

From: Lois Laczko July 27, 2009 10:48:15 AM  
Subject: Zoning Board of Appeals Minutes 06/24/2009 ADOPTED  
To: SimsburyCT\_ZBAMin  
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ADOPTED

ZONING BOARD OF APPEALS  
REGULAR MEETING  
June 24, 2009

I. CALL TO ORDER

Chairman Peter Stempien called the regular meeting of the Zoning Board of Appeals to order at 7:35 P. M. in the Main Meeting Room of Simsbury Town Hall. The following members were present: Edward Cosgrove, Nancy Haase, Thomas Horan, and Sharon Lawson. Also present were Lynn Charest, Zoning Compliance Officer; Lisa Arakelian, Commission Clerk, and other interested parties.

II. APPOINTMENT OF ALTERNATES

Chairman Stempien appointed Edward Cosgrove to serve for Katie Martin.

III. PUBLIC HEARINGS

A. 09-08 Application of John D. Ritson, R. C. Connectors, LLC, Owner, requesting a variance to exceed the total square footage of residential use in a B-1 zone from 40% to up to, and including, 91%, pursuant to Article Seven, Section E.3.b of the Simsbury Zoning Regulations on property located at 144-150 Hopmeadow Street (Map F-17, Block 154, Lot 08). B-1 Zone.

John Ritson explained he has received approval from the Simsbury Inland Wetlands and Watercourses Agency and the Design Review Board for a three-story, 29,850-square-foot building to the rear of this parcel which was just rezoned to B-1 on May 18, 2009. The building would provide 24 conventional and handicapped-accessible apartments, with eight apartments per floor. This would result in 91% residential use of the property. He is seeking a variance to the regulations which state that square footage of all residential uses in a B-1 zone shall not exceed 40%, or, in this case, 13,100 square feet.

Mr. Ritson read a letter in favor of the variance from Edward LaMontagne of Aging and Disability.

Mr. Ritson noted that he is awaiting approval from the Zoning Commission once the variance is granted.

Chairman Stempien opened the hearing to public comment. Bob Hafner, 126 Hopmeadow St. #1A, asked for clarification regarding parking spaces. Mr. Ritson replied that there are 66 parking spaces proposed. Mr. Hafner also expressed concern that there is no proposed location for placement of snow removed from the parcel. Mr. Ritson responded that there is 20 feet of the full north boundary of the parcel for snow placement.

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

A motion was made by Mr. Horan to approve the variance based on the zoning change of the parcel and ADA requirements. The motion was seconded by Ms. Haase. Mr. Cosgrove and Ms. Lawson were opposed. Motion failed.

B. 09-09 Application of Peter Herron, Owner, requesting a side yard variance to construct a pool house, pursuant to Article Eight, Section A of the Simsbury Zoning Regulations on property located at 47 Pine Glen Road (Map D-17, Block 420, Lot 20). R-40 Zone.

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Peter Herron explained that he is requesting an 11-foot side yard variance for construction of a pool house measuring 8' x 13', adjacent to an existing in-ground pool.

Mr. Herron stated his hardship to be the fact that, when his property's zone was changed from A-40 to R-40, he was left with only 65 feet of buildable space.

Mr. Herron also noted that, while it would be possible to place the pool house to the rear of the property, behind the pool, he is hesitant to do so because, being on a hillside, it would require that steps be installed to access the pool house and he felt that this would be a safety hazard with

wet feet on the steps.

Chairman Stempien inquired as to why Mr. Herron could not place the pool house on the opposite side of the pool from where it is currently proposed. Mr. Herron replied that he is planning to place an addition to his home on that side.

Chairman Stempien opened the hearing to public comment. Craig Taylor, Mr. Herron's next-door neighbor, expressed concern over noise from the pool house interfering with the enjoyment of his own property because it would be placed close to his bedroom window. He noted that, thus far, noise from the pool has not been intolerable, but he would not like to see the noise level exacerbated by placement of the pool house so close to his property.

Chairman Stempien read letters in favor of the variance from Dennis and Evelyn Golden (43 Pine Glen Road), Mike and Pam No (50 Pine Glen Road), and Rick Brown and Helen Steven (48 Pine Glen Road).

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

A motion was made by Ms. Haase to grant the variance based on safety issues and the topography of the land. The motion was seconded by Mr. Horan.

A motion was made by Ms. Haase to re-open the hearing. The motion was seconded by Mr. Horan and unanimously carried.

Mr. Cosgrove asked Mr. Herron to show on the plan how the pool is currently accessed from the house. Mr. Herron showed them that the pool is accessed from the family room to the south, near where the pool house is proposed, and from the screen porch to the north, where he is planning to place the addition.

Chairman Stempien closed the public hearing.

In response to Ms. Haase's previous motion, Chairman Stempien, Mr. Horan, and Ms. Lawson were opposed. Motion failed.

C. 09-10 Application of Stephen and Georgette Rutkowski, Owners, requesting a side yard variance for placement of an above-ground pool, pursuant to Article Eight, Section A of the Simsbury Zoning Regulations on property located at 6 Canton Road (Map C-16, Block 301, Lot 002). R-40 Zone.

Stephen Rutkowski explained that he is seeking a nine-foot side yard variance to install a 21' above-ground pool.

Mr. Rutkowski stated his hardship to be the fact that, when his property's zone was changed from A-40 to R-40, he was left with only 12 feet for accessory structures in the proposed area. Also, there is a grinder pump located on the property which further limits placement of any accessory structures.

Chairman Stempien opened the hearing to public comment and read letters in favor of the variance from Heddy and Neil Ayers (1 Canton Rd.), the owners at 4 Canton Road, and the owners of 8 Canton Road.

A motion was made by Mr. Cosgrove to grant the variance based on the limitations imposed by the setback requirements. The motion was seconded by Mr. Horan, and unanimously carried.

#### IV. APPROVAL OF MINUTES

##### A. May 27, 2009 Regular Meeting

A motion was made by Ms. Haase to approve the minutes of the May 27, 2009 regular meeting, as presented. The motion was seconded by Mr. Horan, and unanimously carried.

#### V. ADJOURNMENT

A motion was made by Ms. Haase to adjourn the meeting at 9:20 P. M.

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Peter Stempien, Chairman