

From: Lois Laczko May 19, 2009 10:32:22 AM  
Subject: Zoning Board of Appeals Minutes 02/25/2009 ADOPTED  
To: SimsburyCT\_ZBAMin  
Cc:

ADOPTED

ZONING BOARD OF APPEALS  
REGULAR MEETING  
February 25, 2009

I. CALL TO ORDER

Chairman Peter Stempien called the regular meeting of the Zoning Board of Appeals to order at 7:32 P. M. in the Main Meeting Room of Simsbury Town Hall. The following members were present: Tegan Blackburn, Nancy Haase, Thomas Horan, Craig MacCormac, Katie Martin, and John McCann. Also present were Lynn Charest, Zoning Compliance Officer; Howard Beach, Conservation Officer; Lisa Arakelian, Commission Clerk, and other interested parties.

II. APPOINTMENT OF ALTERNATES

Chairman Stempien appointed Craig MacCormac to serve for Lou George.

IV. PUBLIC HEARINGS

A. 08-19 Application of Robert and Joan Petrilli, Owners, requesting a side yard variance for a shed, pursuant to Article Eight, Section A of the Simsbury Zoning Regulations on property located at 7 Brook Ridge. R-40 Zone.

Robert Petrilli explained that he is seeking a 25-foot side yard variance for placement of a 12' x 10' garden shed.

Chairman Stempien opened the hearing to public comment and read letters in favor of the application from Laraine Johnson (28 Old Stone Crossing), Santina Ferri (18 Old Stone Crossing), Claudia Franklin (8 Brook Ridge), Patricia Harper (12 Brook Ridge), Sharon Widman (25 Old Stone Crossing), Gillian Smits (4 Brook Ridge), and Mike Zimmerman (21 Old Stone Crossing).

Hearing no further comments, Chairman Stempien closed the public hearing.

A motion was made by Mr. Horan to grant the variance due to the location of

the house on, and the topography of, the property. The motion was seconded by Ms. Haase, and unanimously carried.

B. 09-01 Application of John and Nance Cashman, Owners, requesting a rear yard variance for a shed, pursuant to Article Eight, Section A of the Simsbury Zoning Regulations on property located at 75 Elm Street. R-15 Zone.

John Cashman explained that he is requesting a 12-foot rear yard variance for placement of a 10' x 20' shed. He further stated that construction of the shed began in November

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2008, but construction was halted in December 2008 when he was notified by the Town that a variance would be required.

It was noted that, if a variance was granted, the applicant would have to construct a firewall on the rear portion of the shed because of the close proximity (three feet) to the rear property line. Mr. Martin inquired as to what else was on the property between the house and the shed. Mr. Cashman replied that there are two large maple trees.

Chairman Stempien opened the hearing to public comment and read a letter in favor of the application from Debbie Ricci and Charles Roberts, 76 Elm Street, and a letter in opposition to the variance from Glen and Beth Gerber, 6 West Point Terrace. Mr. Gerber also appeared and spoke in opposition to the variance.

Mr. MacCormac noted that, although the applicant is requesting a 12-foot variance, because of the shed's close proximity to the rear property line, the applicant actually needs a 22-foot variance.

It was the belief of the Board that there were other feasible locations for placement of the shed that would not require a variance.

Hearing no further comments, Chairman Stempien closed the public hearing.

A motion was made by Ms. Martin to grant the variance based on the configuration of the lot. The motion was seconded by Mr. Horan. All were opposed to the motion. Motion failed.

C. 09-02 Application of Kristin and Todd Kelley, Owners, requesting

a front yard variance for a covered front walkway/porch and a garage with a second-floor addition, pursuant to Article Eight, Section A of the Simsbury Zoning Regulations, on property located at 7 Hartland Road. R-15 Zone.

Todd Kelley explained that he is seeking a 3.2-foot front yard variance to construct a covered front porch and garage with a second story. He stated that this was a safety requirement for himself and his wife entering the house. Mr. Kelly also noted that he and his wife are both officers with the Simsbury Volunteer Fire Department and having a garage would allow them to respond more quickly in the event of an emergency call.

Chairman Stempien opened the hearing to public comment and read letters in favor of the application from Jim and Mary Green, 9 Hartland Road, and Alan and Sara Plotkin, 10 Hartland Road.

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Hearing no further comments, Chairman Stempien closed the public hearing.

A motion was made by Ms. Haase to grant a 4-foot variance based on entry safety concerns. The motion was seconded by Ms. Martin, and unanimously carried.

D. 09-03 Application of Tom Martin, Phonon Corporation – Owner, for a side yard variance to expand parking, pursuant to Article Eight, Section A of the Simsbury Zoning Regulations, on property located at the Phonon Corporation, 90 Wolcott Road. I-1 Zone.

In the absence of the Applicant, Lynn Charest presented this application. Chairman Stempien noted that the Applicant has complied with all prior stipulations relating to previous variances granted, but the fire department is now requiring the widening of the proposed 23-foot wide fire lane to 26 feet.

Chairman Stempien opened the hearing to public comment. Hearing none, Chairman Stempien closed the public hearing.

A motion was made by Ms. Haase to grant the variance, as requested. The motion was seconded by Mr. Horan, and unanimously carried.

#### IV. APPROVAL OF MINUTES

A. December 17, 2008

A motion was made by Mr. McCormac to approve the minutes of the December 17, 2008 meeting, as presented. The motion was seconded by Mr. Horan, and unanimously carried.

V. BYLAWS AMENDMENTS DRAFT

The Board reviewed and approved the proposed Bylaws amendments.

VI. ADJOURNMENT

A motion was made by Ms. Martin to adjourn the meeting at 8:39 P.  
M.

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Peter Stempien, Chairman