

THE ZONING BOARD OF APPEALS OF THE TOWN OF AVON HELD A VIRTUAL REGULAR MEETING FOR A PUBLIC HEARING ON THURSDAY, MARCH 17, 2022, AT 7:00 P.M., VIA GOTOMEETING: By web, <https://global.gotomeeting.com/join/931170461>; or by phone: [+1 \(646\) 749-3129](tel:+16467493129), Access Code: [931170461#](https://global.gotomeeting.com/join/931170461).

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

Chair Carroll called the meeting to order at 7:11 p.m.

E. Kyle took roll call for the Board. We have a vacancy on the Board for a regular member so J. Williams will be seated tonight as a regular member.

I. PUBLIC HEARING:

Application of Thomas R. and Katherine Daly, Owners; requesting from Avon Zoning Regulations, Section IV. A. 6., a 20-foot variance from the required 25-foot side yard setback for an above-ground pool, located at 204 Thompson Road in an R40 Zone.

E. Kyle stated that the only item on the Agenda is the Application of Thomas R. and Katherine Daly, owners, requesting from Avon Zoning Regulations, Section IV. A. 6., a 20 foot variance from the required 25 foot side yard setback for an above-ground pool, located at 204 Thompson Road which is in an R40 zone. E. Kyle read into the record the Legal Notice and numbers II. and III. of our Virtual Public Hearing Process via GoToMeeting. In summary, this Application is a request for a 20 foot variance from Section IV. A. 6. for the placement of an above-ground pool. The specs for the pool were in the packet sent to each Board member. The property received a similar variance in 2015 for the construction of a garage within the side yard setback. The proposed pool will be in line with the now constructed garage. The hardships indicated by the Applicants, as well as observed by E. Kyle, include the septic leach fields in the reserve area in the middle of the backyard, and challenging topography on the eastern side of the backyard. E. Kyle showed the Site Plan and pointed out the existing house and the existing garage, which is 5' away from the property line and which is equidistant to the property line as the proposed pool (shaded in yellow). E. Kyle pointed out the leach field reserve system in the middle of the yard and the treeline where there is challenging topography. She then shared photographs and the pool specifications. The constructed garage did receive a variance in 2015. The photographs show a view from the rear yard facing the front of the house, and the leach field reserve system. The photograph of the treeline also shows where the property drops offs with the challenging topography on the eastern side. E. Kyle also noted that abutter notices were sent out and we do have a caller which is a neighbor that probably would like to speak on this.

The Applicant, Katherine Daly, indicated that E. Kyle covered the presentation very well and asked if anyone had any questions. The other Applicant, Thomas Daly, is also present. There were no questions from the Board members. E. Kyle stated that the floor is open to any member of the public. Susan Stewart, owner of 200 Thompson Road, asked how the applicants would fill

the pool. K. Daly replied that they would bring in trucks with water. E. Kyle stated that the Town did not receive any letters, either in support of or not in support of this proposal, though our notice was sent out to all the abutting neighbors. S. Stewart is the only neighbor present tonight. E. Kyle did not have anything else to add but reiterated that she observed the hardships that Mr. and Mrs. Daly proposed in their Application. Though it looks like there is a wide open space in the middle of the yard, they cannot put a pool there because of the leach field reserve system. It is not something you can visually see but the site plan supplement proves it. Also, the Applicants received a variance in 2015 for the same distance for the garage instead of a pool.

J. Polhamus asked how significant is the drop off on the east side of the property. K. Daly answered that it drops off by a few feet but will not need a significant amount of grading. K. Daly discussed this with the pool company who advised that they would need some grading but did not give specifics. K. Daly added that they did speak with the neighbors on the side where the pool would be last night. She invited them to come to the meeting and they felt they did not need to as they did not have any objections.

E. Kyle stated that the public hearing can be closed if there are no additional Board comments. Vice Chair Yaros made a Motion to close the public hearing. Chair Carroll seconded. The Motion passed unanimously. E. Kyle stated that the public hearing was closed and this would now be the Board's last opportunity to have any discussion or deliberation before making a final motion. Chair Carroll made a Motion to grant the variance as written J. Polhamus seconded. The Motion passed unanimously. E. Kyle then stated that the granting of the variance will be in harmony with the purposes and intent of these regulations, will accomplish substantial justice, and will not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare.

II. OTHER BUSINESS:

E. Kyle would like to confirm that the Board received the working notes that she drafted to give the Board a better working script. She would like to make sure that the document was helpful and if not, if there are other critiques that would be helpful. She hopes that the working notes are a good template to go through a meeting. Several Board members indicated that it was very helpful.

III. NEXT REGULARLY SCHEDULED MEETING: April 28, 2022

Vice Chair Yaros made a Motion to Adjourn. E. Reilly seconded the Motion. The Motion passed unanimously. The meeting was adjourned at 7:24 p.m.

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