



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: September 27, 2023

RE: **Application ZBA #23-07** Robert McAllister, Owner/Applicant, for a \pm 688 sq. ft. variance to the total allowable square footage for all accessory structures on the property, pursuant to the Simsbury Zoning Regulations Section 3.5 for the construction of a \pm 1,696 sq. ft. barn on the property located at 179 Great Pond Road (Assessor's Map D06, Block 303, Lot 004), zone R-80.

Description of Variance:

The applicant is requesting a \pm 688 sq. ft. variance to the total allowable square footage for all accessory structures on the property, pursuant to the Simsbury Zoning Regulations Section 3.5 for the construction of a \pm 1,696 sq. ft. barn on the property located at 179 Great Pond Road (Assessor's Map D06, Block 303, Lot 004), zone R-80.

The subject lot is a 6.23-acre lot located within the R-80 zoning district with the primary structure consisting of a 5,008 sq. ft. single-family cape built in 1952. The property includes two accessory structures, a 216 sq. ft. shed and a 1,280 sq. ft. barn.

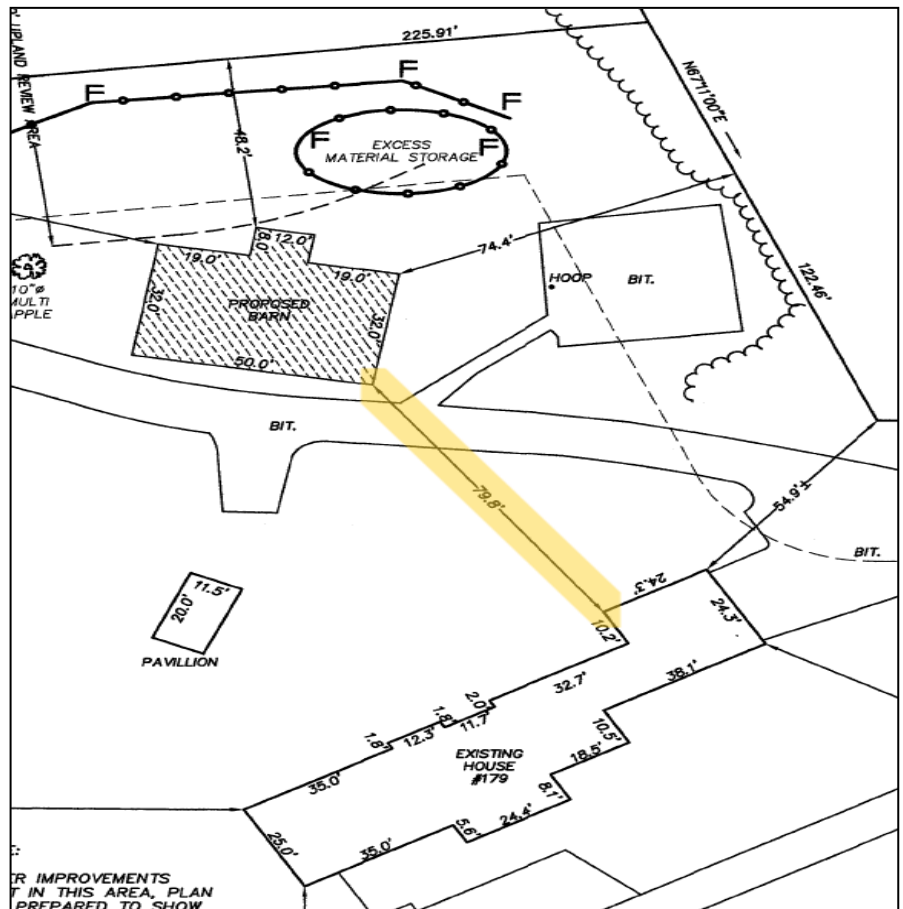
Graphic 1 (Right): Aerial view of the existing conditions on the property.

Section 3.5 of the Zoning Regulations states, the maximum cumulative building area for all accessory structures on a lot shall not exceed 50% of the building area of the primary building. The Accessory Structure Calculation Worksheet provided as Exhibit 1 to this staff report outlines the total square footage of the primary building, total square footage of all accessory structures on the lot, and provides the remaining square footage allowance for any additional accessory structures on the property. As you can see on the worksheet, up to 1,008 sq. ft. of building area is permitted for an additional accessory structure. The applicant's request exceeds this amount by \pm 688 sq. ft.



In the submitted application, the applicant specified that because they cannot connect the outbuilding to the existing residence, a legal hardship exists. In other words, if the applicant attached the proposed barn to the existing house, it would be considered the main structure and be compliant with the regulations. Graphic 2, proposed site plan provided by the applicant, on the right indicates a distance of 79.8' from the primary building to the proposed barn.

Graphic 2 (right): Proposed site plan provided by the applicant



Analysis

As discussed, the proposed barn, in conjunction with the other accessory structures on the lot, exceeds 50% of the building area for the primary building as required by Section 3.5 of the Zoning Regulations, Accessory Structures. Therefore, in order for the structure to be permitted a variance is required. Additionally, the applicant has stated the height of the barn would be compliant with the regulations.

Notice Requirements

The public hearing notice was published in the Hartford Courant on both September 15, 2023 and September 22, 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, September 27, 2023
Simsbury Zoning Board of Appeals

MOVED, the Zoning Board of Appeals approves Application ZBA #23-07 Robert McAllister, Owner/Applicant, for a \pm 688 sq. ft. variance to the total allowable square footage for all accessory structures on the property, pursuant to the Simsbury Zoning Regulations Section 3.5 for the construction of a \pm 1,696 sq. ft. barn on the property located at 179 Great Pond Road (Assessor's Map D06, Block 303, Lot 004), zone R-80, based upon the following findings: (to be determined by the Zoning Board of Appeals)

Staff has provided the Accessory Structure Calculation Worksheet for 179 Great Pond Road as Exhibit 1:

Accessory Structure Calculation Worksheet

Property Address	179 Great Pond Road
Total Building Area of Primary Structure (sq. ft.)	5008
50% of Total Building Area of Primary Structure (sq. ft.)	2504
Total Building Area of All Existing Accessory Structures on Property (sq. ft.)	1496
Allowable Building Area Remaining (sq. ft.)	1008
Proposed Square Footage of Barn	1696
Variance Requested	688