

THE ZONING BOARD OF APPEALS OF THE TOWN OF AVON HELD A VIRTUAL REGULAR MEETING FOR A PUBLIC HEARING ON THURSDAY, FEBRUARY 17, 2022, AT 7:00 P.M., VIA GOTOMEETING: By web, <https://global.gotomeeting.com/join/246713877>; or by phone: [+1 \(646\) 749-3122](tel:+16467493122), Access Code: [246713877#](https://global.gotomeeting.com/join/246713877).

Present were regular Board members Eileen Carroll (Chair), Christy Yaros (Vice-chair), and Jaime Polhamus, and Alternate Members Vi Smalley and James Williams. Absent were regular Board member Eileen Reilly, and Alternate member Thomas McNeill. Also present was Planning and Community Development Specialist Emily Kyle.

Chair Carroll called the meeting to order at 7:00 p.m.

E. Kyle took roll call for the Board.

E. Kyle introduced herself and indicated that she worked in a parallel position for the Town of Canton for seven years. She is replacing John McCahill who worked for the Town of Avon for nearly thirty years. E. Kyle facilitated the meeting and began by showing the Agenda for the meeting which was noticed and sent out. The meeting tonight includes an application from Daniel Morgan. It requests two variances – one from Avon Zoning Regulations, Section IV. A. 6., which is a 15 foot variance from the required 25 foot side yard setback for an attached garage, and one from Section III. C. 6., for an alteration to an existing nonconforming building, located at 106 Cider Brook Road which is in an RU2A zone.

#### I. ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON:

Chair Carroll inquired whether the election should be postponed. E. Kyle believes that we are obligated to hold that vote because this is the first meeting of the calendar year. We do also have 5 Board members present though two are Alternates so we will have to move them up to have a full Board tonight. Hiram Peck, the Director of Planning and Community Development for the Town of Avon, agreed that the vote for Chairperson and Vice Chairperson can happen tonight.

Chair Carroll made a motion to move the two Alternate Board members up to regular members for the purposes of tonight's meeting. Vice Chair Yaros seconded. The Motion passed unanimously and we now have five voting members for tonight's meeting.

Vice Chair Yaros made a motion to nominate Chair Carroll to remain as Chair of the Board. J. Polhamus seconded the motion. V. Smalley asked if there were any abstentions or oppositions. The motion passed unanimously. J. Polhamus nominated Vice Chair Yaros to remain Vice Chair. Chair Carroll seconded. The motion passed unanimously.

#### II. PUBLIC HEARING:

Application of Lee A. Morgan, Trustee, owner and Daniel Morgan, applicant; requesting from Avon Zoning Regulations, Section IV. A. 6., a 15-foot variance from the required 25-foot side yard setback for an attached garage and requesting from Avon Zoning Regulations, Section III.

C. 6., an alteration to an existing nonconforming building, located at 106 Cider Brook Road in an RU2A Zone.

E. Kyle began by listing the items in the application packet. This is a ZBA virtual public hearing using GoToMeeting. E. Kyle read the Legal Notice into the record. This is a public hearing process so the public will have the opportunity to voice any concerns or comments or questions that they may have. The relevant portions of the ZBA Public Hearing Process are: II, which says that the Notice was provided in accordance with Town Regulations, State Statutes, and recent COVID-19 related Executive Orders (the Town has also notified the abutters to the subject properties, as required) and III, the Avon Zoning Board of Appeals was created as required by Section 8-6 of the Connecticut General Statutes, and functions in accordance with the powers and duties of Section X – Administration and Enforcement, C., of the Town of Avon Zoning Regulations.

E. Kyle will summarize the Agenda, we will then receive input from the Applicant, comments and questions from the Board members, and comments and questions from the public, if any. Then we will close the Public Hearing and vote. This Application has two variance requests. The Applicant, Daniel Morgan, opted to do that rather than two application requests. The Board is able to make a vote that is positive on one request and negative on the other. E. Kyle stated that she met with D. Morgan approximately one month ago to discuss his variance requests. The first is the request for an attached garage. E. Kyle showed the photographs of the existing garage with one bay. The new attached garage would come off the side of this on the south side of the property. The second request is to put a second story on an existing structure (shown in the photograph behind the existing garage) which is why E. Kyle referenced Section III which is an expansion of an existing nonconforming use. The structure is already within setbacks and D. Morgan would like to make it taller. The footprint of the structure would not expand. E. Kyle shared the site plan which shows the top view of the site. The setback for both the attached garage and existing nonconforming shed structure are equidistant to the property line, about 10 feet away. The detached structure is only proposed to go up one floor and not out in any way. E. Kyle spoke with D. Morgan about hardships when she visited the site. The variance request must be backed by hardships that are unique to the property. D. Morgan identified that the septic tank and pump is in the front of the property. In the rear are the septic fields. The well is also obstructive right behind the house. And then there is an in-ground swimming pool that took up some of that space as well. The site is a bit topographically challenged as well, as shown by E. Kyle on her photograph taken about half the way up the driveway. There is a pretty gradual incline going up towards the house and it does continue past the house into the backyard. This made it a little bit difficult as well to relocate the proposed attached garage. D. Morgan added the picture of the proposed house as part of his application materials. D. Morgan is doing a full renovation on this house and the circled part of the picture is his end goal, including the garage which is the first variance request. The second variance request is depicted in the drawings showing a second floor on the existing detached structure which is just for storage.

D. Morgan does not have much to add to E. Kyle's description of the project. He is looking to remodel the entire house. The house has been vacant for five years – it was a bank foreclosure. The picture of the proposed house is not exact but it will be in the Cape Cod style. D. Morgan showed the house floor plan on the screen, as well as a 3D rendering. He is not making the

foundation any bigger. He pointed out the existing garage and the proposed second garage. D. Morgan explained that he is a remodeling contractor and the detached building would just be for storage. He would like a second floor because the grade of the land goes up and there could be a door from the grade into the second floor, for a ride on lawnmower or that kind of equipment. The first floor would be for his workshop. He may not even go with a full second floor if it gets approved.

V. Smalley asked if D. Morgan was getting rid of the entire existing structure and replacing it with this. D. Morgan said that they were keeping walls of the first floor. The dimensions are all as existing but he is trying to add a garage. He is also trying to add bedrooms on the second floor because it is now only a two bedroom house. V. Smalley asked if this design was in keeping with the neighborhood. D. Morgan confirmed that it was. V. Smalley asked if the neighbors at 84 Cider Brook Road were notified. D. Morgan did not know how to get in touch with them. Their lot is about 15 acres with a long driveway up to the house. E. Carroll asked if the Town notifies abutters and J. Stokesbury confirmed that they were notified. V. Smalley asked if the letters of support from the abutters could be read to be in support of both variance requests. She feels that it is clear that the neighbors are in support of reducing the 25' setback to 10' but it is not clear that they are in support of the second request for the nonconforming use. D. Morgan feels that he did let them know in the letter. V. Smalley was unsure the abutters knew it was a nonconforming use request. D. Morgan said that when he sees his neighbors, they are thrilled that he is doing the work on this house. E. Kyle pointed out the request is for an expansion of a nonconforming structure, not a nonconforming use. Those are two separate regulations.

E. Kyle asked if there were any members of the public here. There were none. E. Carroll asked if there was a Motion to close the Public Hearing. C. Yaros made that Motion. J. Williams seconded. The Motion passed and the Public Hearing is now closed. That was the only Agenda item. E. Carroll asked if there was any discussion on either variance. E. Kyle shared the original Application and stated that the two sections of the Regulations that are relevant are IV. A. 6. and III. C. 6. E. Carroll asked if there was any discussion on either variance and there was none. V. Smalley made a Motion to Approve both variances. E. Carroll seconded the Motion. After a voice vote conducted by E. Kyle, the Motion passed unanimously. E. Kyle read from the Public Hearing Process "that the granting of this variance, in this case, variances, will be in harmony with the purpose and intent of these regulations. They will accomplish substantial justice and will not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare." E. Kyle told D. Morgan that when he receives his Variance (the approval), then it will be filed in the Land Records and he can follow up with the building permit. D. Morgan thanked the Board.

### III. OTHER BUSINESS:

E. Kyle has no other business for tonight. She stated that she was new to this position since September, and understands that it is very hard to replace someone that was here for decades but if there is anything that the Board needs, if there is anything that we can be improve on from a staff level, or if you were not receiving something that would be beneficial, please feel free to call or email her anytime. Please let her know if you ever have suggestions, comments or

concerns. E. Carroll thanked V. Smalley and J. Williams for being available to cover this meeting.

IV. NEXT REGULARLY SCHEDULED MEETING: March 17, 2022

Vi Smalley made a Motion to Adjourn. E. Carroll seconded the Motion. The Motion passed unanimously. The meeting was adjourned at 7:30.

Janet Stokesbury, Clerk  
Zoning Board of Appeals  
Town of Avon Planning and Community Development