

ZONING BOARD OF APPEALS APPLICATION  
TOWN OF SIMSBURY, 933 HOPMEADOW STREET, SIMSBURY, CT 06070



Application Number: 23-06

Fee \$ 240.00

Requested Action (please check appropriate box):

Variance

Appeal Decision of Zoning Official

Location of Property: 12 Browngate Lane  
(number and street name)

Simsbury Assessor's Map Number C04 Block Number 203 Lot Number 043

Deed Volume Number 863 Page Number 987 (property owner must supply copy of the deed)

**Applicant - Please Print the Following:**

Name: Andrew and Amelia Dalton  
Address: 12 Browngate Lane  
Simsbury, CT 06070  
Email: andrewwellsdalton@gmail.com Telephone: (860) 690-2084

Signature of Applicant: *Andrew Dalton* Date: 7/30/2023

Applicant's Interest in Property: Owner

Record Owner of Property: Andrew Wells and Amelia Kirsten Dalton, 12 Browngate Lane, Simsbury CT 06070  
*Andrew Dalton* (print name & address of owner)  
*AME DALTON* (signature of owner) Date: 7/30/2023

Property is in Zone R800S of (applicable section(s) Zoning Regulations 3.9

Describe the nature of your application, including the amount of variance requested:

Please see Exhibit A

Describe the specific hardship:

Please see Exhibit A

*This application must be accompanied by required fee, site plan and any other information required by the Zoning Regulations, Building Code, or Rules of the Board. EACH APPLICATION SHALL INCLUDE A LIST OF NAMES AND ADDRESSES OF ALL ABUTTING PROPERTY OWNERS AND ALL PROPERTY OWNERS WITHIN 100 FEET OF THE SUBJECT SITE. Five complete sets of folded plans, supporting documents, and any correspondence must be submitted with the application. Pictures of the property and letters from the neighbors are very helpful. Applicant and/or Authorized Agent must attend meeting.*

**NOTE: PICKUP YOUR PUBLIC HEARING SIGN WHEN APPLICATION IS SUBMITTED.**  
**INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED**

## **Exhibit A – Nature of Application and Specific Hardship**

### **Describe the nature of your application, including the amount of variance requested:**

This application is to extend the existing 15-foot property variance (Volume 275 Page 647) to 25 feet to allow the construction of a standard-sized inground pool at our property at 12 Browngate Lane. The topography of the property, positioning and layout of the dwelling, and positioning of the driveway make the side yard the only practical location for the pool. Note that the previous pool constructed in the 1980s was removed in the late 2000s by a prior owner. It is our understanding that this pool was not in compliance with the Zoning Regulations and approved variance.

Because of the secluded nature of our lot (see Exhibit C) and the fact that we have approval for the variance from our adjacent neighbor (see Exhibit D), we do not believe that this extension would adversely affect the neighborhood or conflict with the intent of the Zoning regulations.

Also, although not a direct consideration for our hardship, we would note that following a misinterpretation of the current variance that made us believe the pool could be closer to the property line, we also moved part of our septic system in May 2023 at a cost of \$10,000 to prepare for the pool's construction.

### **Describe the specific hardship:**

The topography and layout of our property limit the possible location for a normal-sized residential pool to the side yard. We worked closely with our pool company to investigate alternative layouts within the existing variance, but no practical solutions were found. Consequently, we are requesting a variance extension to 25 feet.

VGL 275 PAGE 0647



ZONING BOARD OF APPEALS  
SIMSBURY, CONNECTICUT

THIS IS TO CERTIFY that the Simsbury Zoning Board of Appeals granted a variance concerning property owned by William B. and Mary Ann M. Voegtle located at 12 Browngate Lane, R80 Open Space Zone. Deed reference: Volume 269, page 669.

A variance not to exceed fifteen (15) feet in the side yard requirement was granted to permit construction of an inground pool, other than allowed under Article Eight, Section B-12 Height, Area and Yard Requirements of the Simsbury Zoning Regulations.

This is to certify that the topography of the lot, location of septic system and location of dwelling on the lot constitute a hardship to the applicant and relief can be granted without detriment to the public welfare and impairment to the integrity of the Simsbury Zoning Regulations.

The vote of the Board of Appeals was unanimous.

It was voted that the effective date of the variance is to be May 25, 1984, provided a copy of the decision is filed in the Office of the Town clerk, and provided a copy of the certificate is recorded in the Simsbury Land Records by the owner.

I hereby certify this is a true copy of the decision of the Simsbury Zoning Board of Appeals May 16, 1984.

Charles E. Davis  
Secretary

CERTIFIED MAIL #P476 252 891

cc: Building Official  
Town Clerk





Doc ID: 001096170003 Type: LAN

BK 863 PG 987-989

After recording, return to:  
Andrew Wells Dalton  
Amelia Kirsten Dalton  
12 Browngate Lane  
Simsbury, CT 06070

**WARRANTY DEED**  
Statutory Form

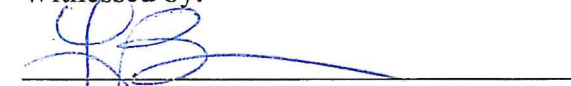
**KIMBERLY MARKS GLENNEY**, formerly known as Kimberly M. Hunt, of Simsbury, Connecticut ("Grantor"), for consideration paid, grants to **ANDREW WELLS DALTON** and **AMELIA KIRSTEN DALTON**, both of Bloomfield, Connecticut ("Grantees"), as **JOINT TENANTS**, with **WARRANTY COVENANTS**, certain real property known as **12 Browngate Lane, Simsbury, Connecticut**, and described in Schedule A attached to this deed.

This real property is conveyed subject to (i) any and all provisions of any ordinance, municipal regulation, or public or private law, (ii) any state of facts an accurate survey or personal inspection may reveal, (iii) taxes to the Town of Simsbury on the grand list of October 1, 2012, and subsequent lists, which taxes the Grantees assume and agree to pay as part consideration for this deed; (iv) and an easement from the General Cigar Co., Inc. to The Hartford Electric Light Company dated April 26, 1976, and recorded on the Simsbury Land Records in Volume 219, at Page 0992.

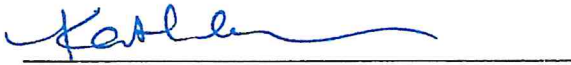
Reference is made to (i) a conveyance from John M. Hunt to Kimberly M. Hunt, by Quit-Claim Deed dated May 18, 2009, and recorded in Volume 776, at Page 715 of the Simsbury Land Records, and (ii) a conveyance from William B. Voegtle and Mary Ann Voegtle to John M. Hunt and Kimberly M. Hunt by Warranty Deed dated July 30, 2003, and recorded in Volume 632, at Page 167 of the Simsbury Land Records, and (iii) a Change of Name Certificate from Kimberly M. Hunt to Kimberly Marks Glenney dated the same day as, and recorded on the Simsbury Land Records prior to, this deed.

Signed this August 28, 2013.

Witnessed by:

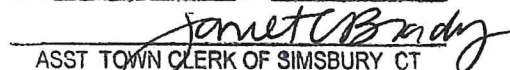
  
\_\_\_\_\_  
Witness #1 sign above and print name below  
Lisa Brunner

  
\_\_\_\_\_  
Kimberly Marks Glenney

  
\_\_\_\_\_  
Witness #2 sign above and print name below  
Kathryn A. Graham

... continued

\$ CONVEYANCE TAX RECEIVED  
CT \$ 2925.<sup>00</sup> SI \$ 975.<sup>00</sup>


  
\_\_\_\_\_  
ASST TOWN CLERK OF SIMSBURY CT



Warranty Deed  
12 Browngate Lane, Simsbury, CT  
Kimberly Marks Glenney to  
Andrew Wells Dalton and Amelia Kirsten Dalton  
Page 2

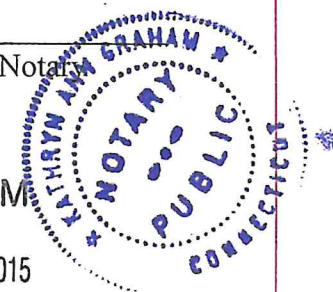
STATE OF CONNECTICUT:  
COUNTY OF HARTFORD: ss. West Hartford

On August 28, 2013, personally appeared KIMBERLY MARKS GLENNEY, signer and sealer of the foregoing instrument, who acknowledged the same to be her free act and deed, before me.

  
\_\_\_\_\_  
Commissioner of the Superior Court / Notary

Public

KATHRYN ANN GRAHAM  
NOTARY PUBLIC  
MY COMMISSION EXPIRES AUGUST 31, 2015



Grantee's Address:  
12 Browngate Lane  
Simsbury, CT 06070

SCHEDULE A  
12 Browngate Lane, Simsbury, Connecticut

All that certain piece or parcel of land, together with all the improvements thereon located, situated in the Town of Simsbury, County of Hartford and State of Connecticut, designated as Lot No. 43 on a map entitled, "Revision Smokey Ridge Lots 40, 41, 42 & 43 Browngate Simsbury, Connecticut Scale: 1 In. = 40 Ft. December 5, 1979, ed lally and associates, 123 Prospect Hill Road, Windsor, Conn. 06055" which map is on file in the Office of the Simsbury Town Clerk, said premises being more particularly bounded and described as follows:

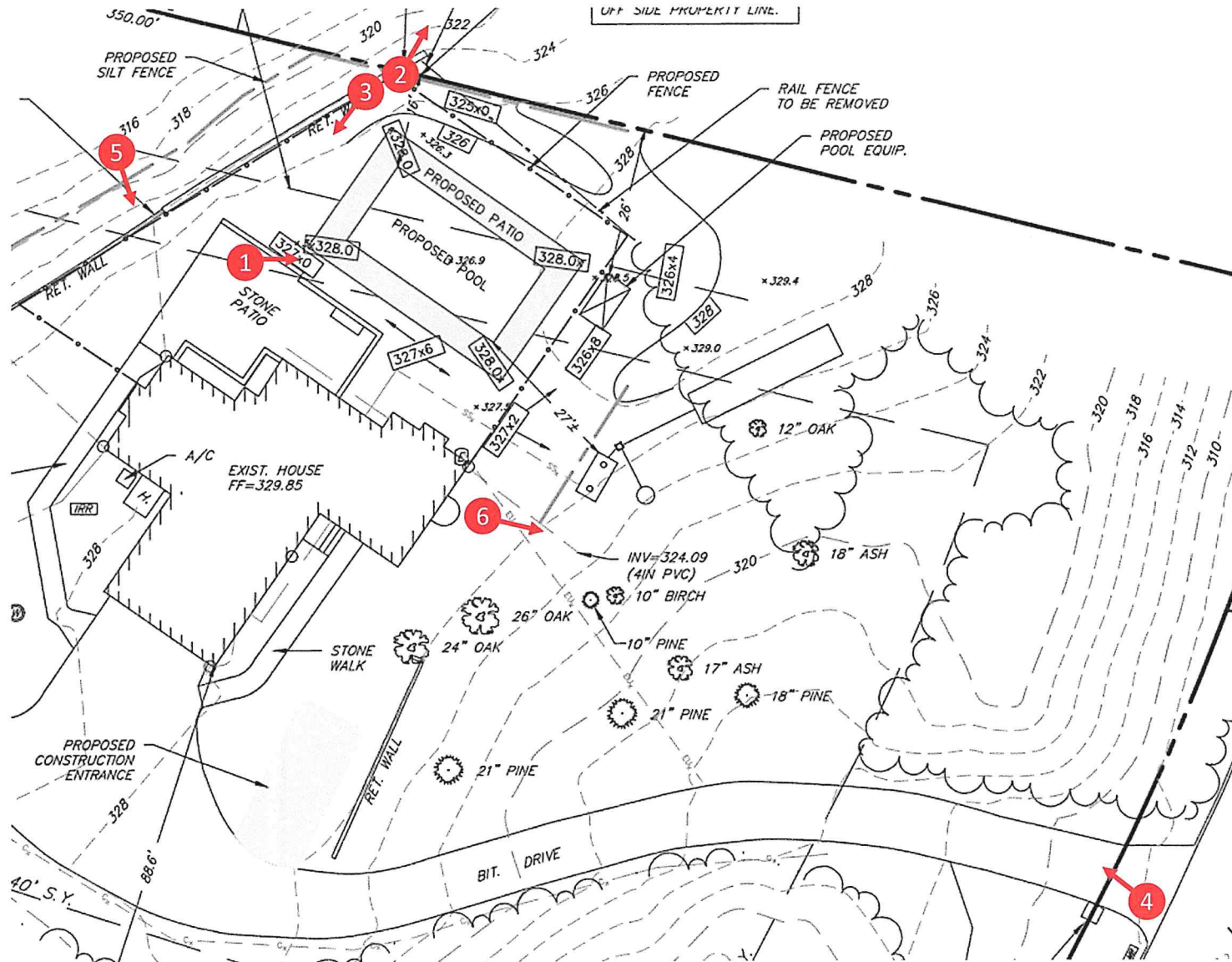
- NORTHEASTERLY: by land now or formerly of the Town of Simsbury shown as "Open Space" on said map and Lot No. 29, as shown on said map, partly by each in all 350 feet;
- SOUTHEASTERLY: by Browngate Lane as shown on said map, 213.75 feet;
- SOUTHWESTERLY: by Lot No. 42 as shown on said map, 348.13 feet; and
- NORTHWESTERLY: by land now or formerly of the Town of Simsbury shown as "Open Space" on said map, 188.35 feet.

2949508\_1.docx 7/10/2013

Received for Record at Simsbury, CT  
On 08/30/2013 At 12:18:08 pm

  
Carolyn D. Kelly, Town Clerk

# Exhibit C – Pictures



# Exhibit B – List of Abutting Property Owners

## Within 100 feet of subject site:

- Michele Mesek (10 Browngate Lane)

## Not within 100 feet of subject site:

- David and Andrea Connaughton (14 Browngate Lane)



# Exhibit C.6





# Exhibit C.5





# Exhibit C.4





# Exhibit C.3





## Exhibit C.2





# Exhibit C.1



July 19<sup>th</sup>, 2023

**Exhibit D**

Simsbury Zoning Board of Appeals

Town of Simsbury, Connecticut

Simsbury Zoning Board of Appeals,

My name is Michele Mesek, and I am the owner of 10 Browngate Lane. I have reviewed Andrew and Amelia Dalton's proposed plan to build a pool in their side yard and have no objection to the approval of an additional variance. Thank you for your consideration.

A handwritten signature in black ink, appearing to read "M. Mesek", with a long horizontal flourish extending to the right.

Michele Mesek



July 19<sup>th</sup>, 2023

Simsbury Zoning Board of Appeals

Town of Simsbury, Connecticut

Simsbury Zoning Board of Appeals,

My name is Michele Mesek, and I am the owner of 10 Browngate Lane. I have reviewed Andrew and Amelia Dalton's proposed plan to build a pool in their side yard and have no objection to the approval of an additional variance. Thank you for your consideration.

A handwritten signature in black ink, appearing to read "M. Mesek", with a long horizontal flourish extending to the right.

Michele Mesek





# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Office of Community Planning and Development

## PUBLIC HEARING SIGN RECIPIENT FORM

### RECIPIENT INFORMATION

Name: Andrew Dalton

Number of Signs: 1

Phone: (860) 690-2084

Email: andrewwellsdalton@gmail.com

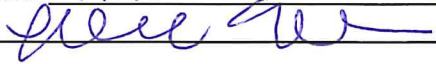
Property on Application: 12 Browngate Lane

### PUBLIC HEARING SIGN RULES

- The sign(s) will be posted perpendicular to the property in clear view from both sides of the roadway
- The affidavit will be signed and returned **after** the fifteen (15) day window has elapsed

I am aware that the public hearing sign(s) must be posted on the property above in clear view of the road for the required **fifteen (15) days** prior to the meeting date, not including the meeting date.

Printed Name of Recipient: Andrew Dalton

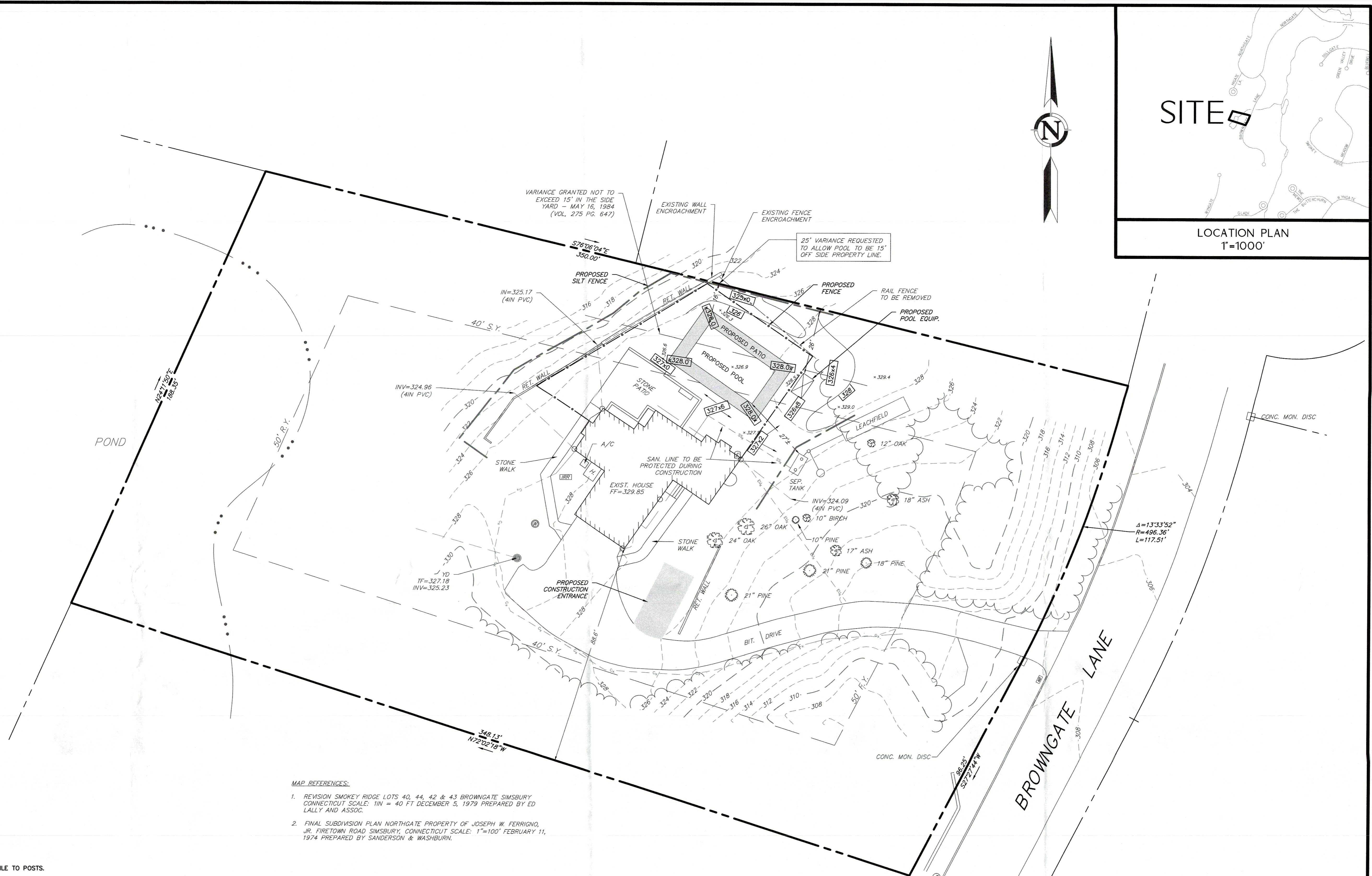
Signature of Recipient: 

Date: 7/31/2023



**LEGEND**

EXISTING	DESCRIPTION
	BORING / TEST PIT LOCATION
	OVERHEAD COMM. LINES (CABLE, TEL. ETC.)
	APPROX. UNDERGROUND COMMUNICATION LINES
	BENCHMARK
	APPROX. WATER MAIN
	APPROX. WATER SERVICE
	WATER VALVE
	FIRE HYDRANT
	POLE MOUNTED LIGHT
	GAS VALVE
	APPROX. GAS MAIN
	APPROX. GAS SERVICE LINE
	ELECTRICAL LINES, OVERHEAD
	APPROX. ELECTRICAL LINES, UNDERGROUND
	UTILITY POLE
	UTILITY POLE WITH LIGHT
	UTILITY POLE WITH TRANSFORMER
	PROPERTY LINE
	EASEMENT LINE
	IRON PIPE
	IRON ROD
	MONUMENT
	GUARD RAIL
	SIGN
	EDGE OF WATER
	BARBED WIRE FENCE
	CHAIN LINK FENCE
	RAIL FENCE
	STOCKADE FENCE
	WIRE FENCE
	STONE WALL
	TREE LINE
	APPROX. SANITARY SEWER MAIN
	APPROX. SANITARY SEWER SERVICE LINE
	SANITARY SEWER MANHOLE
	SEWER CLEAN OUT
	APPROX. STORM DRAIN PIPE
	STORM DRAIN MANHOLE
	CURB INLET
	CATCH BASIN
	CONTOUR
	SPOT ELEVATION
	WETLANDS LINE



**IMPROVEMENT LOCATION SURVEY**

**NO. DATE REVISIONS**

BY

PREPARED FOR:  
Andrew Dalton  
12 Browngate Lane  
Simsbury, CT 06070

DATE: 5/19/23  
DRAWN BY: JJC  
CHECKED BY: MHA  
SCALE: 1" = 20'

**PROFESSIONALS**  
CIVIL & TRAFFIC ENGINEERS / PLANNERS / SURVEYORS  
CIVIL & LANDSCAPE ARCHITECTS

21 JEFFREY DRIVE  
P.O. BOX 767  
SOUTH WINDSOR, CT 06094  
860-291-8755  
860-291-8757  
www.designprofessionals.com

**STATE OF CONNECTICUT**  
BARRY D. CLARK, L.S.  
No. 18768  
LICENSED LAND SURVEYOR

**STATE OF CONNECTICUT**  
JAMES J. LUCZAK, P.E.  
No. 21442  
LICENSED PROFESSIONAL ENGINEER

16766 LIC. NO.

16766 LIC. NO.

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