

THE ZONING BOARD OF APPEALS OF THE TOWN OF AVON HELD A VIRTUAL REGULAR MEETING FOR A PUBLIC HEARING ON THURSDAY, MARCH 16, 2023, AT 7:00 P.M., VIA GOTOMEETING: By web, <https://meet.goto.com/29997541>; or by phone: [+1 \(571\) 317-3116](tel:+15713173116), Access Code: [299997541#](https://meet.goto.com/29997541#).

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

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

E. Kyle took roll call for the Board. Alternate member J. Williams will be seated tonight as a regular member so we have a quorum of 5.

I. ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON:

E. Kyle said that Chair Eileen Carroll resigned from the Board and E. Kyle thanked E. Carroll for her time and service to the Board. The ZBA now needs to elect a new Chair and a new Vice Chair. J. Polhamus made a Motion to Nominate Vice Chair Yaros as the new Chair. M. O'Connor seconded. The Motion passed unanimously. Chair Yaros made a Motion to Nominate J. Polhamus as Vice Chair. M. O'Connor seconded. The Motion passed unanimously.

II. PUBLIC HEARING:

Application of Hiromichi Itoh and Francena R. Dwyer, Owners and Applicants; requesting from Avon Zoning Regulations, Section IV. A. 2. d., a 13.5-foot variance from the required 40-foot front yard setback for a replacement and expansion of a seasonal porch and entryway, and heat pumps, located at 15 Goodwill Trail in an R15 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 with her thoughts on it, then the Applicants can clarify further, and lastly we will allow questions by the Commissioners.

E. Kyle presented the site plan. The Applicants are requesting a variance from Section IV. A. 2. d. for construction of an expansion of a seasonal porch and entryway as well as new heat pumps. Avon Zoning Regulations Section IV. A. 2. e. requires that all mechanical equipment such as heat pumps, generators, propane tanks, etc. shall conform to all required yard setbacks. In this proposal, the heat pumps are the closest item to the front yard property line – closer than the edge of the structure that is proposed. E. Kyle and the Applicants determined that the overall variance request is for 13.5' based on the measurement to the heat pumps and not the structure. The Property is located in the Secret Lake neighborhood which has a long history of variance approvals by the ZBA. Most of the lots in this neighborhood are already non-conforming properties as to zoning setbacks. As shown on the site plan, the actual edge of the house excluding the existing front porch is 39' from the property line and the front yard setback is 40'.

The house itself is pre-existing non-conforming with zoning regulations and that is consistent with other properties in this area as E. Kyle observed. The only compliant location would be the west side of the Property but this is an entryway and there is already an egress on the west side so that would not make logical sense. You cannot put this entryway anywhere that would not require a variance so it seems like an inevitable application. This entryway would be visible to all of the neighbors but this office sent an abutter notice to all of the abutting properties and we did not receive any feedback either positive or negative.

F. Dwyer said that her neighbors across the street are happy about this proposal because the existing porch is deteriorating and a new one would look nicer. She believes a new porch would be an asset to the neighborhood. E. Kyle said that this is also another point of egress and the building code requires two points of ingress. She said that a big factor here is the neighborhood characteristics and this is standard for the Secret Lake neighborhood. In the long term there may be zoning changes in this area to make these properties more compliant.

M. O'Connor made a Motion to Close the Public Hearing. Chair Yaros seconded. The Motion passed unanimously. There was no additional discussion by the Board members.

J. Polhamus made a Motion to Approve the Variance. M. O'Connor seconded. The Motion passed unanimously. E. Kyle listed the next steps for the Applicants. She 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."

Chair Yaros asked about what she had to now sign for this Application. J. Stokesbury will forward her the Grant of Variance which then is recorded in the Land Records.

III. OTHER BUSINESS: None.

IV. NEXT REGULARLY SCHEDULED MEETING: April 20, 2023

Chair Yaros made a Motion to Adjourn. J. Polhamus seconded. The Motion passed unanimously. The meeting was adjourned at 7:16 p.m.

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