



# 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:** March 27, 2024

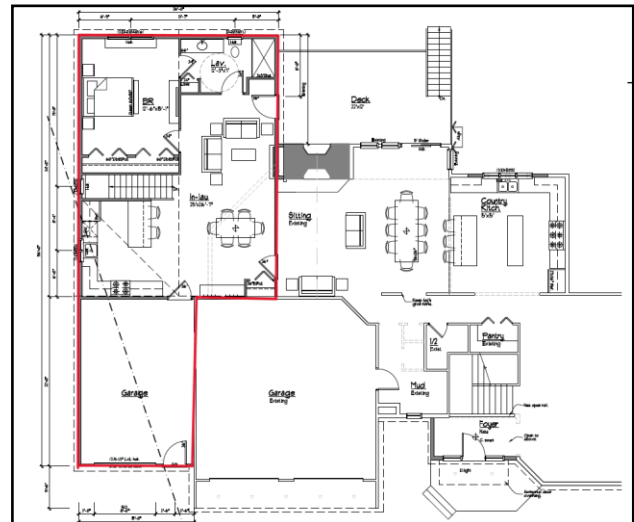
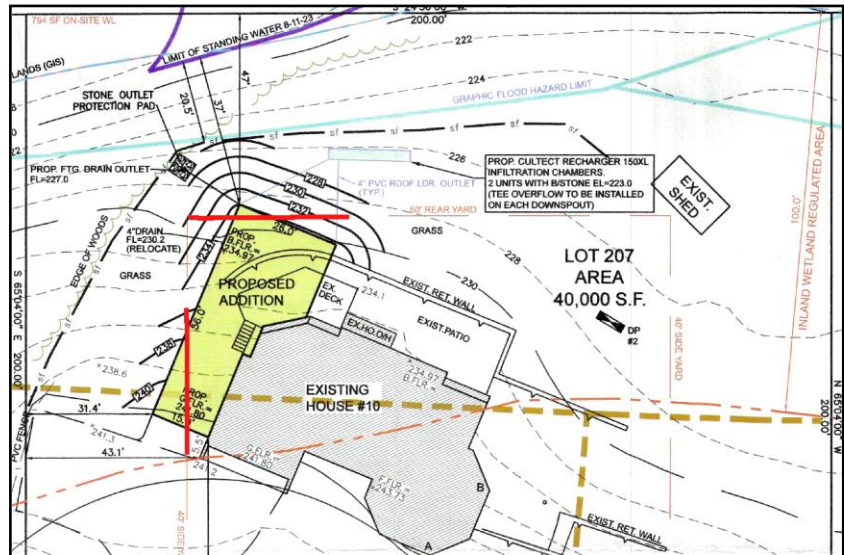
**RE:** **Application ZBA #24-02** of Curtis Looney & Manu Singh-Looney Applicant/Owner; for a variance to Section 3.9 of the Simsbury Zoning Regulations to construct an attached accessory dwelling unit within established property setbacks by reducing the side yard setback from  $\pm 40'$  to  $\pm 31.4'$  and to reduce the rear yard setback from  $\pm 50'$  to  $\pm 47'$  at 10 Cedar Glen (Assessor's Map E10 Block 147 Lot 207), Simsbury, CT 06070, zone R-40.

## Description of Application:

The applicant is requesting a  $\pm 3'$  variance to the rear yard setback and a  $\pm 8.6'$  variance to the side yard setback for an attached accessory dwelling unit at 10 Cedar Glen (Assessor's Map E10 Block 147 Lot 207), Simsbury, CT 06070, zone R-40.

The applicant is proposing the addition as outlined in Graphic 1 (right) with the required setbacks shown in red. The gross floor area of the proposed addition will be approximately 1,713 SF with 650 SF utilized as an accessory dwelling unit. The interior layout is shown in Graphic 2 to the right with the proposed addition shown outlined in red.

In the submitted application, the applicant identified two specific hardships in requesting the area variances. First, the location of the proposed addition in the backyard was not possible due to the need to build the addition in a manner that required minimal stairs for access to the unit. Second, the location of the septic system on the right side of house would limit the potential locations on that side of the property for the addition. Graphic 3 showing site contours and Graphic 4 showing the location of the septic system are on the following page.



## Analysis

Pursuant to Section 3.9, *Dimensional Requirements*, the addition would be required to meet the following setbacks:

50' Front Yard Setback  
40' Side Yard Setback  
50' Rear Yard Setback

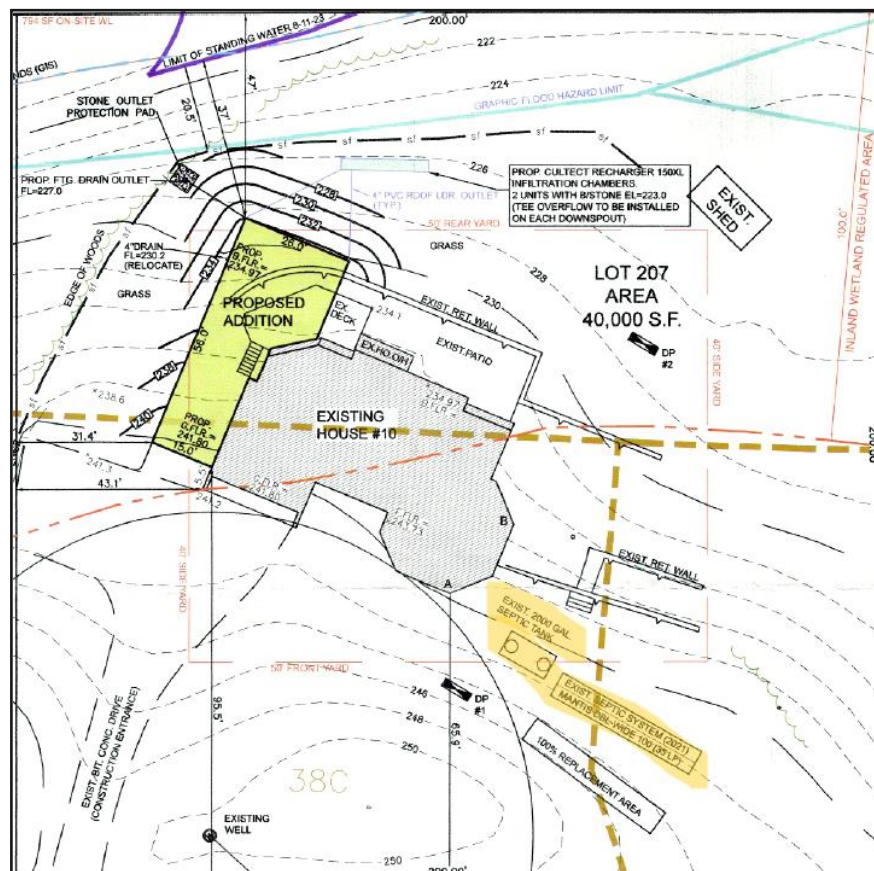
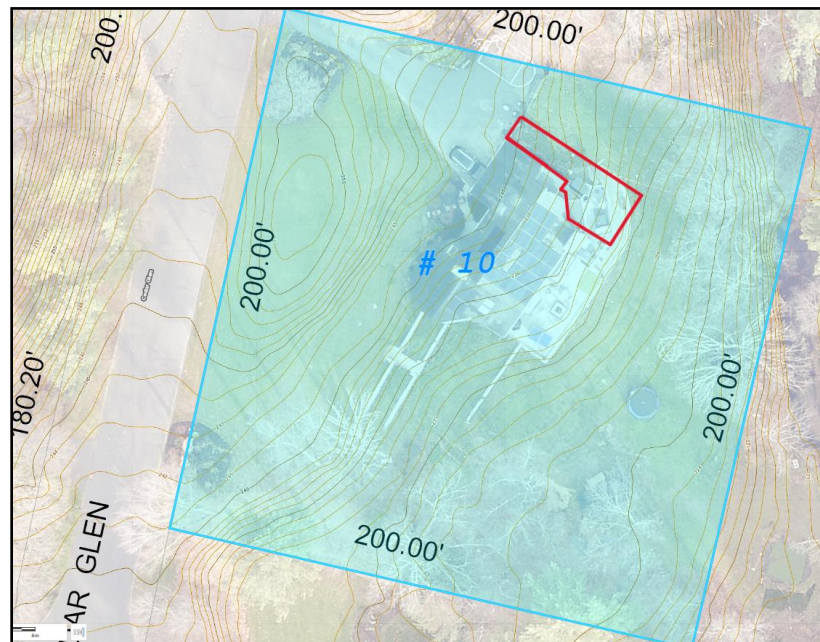
The applicant is requesting a reduction of the side yard setback from 40' to 31.4' and the rear yard reduced from 50' to 47' to construct the addition.

The side yard setback reduction is primarily due to the proposed garage portion of the addition shown in Graphic 2 which results in the 8.6' variance request. The proposal without the garage would require the same 3' variance to the rear yard setback and would reduce the side yard setback variance to approximately 3.5'.

**Hardship Evaluation** – The applicant has described the hardships for the application as the slope of the rear yard and the location of the septic system on the property. Graphic 3 above shows the approximate location of the addition proposed outlined in red relative to the topography of the lot. The slope in the rear of the property drops from roughly 235' above sea level at the rear edge of the house to 222' at the rear property line.

Graphic 4 on the right shows the location of the septic system highlighted in gold. These factors limit the potential locations for the addition.

The board should evaluate the elements of the case including the following criteria when making their determination on the application.



**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 below for discussion purposes only as Exhibit A:

**Exhibit "A"**  
**Wednesday, March 27, 2024**  
**Simsbury Zoning Board of Appeals**

MOVED, the Zoning Board of Appeals approves **Application ZBA #24-02** of Curtis Looney & Manu Singh-Looney Applicant/Owner; for a variance to Section 3.9 of the Simsbury Zoning Regulations to construct an attached accessory dwelling unit within established property setbacks by reducing the side yard setback from  $\pm 40'$  to  $\pm 31.4'$  and to reduce the rear yard setback from  $\pm 50'$  to  $\pm 47'$  at 10 Cedar Glen (Assessor's Map E10 Block 147 Lot 207), Simsbury, CT 06070, zone R-40, as the applicant has met all criteria pursuant to Section 16.C based on the following findings:

Or

Alternative Motion made by the Board