

THE ZONING BOARD OF APPEALS OF THE TOWN OF AVON HELD A VIRTUAL REGULAR MEETING FOR A PUBLIC HEARING ON THURSDAY, MARCH 21, 2024, AT 7:00 P.M., VIA GOTOMEETING: By web, <https://meet.goto.com/995279853>; or by phone: [+1 \(571\) 317-3116](tel:+15713173116), Access Code: [9952798535#](https://meet.goto.com/9952798535#).

Present were regular Board members Aden Baume, James McNeely, Michele O'Connor, and Eileen Reilly, and alternate Board member Christy Yaros. Absent was Board member Jaime Polhamus and alternate Board members Ruthanne Babich and Thomas McNeill. Also present was Planning and Community Development Specialist John McCahill.

C. Yaros called the meeting to order at 7:02 p.m.

J. McCahill took roll call for the Board. We have a quorum of 5 members including one alternate.

I. ELECTION OF OFFICERS: M. O'Connor made a Motion to Nominate A. Baume to be the Chairperson. J. McNeely seconded. The Motion passed unanimously. J. McNeely made a Motion to Nominate J. Polhamus to be Vice Chairperson. M. O'Connor seconded. The Motion passed unanimously.

II. PUBLIC HEARING:

Application of Jeffrey J. Reardon, Owner and Applicant; requesting from Avon Zoning Regulations, Section IV. A. 2. d., a 54-foot variance from the required 60-foot front yard setback along West Avon Road for a detached garage, located at 4 Sedgewood Road in an R40 zone.

Chair Baume read the description of the Variance request. J. McCahill read the Legal Notice into the record and said that the Legal Notice was posted and published in accordance with Connecticut General Statutes. He said the hardship for this Application is that it is dangerous for entry off West Avon Road (a State road) to the existing detached garage, and flooding occurs at that driveway. The Applicant further states that the Variance will not change the character of the neighborhood. He would like to eliminate the current driveway off West Avon Road and create a safer entrance to his garage. He currently has access off Sedgewood Road so he plans to use that and construct a new detached garage off that driveway. He will demolish the existing detached garage and construct a 22' x 24' detached garage 6' from his property line. J. McCahill said that the State road is about 20' from the property line along West Avon Road so there is a fairly wide right of way between the Road itself and the property line. He then shared photographs of the property showing the driveway off Sedgewood Road, the area the Applicant would like to locate the new garage (which already has a gravel drive and pins), the approximate 20' area outside the fence that is the State's right of way, the view from the existing driveway along West Avon Road showing the area where water drains down onto that driveway, the area beyond the driveway which is also subject to flooding, and a sample of the type of garage the Applicant would like to construct.

J. Reardon said that J. McCahill summarized the Application accurately. J. Reardon emphasized the safety concerns. J. McNeely asked if the old garage would be demolished, if access to the

West Avon driveway would be closed off, and if the fence would be extended to where the driveway is now. J. Reardon said that as soon as he is able to put the new garage in, he would like to create a type of berm to stop the water flow into his yard. He would then plant bushes or continue the fence along West Avon Road. J. McNeely asked if the driveway off Sedgewood Road goes to the existing garage and J. Reardon said that the driveway goes to the house and he cannot get his truck into the existing detached garage. Chair Baume said that this Variance request seems to be a justification to cease the point of ingress along West Avon Road and he asked what the specific hardship was to require a garage in the new location. J. Reardon said that the speed of the traffic driving down West Avon Road creates a dangerous situation. He has to back into the driveway and has almost been sideswiped, and other drivers are annoyed to have to wait to get around him. Chair Baume asked if there was a reason that the new garage cannot be in another area of the yard that does not require a variance. J. Reardon said that there was a bank on the other side of his driveway off Sedgewood Road and there is already a turnaround where he would like to put the new garage. Chair Baume asked if there was an attached garage to the residence and J. Reardon answered that there was but he cannot get his truck in that garage. Chair Baume asked why this hardship is unique to J. Reardon's property and is not shared by other houses in the neighborhood, and whether other houses in the area exit onto West Avon Road. J. Reardon believes that there are other owners that exit onto West Avon but for him, he has no way to turn around in his short driveway so he has to back up to the garage. Traffic and its speed have made it very difficult to navigate to get into his driveway. Chair Baume asked about the character of the neighborhood and if there are other structures in the vicinity that are within 6' feet of a property line. Chair Baume said there are some neighborhoods where many houses are built within the setback of roads. J. Reardon said that there are houses on Route 167 that appear close to the road but he does not know how difficult it is to turn around in their driveway. At the peak of the hill, as you come around the corner near the church, the speeds of cars are increasing. J. McCahill shared a map showing other houses close to West Avon Road and he added that the Applicant's house was built in 1941 prior to the Town's adoption of Collector Road requirements which are now 60' setbacks but prior to 1979 were 40'. C. Yaros asked to see how close the new garage would be to the road vs. the existing garage and whether there would be a fence between the garage and the road. J. McCahill shared a map to show the distance and confirmed the Applicant's plan for a fence between the road and the garage. J. McNeely noticed that the picture of the proposed garage has a high peak roofline with a second story window and he asked if that will impact sight lines on West Avon Road. J. Reardon said that there was no sight loss on that corner and J. McCahill shared a photograph showing the intersection. J. Reardon said he got rid of the shrubs on that corner so you could see easily when turning. J. McCahill pointed out the stop bar on Sedgewood Road and said that the structure would be set back 10-15' from that and would be behind the fence so sight lines would not be a problem.

J. McNeely made a Motion to Close the Public Hearing. C. Yaros seconded. The Motion passed unanimously. Chair Baume asked if there was any discussion on this Application. C. Yaros said that this request seemed reasonable especially because the road setback does not appear to be a problem. M. O'Connor added that the garage will remain behind the fence. E. Reilly agreed with C. Yaros and said that it was reasonable to her. Chair Baume said that the Applicant not wanting to use the existing garage is not before this Board, nor is whether the garage is dangerous or gets flooded. The question is whether or not to grant a variance and why the Applicant is unable to build a garage within zoning regulations. Also, does this reason create an undue hardship or

change the character of the neighborhood. He feels that the question to ask is whether it is so necessary for the Applicant to have an additional garage in this specific place in order to avoid an exceptional difficulty or unusual hardship. He does not see that in this case. C. Yaros asked Chair Baume what he would want to see instead or if he would like more information. Chair Baume said that he asked the Applicant about locating the garage on the other side of his yard and the Applicant said he would have to regrade to do that. Chair Baume does not think that this is an undue hardship and he does not think that not having another garage in addition to the attached garage he already has is an undue hardship. He said that he understands that the new garage will be behind a fence but that fence can be removed at any time. He is not concerned about the view of the road – he thinks that the garage can be located somewhere else and he does not see a hardship on the Applicant as there are many properties without a garage. E. Reilly mentioned the flooding near the existing driveway for the detached garage. She agreed that the Applicant or the next owner can remove the fence and she agreed that there is not really a hardship. J. McCahill said that the flooding happens because the current driveway off West Avon Road is downhill from an incline on West Avon Road. Erosion occurs at that driveway and the Applicant's goal is to eliminate that driveway entirely and only have access off Sedgewood Road. C. Yaros asked J. McCahill is there is another location to put the garage or would any other location require a variance. J. McCahill answered that he did not evaluate the ability to locate the garage anywhere else. He referred to the Applicant's comment that he would have to grade on the other side of the Sedgewood Road driveway but Chair Baume said that it was likely that the Applicant just did not want to rip up the planted area. J. McNeely referred to the picture of the existing driveway and pointed out the fairly steep grade of the property there. He said that if the rest of the property looked anything like that, it would be a lot of work to grade that. Chair Baume said that this is not the location he was referring to for a garage without a variance. J. McNeely agreed but said that if this slope is indicative of the rest of the property, from a logistical standpoint the proposed location on the property. Chair Baume reiterated that the other side of the Sedgewood Road driveway is a better spot that does not require a variance. J. McCahill said that there was an incline there but he cannot tell what the grade is.

J. McCahill reminded the ZBA that with a five member Board, it will take at least four members to approve a variance. For example, if the vote was 3-2, the motion to approve would fail and it would result in a denial. Chair Baume said that it was his understanding that the Applicant would then have to wait 60 days before reapplying. J. McCahill said it would be six months for the same variance but it could be sooner for a different variance. M. O'Connor made a Motion to Approve this Variance. C. Yaros seconded. The Motion passed 4-1 with Chair Baume voting against it. J. McCahill said for the record that the granting of this 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 or welfare. He told the Applicant that he will receive a letter of approval from our office and ultimately the Variance will be filed in the Land Records.

III. OTHER BUSINESS: None.

IV. NEXT REGULARLY SCHEDULED MEETING: April 18, 2024

J. McNeely made a Motion to Adjourn. M. O'Connor seconded. The Motion passed unanimously. J. McCahill said that it was a pleasure working with the Board and his duties will no longer exist after this month. He said that there are already two variance requests for May.

The meeting adjourned at 7:37 p.m.

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