

From: Carrie Vibert February 27, 2012 12:39:18 PM  
Subject: Zoning Board of Appeals Minutes 12/21/2011 ADOPTED  
To: SimsburyCT\_ZBAMin  
Cc:

ZONING BOARD OF APPEALS  
REGULAR MEETING  
December 21, 2011

I. CALL TO ORDER

Acting Chairman Katie Martin called the regular meeting of the Zoning Board of Appeals to order at 7:03 P. M. in the Main Meeting Room at Simsbury Town Hall. The following members were also present: Carol Bingham, Paul Cocchi, Dennis Fallon, and Greg Piecuch. Also present were Lynn Charest, Zoning Compliance Officer; Lisa Gray, Commission Clerk; and other interested parties.

II. APPOINTMENT OF ALTERNATES

Ms. Martin appointed Paul Cocchi to serve for Peter Stempien, Dennis Fallon to serve for Thomas Horan, and Carol Bingham to serve as Secretary.

A motion was made by Mr. Piecuch to alter the agenda and proceed to item V. The motion was seconded by Ms. Bingham, and unanimously carried.

III. PUBLIC HEARING

A. 11-16 Application of Ernest Lawas and Nancy Simm, Owners, for a Side Yard Variance, pursuant to Article Eight, Section A of the Simsbury Zoning Regulations, to allow for construction of a shed on property located at 482 Bushy Hill Road. (Map B-19, Block 508, Lot 002). R-40 Zone.

Ernest Lawas explained that he is seeking a 26-foot side yard variance for construction of a 12' x 18' shed at the end of the driveway in the north side yard of his property. He further explained that this is the most feasible location for the shed as the size of the lot, topography, placement of the home on the lot, and the location of a well, septic system, and leaching field hinder placement in any other area.

Ms. Bingham asked Mr. Lawas if he had spoken with any of his neighbors regarding his proposal. Mr. Lawas replied that he had spoken with them and there were no objections.

Mr. Piecuch suggested that it appeared that the shed could be placed closer to the home and be completely out of the setback area. Mr. Lawas stated that placement in that area would not allow for easy access to the back yard and placement there would not be as aesthetically pleasing and could, therefore, potentially decrease the value of his home.

Lynn Charest informed the applicant and the Board that, at its December 19, 2011 meeting, the Zoning Commission passed an ordinance, effective December 28, 2011 that states, "Sheds of 200 square feet or less may be located within 12 feet of a property line, but may not be located in any front or side yard". This new ordinance might have allowed Mr. Lawas to place his shed in the rear yard of his property, but his proposed shed exceeded the 200 square foot limitation and he was unwilling to reduce the size of the shed.

Ms. Martin opened the hearing to public comments; hearing none, she closed the public hearing.

A motion was made by Ms. Martin to approve the variance, as requested, based on the topography of the land and the location of the home on the lot. The motion was seconded by Mr. Fallon. All were opposed. Motion failed.

#### IV. APPROVAL OF MINUTES

##### A. October 26, 2011

Mr. Piecuch suggested the following amendment to line 96 of the minutes: "All were opposed because they members felt there were alternative locations where the..."

A motion was made by Mr. Piecuch to approve the minutes of the September 28, 2011 meeting, as amended. The motion was seconded by Ms. Bingham, and passed unanimously.

#### V. APPROVAL OF THE ZONING BOARD OF APPEALS' 2012 REGULAR MEETING SCHEDULE

It was agreed to amend the meeting schedule and change the regularly scheduled September 26, 2012 meeting to September 19, 2012.

A motion was made by Mr. Piecuch to approve the meeting schedule, as amended. The motion was seconded by Mr. Fallon, and unanimously carried.

#### VI. ELECTION OF OFFICERS

A motion was made by Mr. Piecuch to re-elect Peter Stempien to serve as Chairman and Thomas Horan to serve as Secretary. The motion was seconded by Ms. Bingham, and unanimously carried.

VII. ADJOURNMENT

A motion was made by Mr. Piecuch to adjourn the meeting at 7:51 P. M.

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Carol Bingham, Acting Secretary