

THE ZONING BOARD OF APPEALS OF THE TOWN OF AVON HELD A VIRTUAL REGULAR MEETING FOR A PUBLIC HEARING ON THURSDAY, JULY 20, 2023, AT 7:00 P.M., VIA GOTOMEETING: By web, <https://meet.goto.com/997521493>; or by phone: [+1 \(571\) 317-3116](tel:+15713173116), Access Code: [997521493#](https://meet.goto.com/997521493#).

Present were regular Board members Chair Christy Yaros, Vice Chair Jaime Polhamus, Aden Baume, and Michele O'Connor, and alternate Board Member James Williams. Absent were regular Board member Eileen Reilly and alternate Board members Thomas McNeill and Vi Smalley. Also present was Planning and Community Development Specialist Emily Kyle.

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

E. Kyle took roll call for the Board. We have a quorum of 5 as J. Williams will vote as a regular Board Member.

I. PUBLIC HEARING:

Application of Webster Moore Grouten, III and Samantha Cathryn Henry, Owners and Kemper Associates Architects, LLC, Applicant; requesting from Avon Zoning Regulations, Section IV. A. 2. d., a 26-foot variance from the required 60-foot front yard setback for a house addition, located at 613 Huckleberry Hill Road in an R30 Zone.

E. Kyle read the Legal Notice and Numbers II and III of the ZBA Virtual Public Hearing Process into the record. She explained to the Applicants that she would give a summary of the Application, the Applicants can clarify further if necessary, the Commissioners may ask questions, and lastly we will open the floor to public comment.

E. Kyle said that the Applicants are requesting a variance from Section IV. A. 2. d. for the construction of an addition that would be located within the front yard setback. The closest point of the proposed addition to the property line is approximately 34' which would require a 26 foot variance. Huckleberry Hill Road is a collector/arterial road which means that instead of the standard 40 foot front yard setback there is a 60 foot setback. E. Kyle shared the Applicant's plan and pointed out the buildable area of the lot. The house which was built in 1924 (prior to zoning) is almost entirely within the front yard setback. Any addition proposed would require a variance from the ZBA whether it is on the side or behind the house. The ZBA has seen similar requests especially in the Secret Lake neighborhood. Huckleberry Hill also has many houses close to the road and the 60 foot setback becomes challenging for property owners to put an addition on without needing a variance. This addition would likely be mostly invisible from the surrounding properties except during the winter months or if vegetation was removed. It is her understanding that this proposal would only require a minimal amount of landscaping - perhaps one mature tree and some shrubs would be removed. E. Kyle said the Town did not receive formal abutter input but we did receive anonymous questions regarding any required grading which the Applicant will address. E. Kyle also pointed out the proposed retaining wall that is behind the existing principal structure but within the front yard setback. Avon handles walls the same way that they handle fences which is that they are not required to abide by setbacks unless they are over 6' high. At its highest, this wall will be 4' and she will ask the Applicant to submit an elevation

drawing to ensure that it will not be taller than 4'. The Building Code requires a retaining wall over 3' to have a building permit but from a zoning perspective it is not problematic that this retaining wall under 4' is located within the front yard setback.

Jack Kemper, principal of the Applicant, said this addition is almost all behind the setback line except for a connecting hallway gallery. The retaining wall will be a Unilock wall and the height from the grade difference on either side of the wall is 2-3' but he said 4' to be safe. He will provide an elevation drawing. The height of the addition is 24' and is a foot lower than the highest ridge of the house. E. Kyle shared pictures of the existing house and where the addition will be. He is making a 20 x 30 foot courtyard between the proposed gallery and the existing house. J. Kemper explained the architectural drawings of the addition. He is matching the siding and the roof pitches and looking to continue the architecture of the house with the addition. He is also adding bedrooms so some existing bedrooms will be repurposed as offices. E. Kyle asked J. Kemper to confirm that the retaining wall got lower as you drew away from the house. J. Kemper agreed and said the wall was shoring up the driveway to make it safer. E. Kyle asked to confirm that the tallest section of the wall is immediately south to southwest of the house. J. Kemper agreed and said that the wall is about 12' long and eventually goes down to 0' in height. He said the grading is minimal and he is not bringing in any fill.

No Commission members had questions. J. Bombara of 605 Huckleberry Hill Road asked if the septic tank would be adequate for the additional bathrooms. J. Kemper said he has talked to Farmington Valley Health District (the "FVHD") and they believe the soil is well drained so while he needs the FVHD approval for the building permit, so far the FVHD will not require a reserve area. E. Kyle said that the proximity of the hallway to the front yard setback is pertinent to this Application. The constraints of this lot include the fact that almost the entirety of the house is existing non-conforming and almost any expansion would require some level of a variance. The grading and the landscaping that would be removed are minimal.

M. O'Connor made a Motion to Close the Public Hearing. Chair Yaros seconded. The Motion passed unanimously.

Chair Yaros made a Motion to Approve this Variance. M. O'Connor seconded. The Motion passed unanimously. E. Kyle said "that the granting of this Variance will be in harmony with the purposes and intent of these regulations, and will accomplish substantial justice and will not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare." E. Kyle said the Owners and Applicant would get an approval letter, the Variance will be filed in the Land Records, and then they would be ready to apply for a building permit.

II. OTHER BUSINESS: None.

III. NEXT REGULARLY SCHEDULED MEETING: September 21, 2023

Chair Yaros made a Motion to Adjourn. J. Polhamus seconded. The Motion passed unanimously.

The meeting adjourned at 7:19 p.m.

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