



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Office of Community Planning and Development

To: Simsbury Zoning Board of Appeals

From: Joseph Hollis, Code Compliance Officer

Date: August 23, 2023

RE: **Application #23-05** Tarek Raslan Simsbury Capital, LLC, Owners/Applicants, for a $\pm 17'$ variance to reduce the front yard setback from 35' to 18', pursuant to the Simsbury Zoning Regulations Section 3.9 for the construction of a 777 sq. ft. attached garage on the property located at 24 Village Road (Assessor's Map F07, Block 105, Lot 013), zone R-15.

Description of Variance:

The applicant is requesting a $\pm 17'$ variance to reduce the front yard setback from 35' to 18', pursuant to the Simsbury Zoning Regulations Section 3.9 for the construction of a 777 sq. ft. attached garage on the property located at 24 Village Road (Assessor's Map F07, Block 105, Lot 013), zone R-15.

The subject lot is a 17,859.6 sq. ft. lot located within the R-15 zoning district with the primary structure consisting of a 2,064 sq. ft., single-family, ranch built in 1952. The property includes one accessory structure, a 32 sq. ft. shed.

Graphic 1 (below): Street view of the existing conditions on the property.



In the submitted application, the applicant specified that due to the septic system, home orientation on the lot, and the lot size, a legal hardship exists. The applicant stated alternative options were explored to either eliminate or reduce the variance necessary for the two-car garage, however due to the 10-foot setback required by the FVHD for the leaching field, the location of the septic system made these endeavors not feasible.

Telephone (860) 658-3245
Facsimile (860) 658-3206

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

Graphic 2 (below): Rendering of the garage addition provided by the applicant



Analysis

The proposed garage encroaches 16.6 feet within the 35 feet front yard setback, which varies from Section 3.9 of the Zoning Regulations, Dimensional Requirements that states a required front yard setback of 35 feet.

Staff reviewed a variance granted in 1998 for an abutting property at 26 Village Road (abutting property to the north). This approval was for a 9' variance to the front yard setback on Grimes Brook Road and an 18' variance to the front yard setback on Village Road for the construction of a 528 sq. ft. detached accessory structure later used as a two-car garage. The applicant for the 1998 variance cited the topography of the land, the home orientation, and safety of the neighborhood as grounds for the variance request.

Notice Requirements

The public hearing notice for was published in the Hartford Courant on both August 9, 2023 and August 16, 2023. The public hearing notice sign was posted on the property as specified in the Simsbury Zoning Regulations Section 16.C.2, Public Information Notice Sign.

Criteria for Variance Review:

Pursuant to Section 16.C, Variances, a variance from the terms of these regulations shall not be granted by the Board of Appeals unless and until the Board shall make a written finding in its minutes as to all of the following:

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, August 23, 2023
Simsbury Zoning Board of Appeals

MOVED, the Zoning Board of Appeals approves ZBA Application #23-05 Tarek Raslan Simsbury Capital, LLC, Owners/Applicants, for a $\pm 17'$ variance to reduce the front yard setback from 35' to 18', pursuant to the Simsbury Zoning Regulations Section 3.9 for the construction of a 777 sq. ft. attached garage on the property located at 24 Village Road (Assessor's Map F07, Block 105, Lot 013), zone R-15, based upon the following findings: (to be determined by the Zoning Board of Appeals)