

TOWN OF EAST GRANBY

PLANNING and ENGINEERING
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MEMORANDUM

Date: December 1, 2022

To: Zoning Board of Appeals

Cc: Robin Newton, Town Planner

From: Mark Goderre, Building Official/Zoning Enforcement Officer/Inland Wetlands Enforcement Officer

Re: **ZBA Application 22-02 Section IV.A.6 for Side Yard Variance
Aaron Alves & Lorena Lima
31 North Main Street**

The applicants are requesting a 9.5-foot side yard variance of the East Granby Zoning Regulations to locate an attached garage. The property is in a PRD zone on 1.04-acre lot on 31 North Main Street.

Applicant is requesting variance based on the following hardships:

- Lot size
- Wood burning fireplace and outdoor kitchen
- Turning radius for existing garage

Applicant(s) proposes constructing 22ft x 30ft detached garage for total of 660 square feet. Proposed structure is located within 15 feet 6 inches of side property line. The side yard setback is 25 feet, requiring a 9.5-foot side yard variance.

In my opinion this application does not meet the criteria of Section X.D.4 of the regulations for the granting of a variance by the Zoning Board of Appeals and I recommend denial of the application.

Section X -- ADMINISTRATION & ENFORCEMENT 3/5/96 w/amendments to 11/2/22

X.D.4. Variances

*No variance of the strict application of any provision of these Regulations shall be granted by the Board unless it finds **all** of the following:*

- a. That there are special circumstances or conditions applying to the land or building for which the variance is sought which:*
 - *are peculiar to such land or building and do not apply generally to land or buildings in the neighborhood or in the zoning district at large,*
 - *have not resulted from any act, of the applicant or anyone in privity with the applicant, subsequent to the adoption of these Regulations whether in violation of these provisions or not, and*
 - *preclude the use of the property for that which it is reasonably adapted.*

- b. *That the aforesaid circumstances or conditions are such that the literal enforcement or strict application of the provisions of the Regulations would result in:*
- *exceptional difficulty,*
 - *unusual hardship, or*
 - *deprive the applicant of the reasonable use of the land.*
- c. *That the difficulty or hardship complained of:*
- *is caused by the restrictions contained in the Regulations,*
 - *was not created by the applicant, and*
 - *is not primarily financial in nature.*
- d. *The use applied for is not impliedly or expressly prohibited by the Zoning Regulation.*
- e. *That the granting of the variance:*
- *is necessary for the reasonable use of the land or buildings,*
 - *is the minimum variance that will accomplish this purpose,*
 - *will be in harmony with the purposes and intent of these Regulations,*
 - *will accomplish substantial justice,*
 - *will not be injurious to the neighborhood, and*
 - *will not be otherwise detrimental to the public health, safety, and welfare.*

Relocating the outdoor kitchen and patio with a wood burning pizza oven is not a hardship, it is an inconvenience that would not require an action for a variance. The lot does accept the size and placement of the requested detached garage. The question of turning radius being a safety issue would not come into effect if the garage was shifted back the few feet that would take to remedy the issue. As a side note I am not sure the purpose of the building permit for the finished basement bears any impact on this application.

If the Commission chooses to approve requested variance or a lesser one, it is recommended the as condition of approval the applicant be required to submit as-built survey prior to CO.