

**ZONING BOARD OF APPEALS**  
**Wednesday, August 23, 2023, at 7:00 P.M.**  
**Public hearing was web-based on Zoom**

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

**II. ROLL CALL**

**Present:** Assistant Town Planner, Brittany MacGilpin; Code Compliance Officer, Joseph Hollis; Chair, Steven Antonio; Vice Chair, JoAnn Hogan; Lawrence Boardman, Mark Freeman, Ram Kaza, and Sharon Thomas.

**Absent:** Joshua Michelson, Ali Rice, and Stacey Walczak.

**1. Appointment of Alternates**

Commissioner Boardman was appointed as a regular member for tonight’s meeting.

**III. APPLICATIONS**

**1. Public Hearings**

**Application ZBA #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.

- Mr. Raslan stated that this property is intended for his mother and her husband, one being disabled. The proposed garage is a two-car garage, being in harmony with the appearance of the neighborhood. The dimensions are 24 ft wide by 27 ft deep, which is standard for a two-car garage. They are also putting in space to accommodate the trash and recycling bins so that bears cannot get at them. There is a small seven foot bump out section to accommodate stairs because the garage is adjacent to the house and there is about a two-foot change in elevation from the garage to the house. There is also an accessibility ramp for a wheelchair. The septic tank wraps around the house limiting the position of the garage.
- They have a letter of support from the immediate abutting properties, and a neighbor had a variance granted for a two-car garage as well.
- Chair Antonio stated that the average size of a two-car garage is either 20’ by 20’, 22’ by 22’, or 20’ by 22’.
- Chair Antonio suggested turning the ramp perpendicular to save about four feet.

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- Mr. Raslan responded that he would rather move the garage doors closer to the house by four feet, than move the ramp and lose the bump out section.
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49 **MOTION:** Chair Antonio made a motion, seconded by Commissioner Kaza, to  
50 close the public hearing for **Application ZBA #23-05** Tarek Raslan Simsbury  
51 Capital, LLC, Owners/Applicants, for a  $\pm 17'$  variance to reduce the front yard  
52 setback from 35' to 18', pursuant to the Simsbury Zoning Regulations Section 3.9  
53 for the construction of a 777 sq. ft. attached garage on the property located at 24  
54 Village Road (Assessor's Map F07, Block 105, Lot 013), zone R-15. The motion  
55 carried unanimously. (6-0-0).

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57 **Application ZBA #23-06** Andrew & Amelia Dalton Owners/Applicants, for a 25'  
58 variance to reduce the side yard setback from 40' to 15', pursuant to the Simsbury  
59 Zoning Regulations Section 3.9 for the construction of a 512 sq. ft. inground pool  
60 on the property located at 12 Browngate Lane (Assessor's Map C04, Block 203,  
61 Lot 043), zone R-80OS.

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- Mr. Dalton stated that given the topography of their lot, the location of the house, and the location of the driveway made the side yard the only practical place to put a relatively normal size inground pool.
  - He stated that because of the topography you would not be able to see the pool from the street or from the adjacent property. He also has a letter of support from his adjacent neighbor.
  - Chair Antonio suggested lowering the mount of the patio and move in the pool to reduce the setback request.
  - Mr. Dalton responded that he would be willing to consider that, but the dimensions of the pool are 12' by 24' which is on the smaller side compared to the average pool size 18' by 36'. In addition, the 512 sq. ft. includes the pool patio. He would consider going to 10' by 20'.
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76 **MOTION:** Chair Antonio made a motion, seconded by Commissioner Thomas to  
77 close the public hearing for **Application ZBA #23-06** Andrew & Amelia Dalton  
78 Owners/Applicants, for a 25' variance to reduce the side yard setback from 40' to  
79 15', pursuant to the Simsbury Zoning Regulations Section 3.9 for the construction  
80 of a 512 sq. ft. inground pool on the property located at 12 Browngate Lane  
81 (Assessor's Map C04, Block 203, Lot 043), zone R-80OS. The motion carried  
82 unanimously. (6-0-0).

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## 84 **2. Discussion and Possible Action**

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

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- Chair Antonio said that Mr. Raslan’s garage would be closer to the road than anyone in the neighborhood and is worried about setting a precedent.
- The Board agreed that maximizing the space between the garage and the street by four feet would be best.

**MOTION:** Vice Chair Hogan made a motion, seconded by Commissioner Kaza, to approve **Application ZBA #23-05** Tarek Raslan Simsbury Capital, LLC, Owners/Applicants, for a ± 13’ variance to reduce the front yard setback from 35’ to 22’, pursuant to the Simsbury Zoning Regulations Section 3.9 for the construction of an attached garage that measures 23’11” wide by 31’ 7” deep, on the property located at 24 Village Road (Assessor’s Map F07, Block 105, Lot 013), zone R-15 based upon the following findings: the hardship being the need for handicap accessibility, and the limitations of lot size and the location of the septic tank. The motion carried unanimously. (6-0-0).

**Application ZBA #23-06** Andrew & Amelia Dalton Owners/Applicants, for a 25’ variance to reduce the side yard setback from 40’ to 15’, pursuant to the Simsbury Zoning Regulations Section 3.9 for the construction of a 512 sq. ft. inground pool on the property located at 12 Browngate Lane (Assessor’s Map C04, Block 203, Lot 043), zone R-80OS.

- The Board agreed that this was reasonable considering the topography, the isolation of the property, and letter of support.

**MOTION:** Vice Chair Hogan made a motion, seconded by Commissioner Freeman, to approve **Application ZBA #23-06** Andrew & Amelia Dalton Owners/Applicants, for a 25’ variance to reduce the side yard setback from 40’ to 15’, pursuant to the Simsbury Zoning Regulations Section 3.9 for the construction of a 512 sq. ft. inground pool on the property located at 12 Browngate Lane (Assessor’s Map C04, Block 203, Lot 043), zone R-80OS based upon the following findings: the hardship being the topography of this property does not have any other usable flat space for a pool. The motion carried unanimously. (6-0-0).

#### IV. GENERAL COMMISSION BUSINESS

Chair Antonio stated that Joseph Hollis has become the new Code Compliance Officer, and Brittany MacGilpin is the new Assistant Town Planner.

#### V. APPROVAL OF MINUTES

##### May 24, 2023, Regular Meeting

**MOTION:** Commissioner Boardman made a motion, seconded by Commissioner Thomas to accept the Minutes of the May 24, 2023, Regular Meeting as written. The motion carried unanimously. (6-0-0).

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**VI. ADJOURNMENT**

**MOTION:** Commissioner Kaza made a motion, seconded by Commissioner Thomas, to adjourn the meeting. The motion carried unanimously. (6-0-0).

The meeting adjourned at 8:13 P.M.

Respectfully Submitted,

Amanda Blaze  
Commission Clerk