



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Office of Community Planning and Development

To: Simsbury Zoning Board of Appeals

From: Brittany MacGilpin, Assistant Town Planner

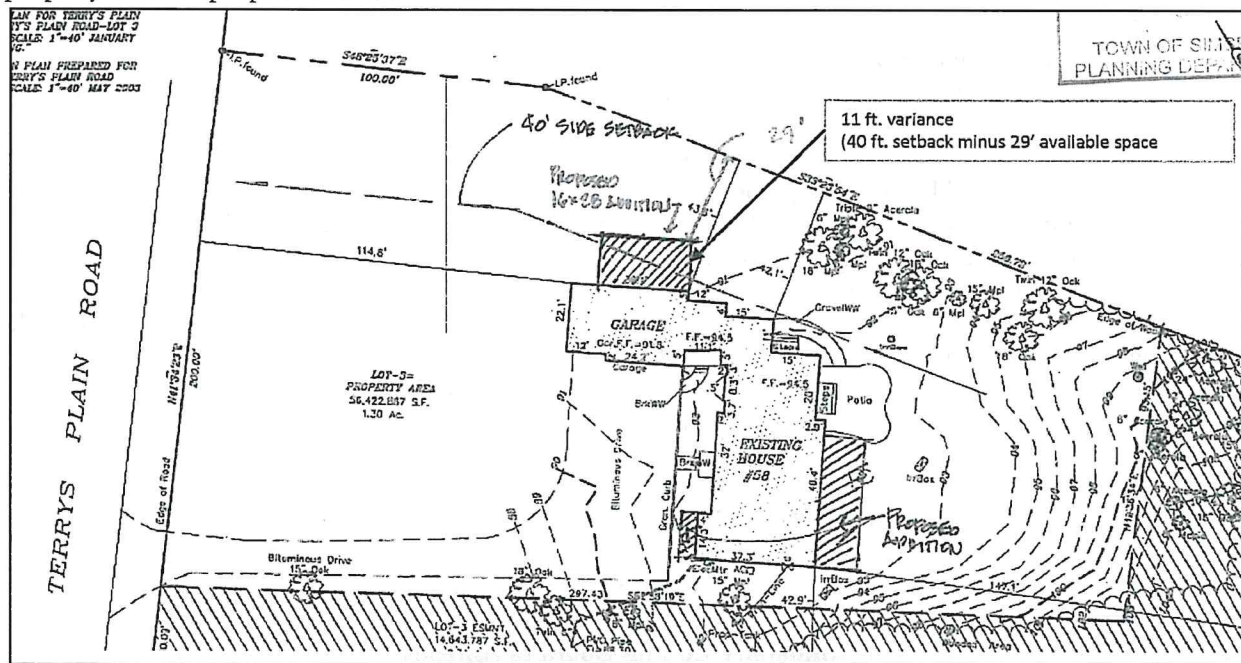
Date: May 17, 2023

RE: **Application ZBA #23-03** of Christopher Quimby, Owner, for a variance to §3.9 of the Simsbury Zoning Regulations to reduce the side yard setback from 40' to $\pm 29'$ for the construction of a garage addition at the property located at **58 Terrys Plain Road** (Assessor's Map I09-106-046A3), in Zone R-40.

Description of Variance:

The applicant is requesting a variance to the side yard setback for the purpose of constructing an addition. The subject property is located within the R-40 zoning district with the minimum side yard setback of 40'.

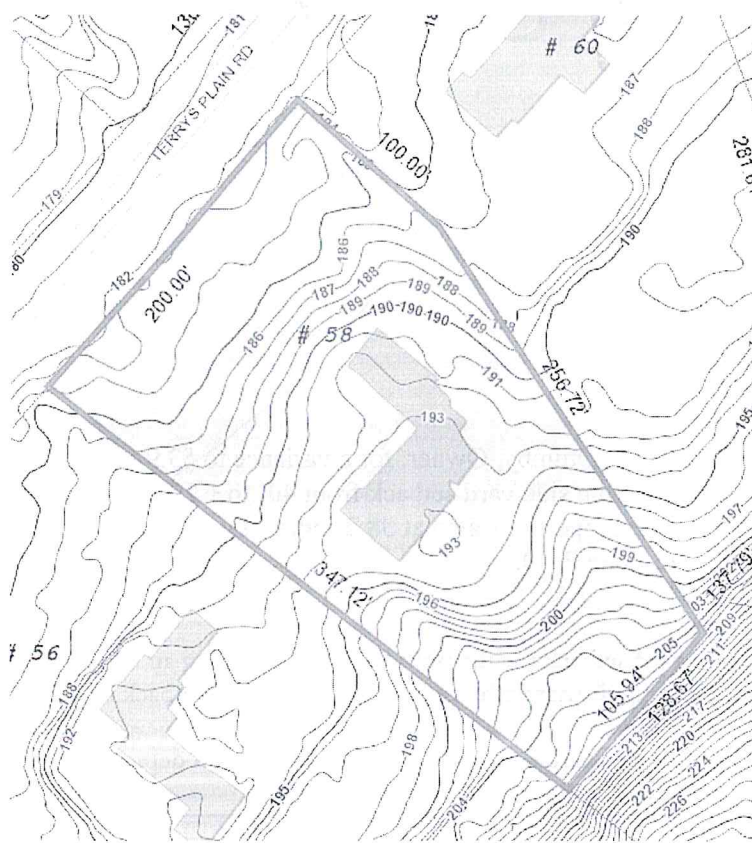
The proposed addition is to encroach $\pm 11'$ into the side yard setback. Below is the site plan depicting the property with the proposed addition.



Hardship

The application submitted states that the hardships include the following:

- Topography-The sloped property limits buildable area on the lot. See topography information for the property on the map below.
- Shape of lot- The angled northern property line restricts the side yard on that side of the home.
- Location of the septic tank limits the buildable area of their lot.



Staff Comment

Staff has reviewed the applicant’s variance application and supporting documentation. The public hearing notice was published in the Hartford Courant on both May 10, 2023 and May 17, 2023. The neighborhood abutters were mailed notification of the public hearing on May 2, 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

4. 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, May 24, 2023
Simsbury Zoning Board of Appeals**

Motion to approve Application ZBA #23-03 of Christopher Quimby, Owner, for a variance to §3.9 of the Simsbury Zoning Regulations to reduce the side yard setback from 40’ to ± 29’ for the construction of a garage addition at the property located at 58 Terrys Plain Road (Assessor’s Map I09-106-046A3), in Zone R-40.