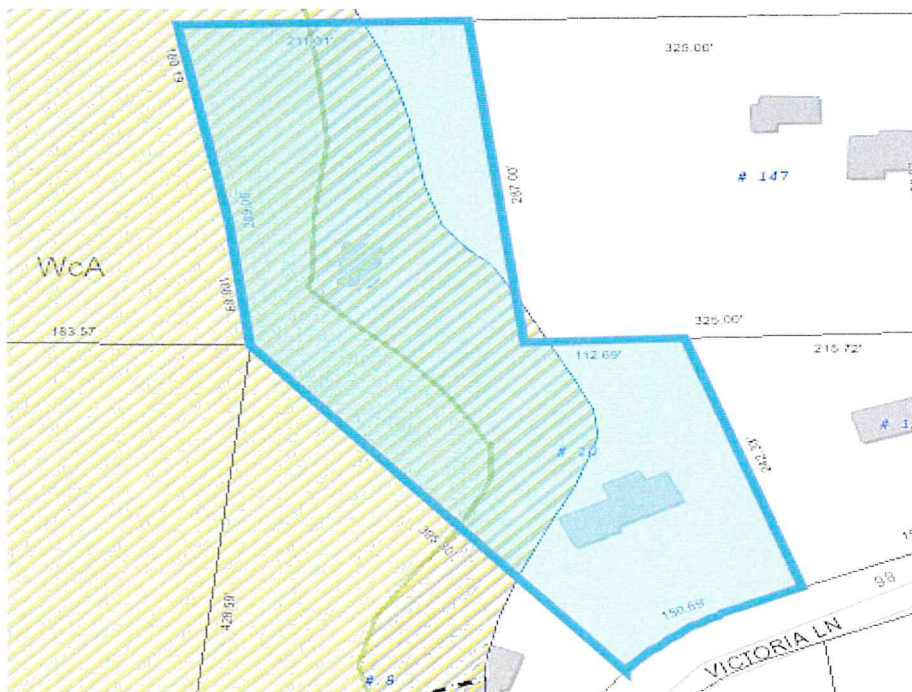
Description of Variance:

The Applicants/Owners, John and Elizabeth Marion are proposing to construct an approximately 780 sq. ft addition onto the single-family colonial style residential dwelling on approximately 2.7 acres. The property is within the R-40 Zoning district with a minimum side yard setback of 40'. This addition will encroach approximately 1 foot into the required side yard setback.

Applicant Hardship:

A portion of the property has wetlands soils depicted by the green shading and a permit has been secured from the Inland Wetlands Commission for the addition. A portion is within a Special Flood Hazard Area (AE). The proposed location is outside of the floodplain. The northeastern portion of the property, behind the rear plain of the structure and outside the floodplain is the approximate

location of the septic. The applicant has provided a survey of proposed improvements.



Staff Comment

The public hearing notice was published in the Hartford Courant on both September 9, 2022 and September 16, 2022. The neighborhood abutters were mailed notification of the public hearing on September 14, 2022.

8:30 - 7:00 Monday
8:30 - 4:30 Tuesday through Thursday
8:30 - 1:00 Friday

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"
Monday, September 28, 2022
Simsbury Zoning Board of Appeals

Motion to Approve Application #22-08 John & Elizabeth Marion, Owner/Applicant, for a variance pursuant to the Simsbury Zoning Regulations Sections 3.5 for the construction of an addition \pm 1 foot within the side yard setback per plans provided entitled "Improvement Location and Topographical Survey" by Godfrey, Hoffman Hodge, LLC dated 8/12/2022 for the property located at 10 Victoria Lane (Assessor's Map C07, Block 212, Lot 010). Zone R-40.

This approval is subject to the following conditions:

1. Administrative zoning permit is to be obtained.