

From: Lois Laczko October 7, 2011 1:29:42 PM
Subject: Zoning Board of Appeals Minutes 06/22/2011 ADOPTED
To: SimsburyCT_ZBAMin
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ADOPTED

ZONING BOARD OF APPEALS
REGULAR MEETING
JUNE 22, 2011

I. CALL TO ORDER

Chairman Peter Stempien called the regular meeting of the Zoning Board of Appeals to order at 7:01 P. M. in the Main Meeting Room at Simsbury Town Hall. The following members were also present: Tegan Blackburn, Carol Bingham, Katie Martin, and Greg Piecuch. Also present were Lynn Charest, Zoning Compliance Officer; Lisa Gray, Commission Clerk; and other interested parties.

II. APPOINTMENT OF ALTERNATES

Chairman Stempien appointed Tegan Blackburn to serve for Thomas Horan, and Carol Bingham to serve as Secretary.

III. PUBLIC HEARING

A. 11-06 Application of James and Karen Rose, Owners, requesting a Side yard Variance, pursuant to Article Eight, Section A of the Simsbury Zoning Regulations for construction of a 2-car garage on property located at 276 Bushy Hill Road. (Map D-15, Block 403, Lot 079). R-40 Zone.

James Rose explained that he wishes to construct a 2-car garage on the east side of his property, within the 25-foot setback. He further explained that he originally had an agreement with his neighbor to swap properties, which would not have required a variance, but the neighbor's bank (Bank of America), refused to approve the swap. Chairman Stempien wished to note in the record that Bank of America was one of the first banks to request and accept bailout money from the U. S. government, but it is not willing to help out a mortgagee.

Due to Bank of America's lack of cooperation, Mr. Rose is forced to seek a 17-foot side yard variance to construct the 26' x 30' garage at the end of

his existing driveway. Placement of the garage is limited by wetlands and the existence of a conservation easement on the property.

The Board discussed possible alternative locations for the garage, but Mr. Rose opposed their suggestions as not being aesthetically appealing or convenient.

Chairman Stempien opened the hearing to public comment.

Judith Lowey and Robert Gibbs, 7 Rosewood, stated she was just appearing to find out what the application was about. She believed she was an abutting neighbor, but, after reviewing the maps, she noticed that she is actually not an abutting neighbor.

Chairman Stempien read a letter in favor of the variance from Thomas Gaffey, 270 Bushy Hill Road.

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

A motion was made by Ms. Martin to approve the variance based on the existence and location of the conservation easement on the property, and the placement of the home on the lot. The motion was seconded by Ms. Bingham. All Board members were opposed. Motion failed.

B. 11-07 Application of Bryan Hickey, Owner, for a Side Yard Variance, pursuant to Article Eight, Section A of the Simsbury Zoning Regulations for a shed roof addition (already existing) on property located at 64 Hayes Road. (Map J-05, Block 127, Lot 168). R-15 Zone.

Bryan Hickey explained that he constructed a shed roof addition to an existing garage without proper

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permitting, and also advised the Board that his property is Lot 169, not 168 as stated in town files. He further explained that the construction is a "lean-to", consisting of four posts and a roof, under which he stores cut wood. Mr. Hickey did not realize he needed a variance until his neighbor at 62 Hayes Road advised him of such. He stated that alternative locations for the lean-to are limited due to the topography of the land. He also believed there to be wetlands on the property, and Ms. Charest confirmed that there were indeed wetland soils located on the property.

The Board suggested alternative locations for the wood storage, but Mr.

Hickey was concerned about the safety issues of him and his children carrying wood down his sloping property or storing wood directly next to his dwelling. Other suggestions were dismissed due to inconvenience of use.

Chairman Stempien opened the hearing to public comment. David Trainor, 62 Hayes Road, spoke in opposition to the variance and stated the lean-to's current location nearly eliminates the buffer for which the town regulations provide.

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

A motion was made by Ms. Martin to approve the variance as requested. The motion was seconded by Ms. Bingham. All Board members were opposed. Motion failed.

C. 11-07 Application of Aaron Downend, Owner, for a Side Yard Variance, pursuant to Article Eight, Section A of Simsbury Zoning Regulations to place an in-ground swimming pool on property located at 19 North Canton Road. (Map A-08, Block 420, Lot 016). R-40 Zone.

Amy Price, Applicant, explained she is seeking a 23-foot side yard variance to construct an in-ground pool. She further explained that she is requesting a larger variance than was stated on her application because she and her pool contractor are unsure of the location of a curtain drain on her property due to an extensive amount of brush and overgrowth. Ms. Price assured the Board that the variance would be no greater than 23 feet.

Ms. Price demonstrated that placement of the pool is limited due to the pie-shaped lot, the placement of the home on the lot, and the location of the well and septic system.

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

A motion was made by Ms. Blackburn to approve a 23-foot side yard variance, as requested. The motion was seconded by Ms. Martin, and unanimously carried.

IV. APPROVAL OF MINUTES

A. May 25, 2011

A motion was made by Ms. Bingham to approve the minutes of the May 25, 2011 meeting, as presented. The motion was seconded by Ms. Blackburn. Mr. Piecuch abstained. Motion carried.

V. ADJOURNMENT

 A motion was made by Mr. Piecuch to adjourn the meeting at 8:33 P.
M.

Carol Bingham, Acting Secretary