

1 **ZONING BOARD OF APPEALS – MEETING MINUTES**

2 Wednesday, April 27, 2022

3 The public hearing was web-based on Zoom at <https://us06web.zoom.us/j/2574297243>

4 Meeting ID: 257 429 7243

5 **I. CALL TO ORDER** – Commissioner Antonio called the meeting to order at 7:00 P.M.

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7 **II. ROLL CALL**

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9 **Present:** George McGregor, Town Planner; Steven Antonio, Mark Freeman, JoAnn
10 Hogan, Ram Kaza, Josh Michelson, Ali Rice, and Sharon Thomas

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12 **Absent:** Stacey Walczak

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14 **III. APPLICATIONS**

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16 **1. Public Hearings**

17 **a. Application #22-05** of Steve Feldman, Owner/Applicant; for variances
18 pursuant to the Simsbury Zoning Regulations Sections 3.5 and 3.9 for the construction of
19 two 14’ x 6’ sheds in the front yard within the front yard setback of the property located at
20 90 Riverside Road (Assessor’s Map H11 Block 107 Lot 043). Zone R-15.

- 21 • Mr. Feldman stated that he heats his home with wood and
- 22 would like to replace the pallets that his wood pile is
- 23 currently on with woodshed to hold the wood. The shed
- 24 would be behind the hedges and open towards the driveway
- 25 facing the house.
- 26 • Mr. Feldman stated that he has Parkinson’s Disease, and his
- 27 wife has metabolic myopathy, and that it is safer for them to
- 28 retrieve their wood from the front yard as opposed to the
- 29 unlevelled backyard which is difficult to move through the
- 30 snow to get to.
- 31 • Commissioner Antonio commented that the proposed sheds
- 32 would be higher than the hedges, and the current pallets are
- 33 lower than the hedges.
- 34 • Commissioner Hogan added that it is 14’ x 6’, a total of 28
- 35 feet across.
- 36 • Mr. Feldman responded that it is proposed to have a peak at
- 37 9 feet but can be customized to be made shorter.
- 38 • Commissioner Hogan expressed concern about setting a
- 39 precedent for having sheds in the front yard. The
- 40 permanence of the shed and the lack of permanence of the
- 41 screening with the hedges is an issue to grant variance.
- 42 • Commissioner Freeman stated that Mr. Feldman has support
- 43 from his neighbors and that should have weight.

44 • Commissioner Kaza inquired if these sheds would be fixed
45 to the ground and Mr. Feldman responded that they would
46 be moveable but will be staked down because they are in the
47 wetlands.

48 **MOTION:** Commissioner Antonio made a motion to close the public hearing on
49 **Application #22-05** of Steve Feldman, Owner/Applicant; for variances pursuant to the
50 Simsbury Zoning Regulations Sections 3.5 and 3.9 for the construction of two 14' x 6'
51 sheds in the front yard within the front yard setback of the property located at 90 Riverside
52 Road (Assessor's Map H11 Block 107 Lot 043). Zone R-15.

53 Commissioner Hogan seconded the motion. The motion carried unanimously.

54 **b. Application #22-06** of Michael and Tonia Gugliotti, Owner/Applicant;
55 for variances pursuant to the Simsbury Zoning Regulations Sections 3.5, 3.9, and 7.4 for
56 the construction of a 24' x 20' attached garage within the front yard setback for the property
57 located at 12 Spring Brook Lane (Assessor's Map E14 Block 114 Lot 008) Zone R-40.

- 58 • Mr. Gugliotti stated that he wants his elderly mother to move in with
59 him and would like to convert his current garage into her living
60 quarters. He also wants to tear down the bump out part of the house
61 and build a garage there.
- 62 • Commissioner Antonio inquired if he was planning on having two
63 driveways or transferring the driveway.
- 64 • Mr. Gugliotti responded that he would have a small parking space
65 where the current driveway is and that will lead to the front
66 walkway.
- 67 • Mr. Gugliotti stated that the hardship is that the house is
68 nonconforming to the setbacks as it is. The bump out was poorly
69 designed and built, it's leaning, and the roof is sagging.
- 70 • Commissioner Hogan inquired if there was enough room where the
71 driveway is now to add a garage.
- 72 • Mr. Gugliotti responded that there was not.
- 73 • Commissioner Antonio inquired if the steps were a handicap.
- 74 • Mr. Gugliotti responded yes.
- 75 • Commissioner Antonio inquired if the new garage entrance would
76 be flush to the ground.
- 77 • Mr. Gugliotti responded yes.
- 78 • Commissioner inquired if the current garage door on the proposed
79 living space would be coming off.
- 80 • Mr. Gugliotti responded yes and that it would be closed off.
- 81 • Commissioner Hogan inquired what the increase in the
82 encroachment would be.
- 83 • Mr. Gugliotti responded that for the front yard on Deerfield Lane it
84 would be 3 feet.

85 **MOTION:** Commissioner Antonio made a motion to close the public hearing on
86 **Application #22-06** of Michael and Tonia Gugliotti, Owner/Applicant; for variances
87 pursuant to the Simsbury Zoning Regulations Sections 3.5, 3.9, and 7.4 for the construction
88 of a 24' x 20' attached garage within the front yard setback for the property located at 12
89 Spring Brook Lane (Assessor's Map E14 Block 114 Lot 008) Zone R-40.

90 Commissioner Hogan seconded the motion. The motion carried unanimously.

91 **2. Discussion and Possible Action**

92 **a. Application #22-05** of Steve Feldman, Owner/Applicant; for variances
93 pursuant to the Simsbury Zoning Regulations Sections 3.5 and 3.9 for the construction of
94 two 14' x 6' sheds in the front yard within the front yard setback of the property located at
95 90 Riverside Road (Assessor's Map H11 Block 107 Lot 043). Zone R-15.

- 96 • Commissioner Hogan stated that she is thinking of the future
97 of what this can result in visually, and what this can lead to
98 with other residents building sheds in their front yards.
- 99 • Commissioner Antonio stated that at least one corner of the
100 proposed structure must be behind the front wall of the
101 existing structure. This scenario requires a substantial
102 amount of footage in front of the existing structure, and they
103 have never granted a variance of that extent.
- 104 • Commissioner Freeman stated that the resident's medical
105 situation, the possibility of customization of the shed, and
106 the support of neighbors makes him comfortable with
107 approval.
- 108 • Commissioner Thomas stated that she recognizes the
109 resident's medical hardship as a hardship and inquired if the
110 Board could do something to grant this variance but protect
111 the future from building of sheds in front yards.
- 112 • Commissioner Antonio responded that they could not
113 because zoning variances are very explicit and permanent in
114 nature. He also suggested they could turn the sheds 90
115 degrees to consume less roadside-visual room or move the
116 sheds closer to the house. He does not see the zoning
117 hardship which is necessary for the variance to be granted.

118 **MOTION:** Commissioner Hogan made a motion to approve **Application #22-05** of
119 Steve Feldman, Owner/Applicant; for variances pursuant to the Simsbury Zoning
120 Regulations Sections 3.5 and 3.9 for the construction of two 14' x 6' sheds in the front
121 yard within the front yard setback of the property located at 90 Riverside Road
122 (Assessor's Map H11 Block 107 Lot 043). Zone R-15. This approval is subject to the
123 following conditions: all appropriate permits are to be obtained. The hardship stated by
124 the applicant is that the lot did not allow the structures to be in the backyard to the uneven

125 terrain and health issues of the homeowners needing it to be in the front yard where the
126 terrain is level.

127 Commissioner Michelson seconded the motion. Three voted in favor. Three voted in
128 opposition. The motion did not carry.

129 **b. Application #22-06** of Michael and Tonia Gugliotti, Owner/Applicant;
130 for variances pursuant to the Simsbury Zoning Regulations Sections 3.5, 3.9, and 7.4 for
131 the construction of a 24' x 20' attached garage within the front yard setback for the property
132 located at 12 Spring Brook Lane (Assessor's Map E14 Block 114 Lot 008) Zone R-40.

- 133 • Commissioner Antonio stated that it is a 3-foot variance and
134 is essentially just inching out an existing area. The biggest
135 thing is the proposed driveway.
- 136 • Commissioner Freeman stated that it does not appear this
137 would impact any neighbors.
- 138 • Commissioner Hogan stated that they get a lot of
139 applications from residents with corner lots who end up with
140 two front yards, and oftentimes what is the side yard ends up
141 being under-utilized because of how the houses are placed
142 on the property. It appears that the applicant is not vastly
143 changing the footprint of what is there and is making use of
144 the property to accommodate someone who has a need for
145 accessibility.

146 **MOTION:** Commissioner Hogan made a motion to approve **Application #22-06** of
147 Michael and Tonia Gugliotti, Owner/Applicant; for variances pursuant to the Simsbury
148 Zoning Regulations Sections 3.5, 3.9, and 7.4 for the construction of a 24' x 20' attached
149 garage within the front yard setback for the property located at 12 Spring Brook Lane
150 (Assessor's Map E14 Block 114 Lot 008) Zone R-40. All appropriate permits are to be
151 obtained. The hardship being that the residents are on a corner lot with two front yard
152 setbacks and is trying to create a safe space for their elderly parent and this makes the most
153 use of the space without drastically increasing what is already nonconforming. The
154 application's approval would also be contingent on the reduction of the current driveway
155 to 13 feet wide from the double driveway that it is now to accommodate the one lane spot
156 for vehicles.

157 Commissioner Antonio seconded. The motion carried unanimously.

158 **IV. GENERAL COMMISSION BUSINESS**

- 159 • Commissioner Antonio introduced Mr. McGregor as the new Town
160 Planner.

161 **1. Discussion of Future Meeting Status (Virtual or In-Person)**

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- Commissioner Antonio, Commissioner Freeman, and Commissioner Thomas, and Commissioner Rice stated that they appreciate the accessibility of the virtual option.
 - Commissioner Kaza inquired if they could do hybrid.
 - Commissioner Antonio responded that they could do hybrid with Owl but that there is limited view and he found that those at home tend to be less participatory.
 - Mr. McGregor stated that the Legislature is being prepared to vote for allowability for a variety of meeting styles.
 - Commissioner Antonio stated that remote is also great for applicants because they are only involved in meetings for their application.
 - Commissioner Michelson stated that he was in opposition for meetings to be strictly in-person.
 - Commissioner Antonio declared for the next couple of meetings they would continue to meet via Zoom.

177 **V. APPROVAL OF MINUTES** of March 23, 2022, regular meeting

178 Commissioner Antonio made a motion to accept the March 23, 2022, regular meeting
179 minutes as written. Commissioner Hogan seconded the motion. The motion carried
180 unanimously.

181 **VI. Adjournment**

182 Commissioner Antonio made a motion to adjourn the meeting. Commissioner Thomas
183 seconded the motion. The motion carried unanimously. The meeting adjourned at 8:09
184 P.M.

185 Respectfully Submitted,

186 Amanda Blaze

187 Commission Clerk

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