

THE ZONING BOARD OF APPEALS OF THE TOWN OF AVON HELD A VIRTUAL REGULAR MEETING FOR A PUBLIC HEARING ON THURSDAY, JUNE 15, 2023, AT 7:00 P.M., VIA GOTOMEETING: By web, <https://meet.goto.com/343763613>; or by phone: [+1 \(646\) 749-3129](tel:+16467493129), Access Code: [343763613#](https://meet.goto.com/343763613#).

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 7:01 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 Andrew and Fiona Wood, Owners and Nicola Wood, Applicant; requesting from Avon Zoning Regulations, Section IV. A. 2. d., a 31.5-foot variance from the required 40-foot front yard setback for a house addition and roofed deck, located at 2 Pine 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, the Applicants can clarify further if necessary, the Commissioners may ask questions, and lastly we will open the floor to public comment.

E. Kyle began saying that the Applicants are requesting a variance from Section IV. A. 2. d. for the construction of an addition and roofed deck. The closest point of the proposed location to the property line is 8.5' thus requiring a 31.5 foot variance. The Applicant did get an as-built survey which is very helpful. The property is a corner lot which means it has two (2) front yards and two (2) side yards. The entirety of the structure is non-conforming because of the constraints of zoning setbacks though this house predates zoning. Regardless of what size addition was proposed, it would require a variance from the ZBA because the entirety of the house is already non-conforming. Variance requests are measured is to the closest point and this is a front yard variance request on the Pine Trail side. The property is located within the Secret Lake neighborhood which has a long history of variance approvals by the ZBA as most of the lots in this area are already non-conforming to zoning setbacks. This property in particular is an older lot and has received multiple variances in its history. The biggest issue here is that the lot is a corner lot making the restraints tighter. It is important for the Owners to be aware than any contractor that is hired should ensure that no utilities are in this area because it is only 9' away from the road. E. Kyle checked with the Town Engineering Department to ensure that there is no issue with the utilities but this is a private development so the Town has no input with the utilities in this neighborhood. The Owners need to be mindful of this. E. Kyle said that notice was sent out to all the property abutters and this office received no formal input either positive or negative though an individual did come into the Planning Office to ask questions.

Andrew Wood thinks that E. Kyle summarized the Application fairly. He said that the front door of the house leads straight into the kitchen which is the only entrance from the Pine Trail side of the house. He is hoping to construct a mudroom so outside dirt does not travel straight into the kitchen. He is not building a full foundation and in terms of the utilities, there will be minimal invasion down into the ground – there will simply be pilings. He is not aware of any utilities but he will make the contractor aware of the issue. N. Wood did not have anything to add.

Aden Baume asked A. Wood if the deck itself would be the mudroom. A. Wood said that an open, covered deck (on the left in the submitted drawing) was half of the addition and an enclosed mudroom (on the right in the submitted drawing) was the other half. J. Polhamus asked what side of the house the addition would be. N. Wood said it would be on the east side by the front door and A. Wood described the addition and referred to the drawings with color outlines.

There were no further questions from Commissioners. There was no public comment. M. O'Connor made a Motion to Close the Public Hearing. A. Baum seconded. The Motion passed unanimously. A. Baum said that this Application does not appear to affect the character of the neighborhood. He is concerned that the house will be close to the intersection and it may interfere with the ability of drivers to see around the corner. But this does not seem to be the case so he would vote in favor of this variance and would encourage other Commissioners to as well. E. Kyle agrees with A. Baum and referred to the photographs she took from the road. She believes that because of the angle of the driving path plus the angle of the house the addition would not impact visibility in any way. It is also a fairly short addition (8.5' to its peak) and as you travel west toward the Lake, there is a downhill slope in the opposite direction so you do not have any visibility issues.

C. Yaros made a Motion to Approve this Application. J. Polhamus 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 and then would be ready to apply for a building permit.

II. OTHER BUSINESS: None.

III. NEXT REGULARLY SCHEDULED MEETING: July 20, 2023

Chair Yaros made a Motion to Adjourn. A. Baum seconded. The meeting adjourned at 7:17 p.m.

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