

From: Lois Laczko December 20, 2010 12:20:19 PM
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ZONING BOARD OF APPEALS
REGULAR MEETING
December 15, 2010

I. CALL TO ORDER

Acting Chairman Thomas Horan 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: Edward Cosgrove, Nancy Haase, Craig MacCormac, Katie Martin, and John McCann. Also present were Lynn Charest, Zoning Compliance Officer; Lisa Gray, Commission Clerk, and other interested parties.

II. APPOINTMENT OF ALTERNATES

Acting Chairman Horan appointed Edward Cosgrove to serve for Peter Stempien and Nancy Haase to serve as Secretary/

III. PUBLIC HEARINGS

A. 10-11 Application of David Sottile, Owner, Steven Mitchell, Applicant, requesting a Lot Frontage variance, pursuant to Article Eight, Section A of the Simsbury Zoning Regulations on property located at Lot 2A Eno Place. (Map I-06, Block 141, Lot 002A). R-40/FP Zone. (Continued from November 17, 2010 meeting)

Attorney Jay Weintraub explained that the Applicant, Steven Mitchell, has a contract to purchase this property from David Sottile, but the contract is contingent upon Mr. Mitchell being granted the variance for which he has applied. He noted that there is only one neighboring home, at 12 Eno Place. Mr. Weintraub further stated that Mr. Mitchell wishes to build a single-family home, but, because 33.4 acres of the parcel is designated as flood plain, there are only 1.2 acres left to build on. The parcel is located at the end of Eno Place on what Mr. Weintraub referred to as a "stub" which is 58.57 feet wide, well short of the 200 feet of frontage which is required by the town's regulations. Thus, Mr. Mitchell is

applying for a frontage variance of 142 feet. Much of the remaining 1.2 acres is encumbered by rear and side yard requirements, leaving 2 small parcels to build on, one of which is just 1439 square feet, and the other is 11,000 square feet. Mr. Mitchell wishes to build on the 11,000 square foot parcel, which is encumbered by the rail trail and grading which would be necessary because of the neighboring flood plain, leaving just a small area on which to build, infringing on the frontage requirement.

Mr. Weintraub stated the hardship to be that the application of current regulations doesn't allow reasonable use of the property.

Ms. Martin asked if the possibility of purchasing a small piece of neighboring property has been explored. Mr. Weintraub replied that that option has been presented to the neighboring property owners, but there has been no response.

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There was some question as to whether this property has been subdivided and, if so, how many times, and whether or not this is actually a rear lot. Mr. Weintraub felt that these issues should have no bearing on whether or not the variance is granted, but was willing to further explore the history of the property at the Board's request.

Robin Currier, 12 Eno Place, stated that she and her neighbors oppose the variance and question how there is enough space to complete the Applicant's plans.

Jeffrey Rivard, Attorney for Robin Currier, questioned the existence of an unusual hardship which would warrant granting of a variance. He noted that the property has, historically, been used agriculturally, so it's not as if the property is completely unusable. He asked that the Board focus on whether or not a hardship actually exists.

Applicant Steven Mitchell stated that he is not looking to change the property. He would simply like the opportunity to build a home and live along the Farmington River.

In response to Attorney Rivard's comments, Attorney Weintraub noted that the regulations do not require the Board to find an unusual hardship.

Attorney Rivard responded that he got his information from the Town's Article 12., A., 4. which refers to "exceptional difficulty and unusual hardship".

Acting Chairman Horan opened the hearing to public comment.

A motion was made by Mr. Cosgrove to continue the hearing to the January 26, 2011 meeting. The motion was seconded by Mr. McCann, and unanimously carried.

B. 10-15 Application of Thomas V. Keppler, Owner, Jamie Wolf, Wolfworks, Inc., Applicant, requesting a Side Yard Variance, pursuant to Article Eight, Section A of the Simsbury Zoning Regulations to allow construction of a carport on property located at 66 Hickory Hill Rd.. (Map C-18, Block 607, Lot 019). R-25 Zone.

Jamie Wolf explained that the owner is seeking a 4.9-foot side yard variance to construct a 12' x 24' screened carport addition to an existing garage. He noted that the lot is an odd "pizza slice" shape and that the positioning of the house is "skewed" on the lot. The area is well screened from the street and abutting properties by established trees and shrubs.

Acting Chairman Horan opened the hearing to public comment, and read a note in favor of the application from Rudolph and Jeanne Haffner, 60 Hickory Hill Road.

Hearing no further comments, Acting Chairman Horan closed the public hearing.

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A motion was made by Ms. Haase to approve the application based on the shape of the lot and placement of the home on the lot. The motion was seconded by Ms. Martin. Mr. Cosgrove abstained. Motion passed.

IV. APPROVAL OF MINUTES

A. November 17, 2010 Regular Meeting

A motion was made by Ms. Martin to approve the minutes of the November 17, 2010 regular meeting, as presented. The motion was seconded by Ms. Haase, and unanimously carried.

V. ADJOURNMENT

A motion was made by Ms. Haase to adjourn the meeting at 8:40 P. M.

Nancy Haase, Acting Secretary