

The Zoning Board of Appeals of the Town of Avon held a meeting on Thursday, June 28, 2018, at the Avon Town Hall. Present were Ames Shea, Chair; Commissioners: Chester Bukowski, Mackenzie Johnson and Vi Smalley. Absent were Commissioners: Andrew Bloom and Eileen Carroll; Alternates, Frank Lupis and Thomas McNeill, Jr. Also present were John McCahill, Planning and Community Development Specialist and Christine Campasano, Clerk, ZBA.

## PUBLIC HEARING

June 28, 2018

Ms. Shea, Chair, called the meeting to order at 7:00 p.m. and noted the Avon Zoning Board of Appeals was created as required by Section 8-6 of the Connecticut General Statutes and functions in accordance with the powers and duties of Section 10-C of the Zoning Regulations of the Town of Avon.

Ms. Shea stated that there are four (4) of the five (5) Board members present for the Zoning Board of Appeals this evening. She continued by informing the applicant that in order for the variance to be granted, it would require affirmative votes by all four (4) of the Zoning Board of Appeals members that are present. The decision needs to be unanimous and if not it is considered a denial.

All three (3) applicants agreed to proceed with the public hearing.

Mr. McCahill stated for the record that the legal notice for this meeting was published in accordance with the state statutes.

Application of Kristen Bergman-Flores, owner/applicant; requesting from the Avon Zoning Regulations, Section IV. A.6, a 5 foot variance from the 15 foot required side yard setback and a 15 foot variance from the required 30 foot rear yard setback to permit a 16'x10' shed, located at 16 Francis Street in an R-15 Zone.

Ms. Shea read the application of Kristen Bergman-Flores, owner/applicant; requesting from the Avon Zoning Regulations, Section IV. A.6, a 5 foot variance from the 15 foot required side yard setback and a 15 foot variance from the required 30 foot rear yard setback to permit a 16'x10' shed, located at 16 Francis Street in an R-15 Zone. The hardship is due to the grading of the lot. The applicant proposes to install the shed on a flat spot in the yard. No trees will need to be removed. The neighbor is aware and approved of the proposed shed location.

John McCahill noted that the home was built in 1951 and predates the Town's zoning regulations. Ms. Shea questioned if there were any objections from the abutting neighbors. Mr. McCahill stated that no objections were received from the abutters.

Ms. Shea noted for the record the attachments accompanying the variance application: plot plan, aerial map, property card, photos of property and a photo of the proposed shed. Ms. Bergman-Flores, owner/applicant was in attendance to answer any questions.

## PUBLIC HEARING

June 28, 2018

Application of William Knight and Jill Adams owners/applicants; requesting from the Avon Zoning Regulations, Section IV. A.2, a 1,604 s.f. variance from the 1,000 s.f. permitted for accessory buildings, to build a 384 s.f. accessory building (a 2,220 s.f. accessory building exists), located at 120 Nod Way in an R-U2A Zone.

Ms. Shea read the application of William Knight and Jill Adams, owners/applicants. Ms. Shea noted for the record the attachments accompanying the variance application: plot plan, aerial map, property card, photos of both the property and proposed shed. She stated that the main home was built in 1965 with a detached accessory structure (37' x 60') built in 1985. A variance was granted in 2014 to change the use of the accessory structure (garage and storage) to its current uses as a garage, recreation room, music and art studio. Ms. Shea noted a pool was installed in 2017 and the proposed accessory structure would be used for pool storage only, without heat or water fixtures. Mr. McCahill stated notice was given to the property management company of Hunter's Run.

Ms. Shea noted this is the only single-family home surrounded by the Hunter's Run condominium development.

Mr. Knight, owner/applicant, David Whitney, P.E., Tom Nolan (Nolan Design) and Jeff Landry (builder) were in attendance on behalf of the application. Mr. Whitney addressed the Board stating that this was a unique property, a five (5) acre lot surrounded by the Hunter's Run development. He noted that this is a reasonable request, no trees or shrubs would be removed and the proposed shed is not visible due to screening and lot size. Mr. Whitney showed the proposed plans for the shed to the Board stating the design of the shed is in-line with the home and other accessory building. The proposed structure will be used strictly for pool storage. The current accessory building is located 200 feet from the pool and proposed shed with a significant elevation difference and is not suitable for the storage of pool equipment.

## PUBLIC HEARING

June 28, 2018

Application of Steven and Liz Richard, owners/applicants; requesting from the Avon Zoning Regulations, Section IV. A.6, a 15 foot variance from the 25 foot required side yard setback to permit a 12'x16' shed, located at 95 Brookmoor Road in an R-40 Zone.

Mr. Richard owner/applicant was present to speak on behalf of the application. Ms. Shea read the application and variance request and noted the application materials received: plot plan, aerial map, property card, photos of both the property and proposed shed. She stated that the hardship is the proposed location is the only viable location for the proposed shed due to the location of the house on the property. The shed is a pre-fab shed from Kloter Farms. A signed letter was submitted by the neighbor at 103 Brookmoor Road, who would be most affected, stating he is aware and approved of the proposed shed location.

## ZONING BOARD OF APPEALS MEETING

June 28, 2018

Mr. Johnson made a motion to GRANT, seconded by Ms. Smalley, the Application of Kristen Bergman-Flores, owner/applicant; requesting from the Avon Zoning Regulations, Section IV. A.6, a 5 foot variance from the 15 foot required side yard setback and a 15 foot variance from the

required 30 foot rear yard setback to permit a 16'x10' shed, located at 16 Francis Street in an R-15 Zone.

The motion was unanimously approved (4-0).

Reason – The granting of the variance will be in harmony with the purpose 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.

Hardship – To deny would deprive the owner of a reasonable use of the property; due the grading/topography of the parcel, there is no viable alternative for the location of the shed.

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Mr. Johnson made a motion to GRANT, seconded by Ms. Smalley, the Application of William Knight and Jill Adams owners/applicants; requesting from the Avon Zoning Regulations, Section IV. A.2, a 1,604 s.f. variance from the 1,000 s.f. permitted for accessory buildings, to build a 384 s.f. accessory building (a 2,220 s.f. accessory building exists), located at 120 Nod Way in an R-U2A Zone.

The motion was unanimously approved (4-0).

Reason – The granting of the variance will be in harmony with the purpose 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.

Hardship –To deny would deprive the owner of a reasonable use of the property since the strict application of the zoning regulations would prohibit the reasonable use of the property.

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Mr. Bukowski made a motion to GRANT, seconded by Mr. Johnson, the Application of Steven and Liz Richard, owners/applicants; requesting from the Avon Zoning Regulations, Section IV. A.6, a 15 foot variance from the 25 foot required side yard setback to permit a 12'x16' shed, located at 95 Brookmoor Road in an R-40 Zone.

The motion was unanimously approved (4-0).

Reason – The granting of the variance will be in harmony with the purpose 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.

Hardship – To deny would deprive the owner of a reasonable use of the property; due the location of the home on the property, there is no viable alternative for the location of the shed without an encroachment.

## **OTHER BUSINESS:**

There being no further business, the meeting adjourned at 7:35 p.m.

Next meeting scheduled for Thursday, July 19, 2018.

Respectfully submitted,

Christine Campasano  
Clerk, Zoning Board of Appeals  
Planning and Community Development