



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

*Office of Community Planning and Development*

**To:** Simsbury Zoning Board of Appeals

**From:** Laura Barkowski, CZEO  
Code Compliance Officer

**Date:** February 22, 2023

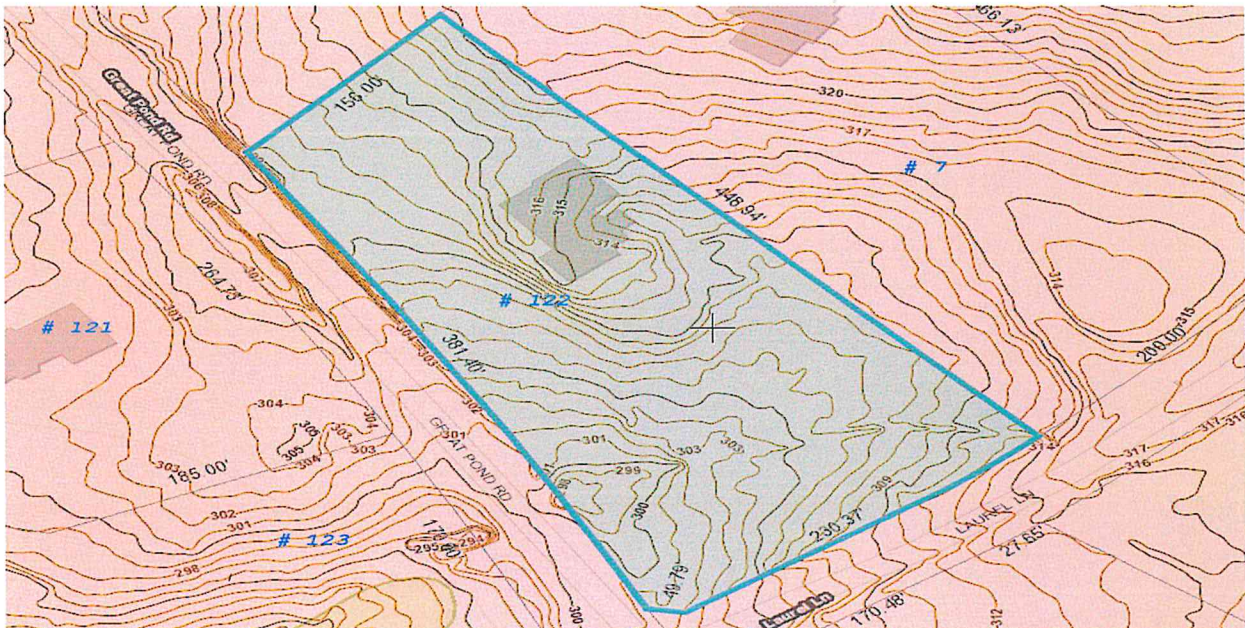
**RE:** Application #23-01 Jill Griffiths & David Keller, Owners/Applicants, for a  $\pm 20$ -foot variance from the required 40-foot side-yard setback, pursuant to the Simsbury Zoning Regulations Sections 3.9 for the construction of an 800 sq. ft. inground pool on the property located at 122 Great Pond Road (Assessor's Map E07, Block 301, Lot 013). Zone R-80

## Description of Variance:

The applicant is requesting a variance for the installation of a 20'x40' inground pool at the property located at 122 Great Pond Road. The subject lot is located within the R-80 zoning district with the primary structure a single-family contemporary style residence constructed in 1978 with three accessory structures including a 280 sq. ft. shed, 170 sq. ft. shed, and 28 sq. ft. shed. The proposed pool encroaches  $\pm 20$  feet within the 40 feet side yard setback.

## Hardship

The applicant has noted that the north and southwest areas contain a septic tank and the leaching fields. The applicant further states the South/Southeast wooded area is "the lowest lying land area and is often very wet due to the storm runoff water from the uphill properties on both sides of Laurel Lane to the northeast and east."



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

### Staff Comment

Staff has reviewed the applicant's variance application and supporting documentation. It should be noted that this property is located on the corner lot with two front yard and two side yards. Section 3.10.I of the Zoning Regulations, Exception to Dimensional Requirements states "swimming pools... may be permitted in required rear yard setback, but may not be closer than twenty-five (feet) to a rear property line." If the lot was not located on a corner the variance would be approximately five (5) feet rather than the requested twenty (20) feet.

The public hearing notice was published in the Hartford Courant on both February 10, 2023 and February 17, 2023. The neighborhood abutters were mailed notification of the public hearing on February 7, 2023.

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"**  
**Wednesday, February 22, 2023**  
**Simsbury Zoning Board of Appeals**

Motion to Approve Application #23-01 Jill Griffiths & David Keller, Owners/Applicants, for a  $\pm$ 20-foot variance from the required 40-foot side-yard setback, pursuant to the Simsbury Zoning Regulations Sections 3.9 for the construction of an 800 sq. ft. inground pool in accordance with plans entitled Zoning Location Survey, Jones Engineering LLC dated 11/01/2022 revised 2/09/2023 at on the property located at 122 Great Pond Road (Assessor's Map E07, Block 301, Lot 013). Zone R-80.

This approval is subject to the following conditions:

1. Administrative zoning permit is to be obtained.