



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: October 20, 2022

RE: Application #22-09 Robert & Anne Montesi, Owners/Applicants, for a variance pursuant to the Simsbury Zoning Regulations Sections 3.5 for the construction of a \pm 288 sq. ft. chicken coop with enclosure approximately 29 feet within the side yard setback of the property located at 1 Woodcliff Drive (Assessor's Map D17, Block 602, Lot 014). Zone R-40.

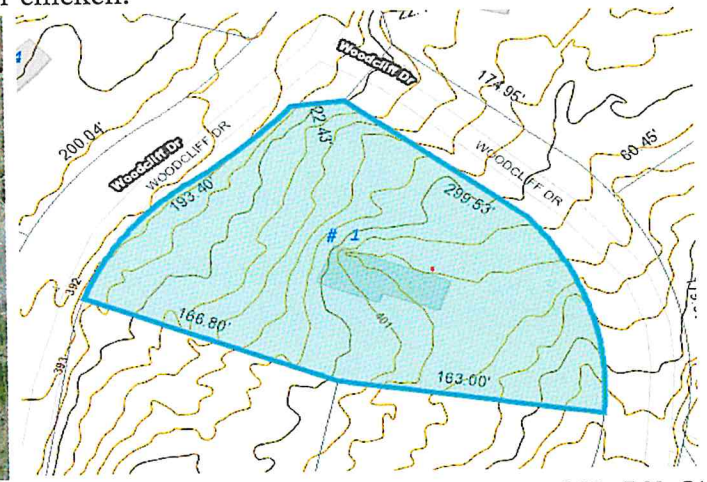


Description of Variance:

The Applicants/Owners, Robert & Anne Montesi are proposing to construct an approximately 288 square foot chicken coop with enclosure. The only structure on the property currently is the single-family cape style residential dwelling on approximately .98 acres. The property is within the R-40 zoning district with a minimum side yard setback of 40'. This addition will encroach approximately 29 feet into the required side yard setback leaving an 11' setback.

Applicant Hardship:

This is a wooded, irregular shaped corner lot. The applicant states: "...it is the best location for this structure... As for the footprint, the coop size will give the flock of hens a minimum recommended healthy space per square foot per chicken."



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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 October 13, 2022 and October 20, 2022. The neighborhood abutters were mailed notification of the public hearing on October 13, 2022.

It should be noted the applicant provided written comment from both abutting property owners in favor of the variance.

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, October 26, 2022
Simsbury Zoning Board of Appeals

Motion to Approve Application #22-09 Robert & Anne Montesi, Owners/Applicant, for a variance of \pm 29 feet pursuant to the Simsbury Zoning Regulations Sections 3.5 for the construction of a \pm 288 sq. ft. chicken coop with enclosure leaving an 11-foot side yard setback at the property located at 1 Woodcliff Drive (Assessor's Map D17, Block 602, Lot 014). Zone R-40.

This approval is subject to the following conditions:

1. Administrative zoning permit is to be obtained.