

Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Office of Community Planning and Development

AGENDA

ZONING BOARD OF APPEALS – REGULAR MEETING

WEDNESDAY, JUNE 23, 2021 – 7:00 p.m.

The public hearing will be web-based on Zoom at:

<https://zoom.us/j/2574297243>

Meeting ID: 257 429 7243

Watch meetings LIVE and rebroadcast on Comcast Channels 96, 1090, Frontier Channel 6071 and LIVE streamed or on-demand at www.simsburytv.org

I. CALL TO ORDER

II. ROLL CALL

1. Appointment of Alternates

III. APPLICATIONS

1. Public Hearings

- a. Application #21-07 of Kristen & Matthew Diamond, Owner/Applicant for a variance pursuant to the Simsbury Zoning Regulations Section 3.5.1 to construct a 12'x 16' shed within the front yard at the property located at 11 Pettibone Drive (Assessor's Map E13, Block 129, and Lot 016). Zone R-40
- b. Application #21-08 of Richard & Sandra Taylor Owner /Applicant for a variance pursuant to Simsbury Zoning Regulations Section 4.53 to permit three apartments at the property located at located at 24-26 Main Street aka 20 Main Street (Assessor's Map K03, Block 219, and Lot 002 (Zone B-2)

2. Discussion and Possible Action

- a. Application #21-07 of Kristen & Matthew Diamond, Owner/Applicant for a variance pursuant to the Simsbury Zoning Regulations Section 3.5.1 to construct a 12'x 16' shed within the front yard at the property located at 11 Pettibone Drive (Assessor's Map E13, Block 129, and Lot 016). Zone R-40
- b. Application #21-08 of Richard & Sandra Taylor Owner /Applicant for a variance pursuant to Simsbury Zoning Regulations Section 4.53 to permit three apartments at the property located at located at 24-26 Main Street aka 20 Main Street (Assessor's Map K03, Block 219, and Lot 002 (Zone B-2)

IV. APPROVAL OF MINUTES of April 28, 2021 regular meeting

V. ADJOURNMENT

PLEASE VERIFY YOUR AVAILABILITY TO ATTEND THIS MEETING BY CONTACTING
LAURA BARKOWSKI BY PHONE AT (860) 658-3245 OR EMAIL AT lbarkowski@simsbury-ct.gov

How to Join us on Zoom for the Public Meeting:

1. Join us on the web: <https://zoom.us/j/2574297243>
2. Join us by phone: +1 646 558 8656
3. Written communications may be emailed to lbarkowski@simsbury-ct.gov by 12:00 p.m. on April 27, 2021 to have comments read into the record at the hearing

How to view application materials:

Visit <https://www.simsbury-ct.gov/zoning-board-of-appeals>

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

Application Number: 21-07

Fee \$ 240

Requested Action (please check appropriate box):

Variance ☒

Appeal Decision of
Zoning Official ☐

Location of Property: 11 Pettibone Drive

(number and street name)

Simsbury Assessor's Map Number E13129

Block Number 016

Lot Number blank on property
CG-1

Deed Volume Number 0925 Page Number 0860 (property owner must supply copy of the deed)

Applicant - Please Print the Following:

Name: Kristen and Matthew Diamond

Address: 11 Pettibone Drive Simsbury, CT 06070

Email: kristen.murrone@gmail.com

Telephone: 860-301-9928

Signature of Applicant: Kristen M Diamond

Date: 5/17/2021

Applicant's Interest in Property: Owner occupied fee simple

Record Owner of Property: Kristen and Matthew Diamond 11 Pettibone Drive Simsbury, CT

Kristen M Diamond
(signature of owner)

Date 5/17/2021

Property is in Zone R40 of (applicable section's) Zoning Regulations

Describe the nature of your application, including the amount of variance requested:
Please see attached.

Describe the specific hardship:
Please see attached.

*For application must be accompanied by variance 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.** Six complete sets of folded plans and eleven copies of the completed and signed application, 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

REVISIONS BOARD OF APPEALS APPLICATION MAY 2021.doc

05-21-2021



CHECK

240.00

Town of Simsbury, Zoning Board of Appeals Application
Application Number:

Matthew Diamond and Kristen Diamond
11 Pettibone Drive
Simsbury CT 06070

Purpose of the requested variance

We requesting a variance to place a small storage/garden shed (<200 sq. feet) at the end of a hammerhead driveway in what constitutes the front yard of the residential property pursuant to Simsbury Zoning Regulations, Rev. 06/29/2020, §§ 3.10; 3.5.1. A hardship exists because the property sits on an irregular, double corner lot and there are no other locations where the shed could be reasonably placed. No other variances are being requested.

Background

The primary structure was built in 1953. Ex. A (Property Card). The property is the only home on Pettibone Dr. Ex. B (ArchGIS map w/ measurements). The home faces Town-owned open space and is abutted by Deerfield Ln. on the west and Springbrook Ln. to the east. Consequently, pursuant to § 3.10, the property has three front yards. The area directly behind the plane of the house is narrow and is occupied by mature trees and has an uneven topography.¹ At its widest, this space is less than 50 ft. deep, including space occupied by mature trees.

The property has a hammerhead driveway, which is set back 19 ft. past the rear plane of the primary structure on the east side of the property. The hammerhead driveway is 17 ½ ft. wide. The proposed shed would measure 12ft deep x 16ft wide x 10.83 ft tall (192 sq feet structure) and would be located at the end of the hammerhead drive. Exhibit C (ArchGIS map overlaid with 2019 aerial photo w/ for proposed structure in red).

The shed would be located 66ft from the property line on Springbrook Ln. and would be partially blocked by numerous mature trees. The shed would be located 76ft from Pettibone Dr., at the end of the tree-lined driveway. The front of the shed (doors and windows) would face Pettibone Dr. At the narrowest point, the shed would be 38 ft. from the abutting property line, 26 Springbrook Ln. The property owners at 26 Springbrook Ln. are in favor of the project. A letter of support is attached. Ex. D. (Altieri Ltr.).

¹ The property has a 16ft x 19ft flagstone patio constructed in 1970 directly behind the primary structure. The plot map also shows a small rectangular outbuilding or structure adjacent to the driveway on the Springbrook Ln. side. There was no structure or foundation remaining when we purchased the property in 2017. We suspect that, given its location, dimensions, and the age of the property, it was most likely a flagpole.

The location is both functional and aesthetically pleasing. The design of the shed would be consistent with the neighborhood's architecture and character. *See* Ex. E (Shed Photo from Mfr.). The colors and materials (white vinyl siding with black shutters) would match the primary residence. *Id.* The shed would be used to store lawn and garden and snow removal equipment.

Hardship

Literal application of § 3.5.1's prohibition against placement of accessory buildings in "front yards," as defined by Simsbury's Zoning Regulations to include abutting streets to corner lots creates a hardship because of the unusual shape of 11 Pettibone Dr. Strict compliance with § 3.5.1 reduces the utility of the property and the proposed structure without comprising the Town's interest in orderly development.

The hardship is beyond the control of the property owner because it arises solely from the unusual configuration of the lot. In other words, many other homes in the neighborhood and Town erected similar sheds, but this property is uniquely situated because it is the only double corner lot in the subdivision, and likely one of a few in the Town. The circumstances are rare and would not expand any existing non-conforming use.

We acknowledge that the shed could be placed directly behind the plane of the house without the need for a variance. However, the tree line is raised and is only 25-30ft from the rear on the home, meaning that the shed would to be 12 to 16 feet away the backdoor of the home. Placement of the shed behind the plane of the house would be unsightly and uncharacteristic of the neighborhood. It would also reduce the shed's utility, as the ramp would necessarily extend onto the patio. Even if the patio were removed, there would be insufficient space to safely maneuver a lawn tractor into a shed so close to the primary structure. Placement at the end of the hammerhead driveway greatly improves accessibility and the property's curb appeal.

Additionally, placement behind the plane of the home would also require the removal of several mature trees and grading, reducing the privacy of the neighboring properties. By contrast, no mature trees will be removed if the shed is placed at the end of the driveway. We attached several photographs of the topography behind the home and the layout of driveway for perspective.

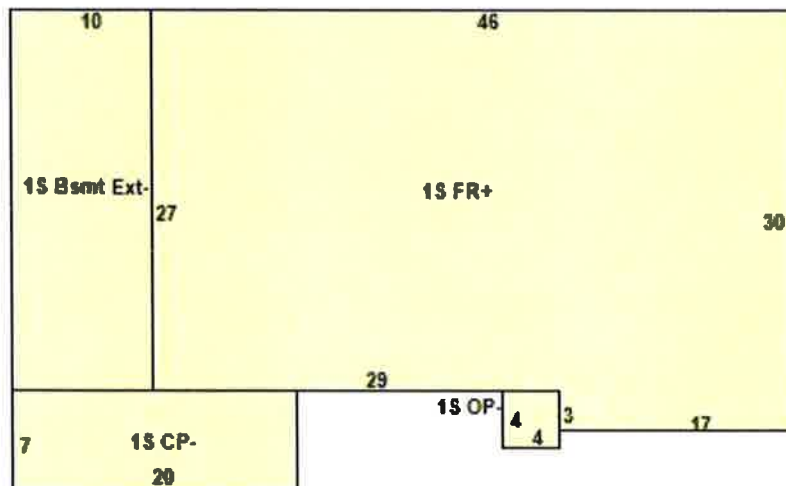
Finally, the shed's architectural elements and the proposed placement compliments the primary structure and is consistent character of the neighborhood and zone. The color of the shed's vinyl siding, shutters, doors, and shingles will match the primary structure and will have a stately appearance. All of the building materials will be of premium quality. We will also incorporate flower boxes and appropriate landscaping.

The primary affected property owner, 26 Springbrook Ln., is in favor of the project and submitted the attached letter. Mr. Altieri anticipates attending the hearing, absent any scheduling conflicts.



E13-129-016 03/17/2012

(Images/Towns/SimsburyWeb/Pictures/30501900-01.JPG)



(Images/Towns/SimsburyWeb/Sketches/30501900_01.jpg)

Building Use:	Single Family	Stories:	1.00	Construction:	Wood Frame
Style:	Split Level	Year Built:	1953	Condition:	Average
Living Area:	1,293	Total Rooms:	8	Bedrooms:	4

The Assessor's office is responsible for the maintenance of records on the ownership of properties. Assessments are computed at 70% of the estimated market value of real property at the time of the last revaluation which was 2017.

SIMSBURY CONNECTICUT



Information on the Property Records for the Municipality of Simsbury was last updated on 5/15/2021.

Property Summary Information

Parcel Data And Values Building ▼ Outbuildings Sales

Building 1

Full Baths:	2	Half Baths:	1	Kitchens:	1
Fireplaces:	1	Heating:	Hot Water	Fuel:	Oil
Cooling Percent:	100%	Basement Area:	1,293	Basement Finished Area:	370
Basement Garages:	2	Roof Material:	Arch Shingles	Siding:	Vinyl
Units:					

Special Features

Chimney	1
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Attached Components

Type:	Year Built:	Area:
Extension Basement	1953	270
Conc/Mas Patio	1953	144
Open Porch	1953	16

[Back To Search \(JavaScript:window.history.back\(1\);\)](#)

[Print View \(PrintPage.aspx?towncode=128&uniqueid=30501900\)](#)

Information Published With Permission From The Assessor



Town of Simsbury, CT

Property Listing Report

Map Block Lot

E13 129 016

Building # 1

Unique Identifier

30501900

Property Information

Property Location	11 PETTIBONE DRIVE
Mailing Address	11 PETTIBONE DRIVE SIMSBURY CT 06070
Land Use	Residential
Zoning Code	R-40
Neighborhood	40

Valuation Summary

(Assessed value = 70% of Appraised Value)

Item	Appraised	Assessed
Buildings	105825	74080
Outbuildings	1861	1300
Land	125462	87820
Total	233148	163200

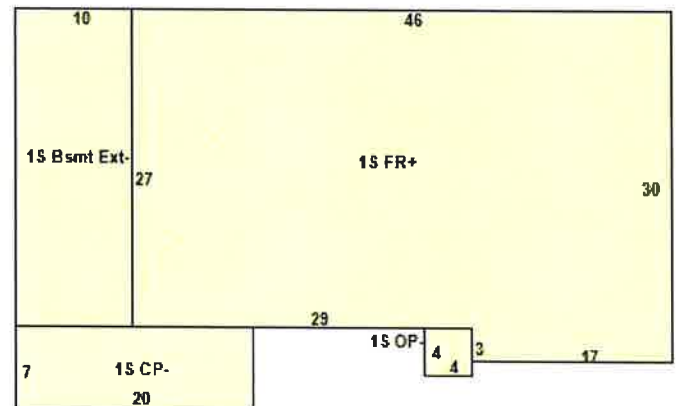


E13-129-016 03/17/2012

Owner	DIAMOND MATTHEW N AND KRISTEN E
Co-Owner	
Book / Page	0925/0860
Land Class	Residential
Census Tract	4661010
Acreage	1.03

Utility Information

Electric	No
Gas	No
Sewer	No
Public Water	No
Well	No



Primary Construction Details

Year Built	1953
Building Desc.	Residential
Building Style	Split Level
Stories	1
Exterior Walls	Vinyl
Exterior Walls 2	
Interior Walls	Dry Wall
Interior Walls 2	
Interior Floors 1	Hardwood
Interior Floors 2	

Heating Fuel	Oil
Heating Type	Hot Water
AC Type	Central
Bedrooms	4
Full Bathrooms	2
Half Bathrooms	1
Extra Fixtures	0
Total Rooms	8
Bath Style	NA
Kitchen Style	
Occupancy	1

Livable Area (ft)	1293
Building Use	Single Family
Building Condition	Average
Frame Type	Wood Frame
Building Grade	10
Fireplaces	1
Wood Stoves	0
Attic Access	Scuttle
Roof Style	Gable
Roof Cover	Arch

Bsmt Area	1293
Fin Bsmt Area	370
Fin Bsmt Quality	Finished
Bsmt Access	Walkout
Bsmt Gar	2
Bsmt Sump Pump	No

Report Created On

5/17/2021



Town of Simsbury, CT

Property Listing Report

Map Block Lot

E13 129 016

Building # 1

Unique Identifier

30501900

Detached Outbuildings

Type	Description	Area (sq ft)	Condition	Year Built
Patio	Flagstone	304	Average	1970

Attached Extra Features

Type	Description	Area (sq ft)	Condition	Year Built
Basement	Extension	270	Average	1953
Patio	Concrete/Masonry	144	Avg/GD	1953
Porch	Open	16	Avg/GD	1953

Sales History

Owner of Record	Book/ Page	Sale Date	Sale Price
DIAMOND MATTHEW N AND KRISTEN E	0925_0860	12/28/2017	280000
VALLEY RESIDENTIAL GROUP LLC	0920_1127	8/23/2017	197000
COFFMAN KIRSTIN A AND ADAM C	0761_0903	8/21/2008	282500
RATZAN WILLIAM J AND LORI A	0723_0098	10/2/2006	270000
RATZAN WILLIAM J AND LORI A	0723_0098	10/2/2006	270000
DONNENFELD PAULINE L	0372_1164	8/23/1990	0

After Recording, Return To:
Matthew Diamond & Kristen Murrone
11 Pettibone Drive
Simsbury, CT 060710

Doc ID: 002164780003 Type: LAN
BK 925 PG 860-862

WARRANTY DEED

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW YE, VALLEY RESIDENTIAL GROUP LLC a Connecticut limited liability company, having its principal place of business located in Bristol, Connecticut, hereinafter referred to as Grantor, for the consideration of TWO HUNDRED EIGHTY THOUSAND and 00/100 DOLLARS (\$280,000.00), received to the full satisfaction of the Grantor of MATTHEW N. DIAMOND and KRISTEN E. MURRONE, both of the Town of Simsbury, County of Hartford and State of Connecticut, as **JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP** (Grantees), with **WARRANTY COVENANTS** all that certain real property known as 11 Pettibone Drive, Simsbury, Connecticut (Property Address), being more particularly described in **Schedule A** attached hereto and made a part hereof.

TO HAVE AND TO HOLD the premises hereby conveyed, with the appurtenances thereof, unto the Grantee and its own proper use and behoof; and the Grantor does for itself, its heirs and assigns covenant with the Grantee, her heirs and assigns, that the Grantor is well seized of the premises as a good indefeasible estate in **FEE SIMPLE**; and has good right to grant and convey the same in manner and form as herein written and the same are free from all encumbrances, whatsoever except as herein stated.

AND FURTHERMORE, the Grantor does by these presents bind itself and its heirs and assigns forever to **WARRANT AND DEFEND** the premises hereby conveyed to the Grantees her heirs and assigns against all claims and demands whatsoever, except as herein stated.


IN WITNESS WHEREOF, the Grantor has caused these presents to be signed this 24th day of December, 2017.


SECURITY TAX RECEIVED
2,100.⁰⁰ 700.⁰⁰
C. L. Butta

*Signed, Sealed and Delivered
In the presence of:*

Valley Residential Group, LLC


James D. Donovan Witness

 (L.S.)
Rastislav Majancik
Member/Manager



Maria B. Sanchez Witness

STATE OF CONNECTICUT)

ss: Simsbury December , 2017

COUNTY OF HARTFORD)

Personally appeared, before me, the undersigned officer, Rastislav Majancik, who acknowledged himself to be the Member/Manager of VALLEY RESIDENTIAL GROUP, LLC, and that as such Member/Manager, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Company by himself, as Member/Manager and acknowledged the same to be his free act and deed and the free act and deed of said limited liability company, before me.


James D. Donovan
Commissioner of the Superior Court

SCHEDULE A

A certain piece or Parcel of land with the buildings thereon standing situated in the Town of Simsbury, County of Hartford and State of Connecticut and being known as Lot No. 16 as shown on a map entitled "Revised Map of Bushy Hills Farms Subdivision, Simsbury Connecticut, Property of Green Acres, Inc. Scale 1" = 100', February 9, 1953, Desmond and Yarwood Inc., Land Architects and Site Planners", which map is on file in the Town Clerk's Office in Simsbury, Connecticut, to which reference is hereby made, said premises being more particularly bounded and described as follows to wit:

North by Pettibone Drive, 195.26 feet;

Northeast by a line connecting the south line of Pettibone Drive and the west line of Springbrook Lane, 21.73 feet;

East by Springbrook Lane, 151.25 feet;

South by lot Nos. 15 and 17 as shown on said map, partly on each, 340.83 feet;

West by Deerfield Lane, 115 feet; and

Northwest by a line connecting the east line of Deerfield Lane and the south line of Pettibone Drive, 24.87 feet.

Said premises are known as no. 11 Pettibone Drive or No. 38 Deerfield Lane and are the same premises described in Volume 107 at Page 16 of the Simsbury Land Records.

Received for Record at Simsbury, CT
On 12/28/2017 At 2:39:23 pm

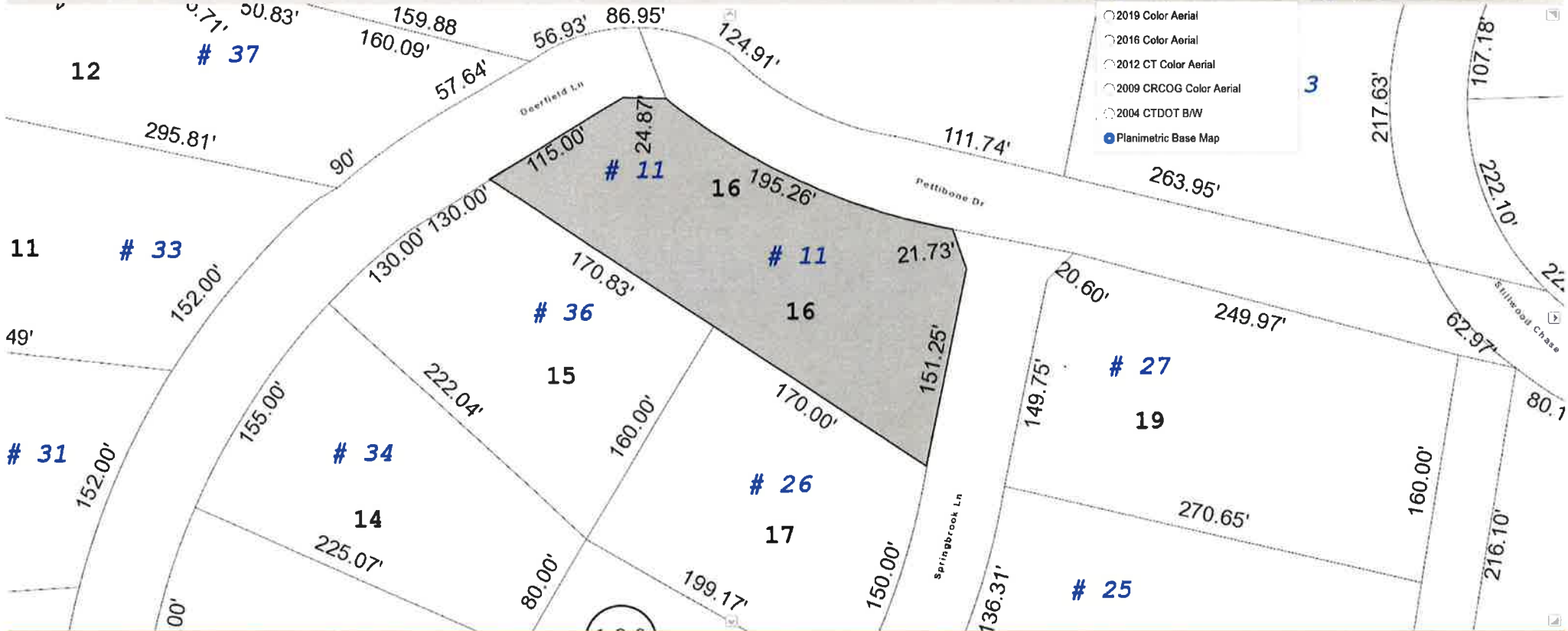
Richard P. Little
TOWN CLERK

Reset Map Search Print Map Help Select View Legend

Base Maps / Air Photos

Map Layer

- ☐ 2019 Color Aerial
- ☐ 2016 Color Aerial
- ☐ 2012 CT Color Aerial
- ☐ 2009 CRCOG Color Aerial
- ☐ 2004 CTDOT B/W
- ☒ Planimetric Base Map



in Zoom Out Prev Extent Next Extent Pan Parcel Information Simple Measure Path Measure Area Measure

Scale: 1 in = 50 ft

CT State Plane NAD 1983 - X,Y: 978953, 871909

Town of Simsbury

Geographic Information System (GIS)



Date Printed: 3/29/2021



MAP DISCLAIMER - NOTICE OF LIABILITY

This map is for assessment purposes only. It is not for legal description or conveyances. All information is subject to verification by any user. The Town of Simsbury and its mapping contractors assume no legal responsibility for the information contained herein.

Approximate Scale: 1 inch = 50 feet



Ex. D

April 5, 2021

Town of Simsbury
Zoning Board of Appeals
933 Hopmeadow St.
Simsbury, CT 06070

Dear Chairwoman Hogan and Members of the Zoning Board of Appeals

We are the adjoining property owners to Matthew and Kristen Diamond on 11 Pettibone Drive. The proposed shed would be closest to our property. We are in support of the proposed variance. We viewed the proposed site in person and Mr. Diamond showed us photographs of the Kloter Farms shed that he would like to purchase. We are also familiar with the property boundaries.

We were surprised to learn that a variance was required to place a shed at the end of their driveway because it is considered a "front yard." Functionally and aesthetically, the end of their hammerhead drive way is a side yard.

A shed will look natural at the end of the driveway and adds value to their property and the neighborhood. We are also in agreement with the Diamond's that placing the shed immediately behind their home would look unusual at best.

We intend on speaking in favor of the project at the forthcoming hearing, time permitting. Thank you.

Sincerely,



Joseph & Kristen Altieri
26 Springbrook Lane
Simsbury, CT 06070



















12' x 16' Signature Cape Shown with vinyl siding, optional (E) windows and ramp.

EX. E

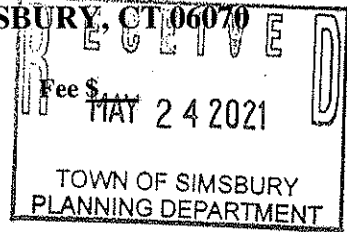
ZONING BOARD OF APPEALS APPLICATION
TOWN OF SIMSBURY, 933 HOPMEADOW STREET, SIMSBURY, CT 06070

Application Number: 21-03

Requested Action (please check appropriate box):

Variance ☐

Appeal Decision of
Zoning Official ☐



Location of Property: 24-26 MAIN ST, TARIFFVILLE
(number and street name)

Simsbury Assessor's Map Number _____ Block Number _____ Lot Number _____

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

Applicant - Please Print the Following:

Name: Richard Taylor
Address: 7 Robin Rd, Southwick MA

Email: RS Realty GRP43@gmail Telephone: 860-874-4411

Signature of Applicant: [Signature] Date: 5-24-2021

Applicant's Interest in Property: _____

Record Owner of Property: Richard & Sandra Taylor
(print name & address of owner)
[Signature] Date: 5-24-21
(signature of owner)

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

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

Looking to turn a 2 family into
a three family

Describe the specific hardship:

Have Property Sold as a
three family therefore I need to have
it made into a three family

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.** Six complete sets of folded plans and eleven copies of the completed and signed application, 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

24 & 26 MAIN ST
TARIFFVILLE CT 06081

BATH Room

Bed Room

Living Room

APT 1

HALL

KITCHEN

Front Door

APT 2













