

From: Lois Laczko December 2, 2009 11:52:43 AM
Subject: Zoning Board of Appeals Minutes 09/23/2009 ADOPTED
To: SimsburyCT_ZBAMin
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ADOPTED

ZONING BOARD OF APPEALS
REGULAR MEETING
September 23, 2009

I. CALL TO ORDER

Chairman Peter Stempien called the regular meeting of the Zoning Board of Appeals to order at 7:31 P. M. in the Main Meeting Room of Simsbury Town Hall. The following members were present: Edward Cosgrove, Nancy Haase, Craig MacCormac, Katie Martin, and John McCann. 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 Thomas Horan, Craig MacCormac to serve for Sharon Lawson, and Nancy Haase to serve as Secretary.

III. PUBLIC HEARINGS

A. 09-13 Application of Michelle R. Macy, Owner, requesting a variance to construct an addition, pursuant to Article Eight, Section A of the Simsbury Zoning Regulations on property located at 16 Wheeler Road (Map C-20, Block 512, Lot 001H). R-40 Zone.

Michelle Macy explained she is seeking a 5-foot side yard variance to construct an addition to her existing home. Ms. Macy noted that her fiancé, who also lives in the home, has a physical disability which requires that an allowance be made for extra space in order to make the home and its addition ADA-compliant.

Mr. Cosgrove suggested that the proposed addition could be reduced by several feet on the eastern side yard to make it compliant and not require a variance. The applicant and other Board members did not feel that this was a feasible solution because it would result in a disruption of the

roofline. Ms. Macy noted that she and her draftsman have considered every possible configuration to make the addition compliant, and have, in fact, reduced the original variance requirement from seven feet to five feet.

Chairman Stempien opened the hearing to public comment and read a letter in favor of the variance from Thomas and Carol Koehler, 14 Wheeler Road. Bob Palmer, Ms. Macy's fiancé, stated he is in favor of the variance.

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

A motion was made by Ms. Martin to grant a five-foot side yard variance on the east side of the house for the construction of a single story addition. The variance is granted, as requested, based on this being the least amount of variance that could be requested and still allow reasonable use of the property, and the hardship being the nature of the lot. The motion was seconded by Mr. McCann. Mr. Cosgrove was opposed. Motion passed

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B. 09-14 Application of John M., II, and Kristin A Garrison, Owners, requesting a variance to construct an addition, pursuant to Article Eight, Section A of the Simsbury Zoning Regulations on property located at 8 Tallwood Lane (Map F-14, Block 114, Lot 15). R-40 OS Zone.

John Garrison, Owner, explained he is seeking an eight-foot, 740-square-foot side yard variance to enlarge his home's existing kitchen and family room. Mr. Garrison stated his hardship as being the fact that his property is zoned R-40 OS, which allows for smaller R-30 lots with 25-foot side yard and 50-foot rear yard setbacks. This is the only R-40 Open Space approved subdivision in Simsbury which kept the same setbacks for regular R-40 (40,000 square feet) subdivisions, namely 40-foot side yard and 50-foot rear yard setbacks. The home is also situated at the apex of a triangular-shaped lot, thereby limiting compliant placement of an addition.

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

A motion was made by Mr. Cosgrove to grant the eight-foot side yard variance to the south for the construction of an 740-square foot addition,

as requested, based on the hardships stated as follows; The fact that the property is zoned R-40 OS, which allows for smaller R-30 lots with 25-foot side yard and 50-foot rear yard setbacks. This is the only R-40 open space approved subdivision in Simsbury that kept the same setbacks for regular R-40 (40,000 square feet) subdivisions, namely 40-foot side yard and 50-foot rear yard setbacks. The home is also situated at the apex of a triangular shaped lot, thereby limiting compliant placement of an addition. The motion was seconded by Ms. Haase, and unanimously carried.

IV. APPROVAL OF MINUTES

A. August 26, 2009 Regular Meeting

A motion was made by Ms. Martin to approve the minutes of the August 26, 2009 regular meeting, as presented. The motion was seconded by Ms. Haase, and unanimously carried.

V. ADJOURNMENT

A motion was made by Ms. Martin to adjourn the meeting at 8:23 P. M.

Nancy Haase, Secretary