

THE ZONING BOARD OF APPEALS OF THE TOWN OF AVON HELD A VIRTUAL REGULAR MEETING FOR A PUBLIC HEARING ON THURSDAY, NOVEMBER 19, 2020, AT 7:00 P.M., VIA GOTOMEETING: Join by web: <https://global.gotomeeting.com/join/868980085>; or dial by phone: United States: +1 (872) 240-3212, Access Code: 868-980-085#.

Present were regular Board members Eileen Carroll (Chair), Christy Yaros (Vice-chair), Chet Bukowski and Ames Shea; and present were Alternate members James Williams (voting) and Thomas McNeill (non-voting). Absent was alternate member Vi Smalley. Also present was John McCahill, Town of Avon Planning and Community Development Specialist.

Chair Carroll called the meeting to order at 7:00 p.m. John McCahill facilitated the virtual meeting.

Roll call was taken for the Board.

John McCahill read aloud the legal notice for the meeting. He stated that notice was provided in accordance with Town regulations, State Statutes, and recent COVID-19 related Executive Orders; and the Town has notified the abutters to the subject properties as required. 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 X – Administration and Enforcement, C., of the Town of Avon Zoning Regulations. The public hearing will be closed after the application review is complete. Voting will follow after the close of the public hearing. He summarized the agenda.

#### PUBLIC HEARING:

Application of Eric and Sharon Finucane, owners/applicants; requesting from Avon Zoning Regulations, Sections IV. A. 6 and IV. A. 2, a 15-foot variance to the 30-foot side yard setback and a 15-foot variance to the 30-foot rear yard setback for a proposed in-ground pool (16' x 36'); and a 15-foot variance to the 30-foot rear yard setback for a slab for the pool pump, filter and heater (4' x 16') and a proposed shed (12' x 16'), **modifications to previous variance**, located at 18 Westbury in an R-30 Zone.

John McCahill summarized the application materials and Town staff supplemental documents: copy of previously granted variance; image of proposed/similar structures (pool and shed); Town GIS map of abutting properties; ZBA public hearing notification sent to abutting owners via postal mail; Town GIS aerial view of subject property; multiple views of subject property; photographs by Town staff; subject property site development plan; subject property plot plan showing proposed structure, proposed location, and proposed variance of yard setbacks; and subject property survey (7/21/2005). There were no neighborhood communications received by Town of Avon as of this meeting. He stated that this application was a modification to a previously approved application for this site, due to an oversight by the owners regarding the desired placement of the structures. He read from the portion on the application regarding the undue hardship related to soil disruption and slope of the land, and rock ledge formation in the rear yard. He stated that there would be a six-seven foot privacy fence around the pool, so that

the neighbors would not see it. He explained the differences from this application to the previously approved application for the site this year to be the following: the proposed pool length will be longer by two additional feet, the shed and slab sizes will remain the same dimensions, the pool will be placed more easterly, and the variance to the side yard setback has changed by ten feet.

Mr. Finucane stated that their initial idea for the placement of the pool was different based upon their own measurements, and they later found that there was an oversight on their part when working with the pool company.

Board member Bukowski inquired about the nature of the oversight.

Mr. Finucane explained their initial understanding that the pool location in the upper right hand side toward the angle of the lot, at a particular distance in the setback area, was the oversight. He stated that the abutting side lots next to his lot are similarly sloped, which include both level areas and steeply pitched areas. However, the slopes are located in different parts of each yard. He stated that the slope in his yard is approximately five to seven feet high, and a retaining wall might be needed at some point due to water runoff toward the house. He stated that there exists one pool across the street, but there are no pools on either side of his lot.

Chair Carroll asked the Board if there were any further questions. There were no further questions from the Board on this application at this time.

Vice-chair Yaros motioned to close the public hearing. Board member Shea seconded the motion. All present voting members voted in favor: Eileen Carroll (Chair), Christy Yaros (Vice-chair), Board members Chet Bukowski and Ames Shea, and Alternate member James Williams. The motion carried.

Board member Shea motioned to grant the variance request as submitted in the application. Vice-chair Yaros seconded the motion. All present voting members voted in favor: Eileen Carroll (Chair), Christy Yaros (Vice-chair), Board members Chet Bukowski and Ames Shea, and Alternate member James Williams. The motion carried.

John McCahill stated for the record 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.

Application of Brian R. Janes, owner, and Glenn Caron, applicant, requesting from the Avon Zoning Regulations, Section IV.A.6, a 23-foot variance to the 40-foot front yard setback for a proposed 24' x 24' attached two-car garage, located at 200 Lovely Street in an R-30/R-40 Zone.

John McCahill summarized the application materials and Town staff supplemental documents, including the following: image of the proposed/similar structures and function plans, Town GIS map of abutting properties; ZBA public hearing notification sent to abutting owners via postal mail; Town GIS aerial view of subject property; multiple views of subject property; photographs by Town staff; subject property plot plan showing proposed structure, proposed location, and

proposed variance of yard setbacks; and subject property survey, June 1979. There were no neighborhood communications received by Town of Avon as of this meeting. He stated that it can be typical for a property on Lovely Street to have split zones in one parcel. He summarized the answers from the application related to hardship: that the owner had stated the hardships of space and location due to the septic area and wetlands on the property, and had requested a variance subsequently to the front yard setback. The new garage would match the character of the existing structure. John McCahill stated that there is an area of the property restricted for development due to wetlands and the Roaring Brook watercourse at the back of the property. There remains only a half-acre available for development. The new garage would be located where the existing driveway is located. The driveway is shared with a neighbor and splits at a certain point.

Mr. Janes stated that he was looking to maximize living space in the existing garage and storage space in the new proposed garage addition.

Chair Carroll asked the Board if there were any further questions. There were no further questions from the Board on the application at this time.

Board member Shea motioned to close the public hearing. Alternate member Williams seconded the motion. All present voting members voted in favor: Eileen Carroll (Chair), Christy Yaros (Vice-chair), Board members Chet Bukowski and Ames Shea, and Alternate member James Williams. The motion carried.

Alternate member Williams motioned to grant the variance request as submitted in the application. Chair Carroll seconded the motion. All present voting members voted in favor: Eileen Carroll (Chair), Christy Yaros (Vice-chair), Board members Chet Bukowski and Ames Shea, and Alternate member James Williams. The motion carried.

John McCahill stated for the record 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.

#### OTHER BUSINESS:

There was no other business.

#### NEXT REGULARLY SCHEDULED MEETING:

The next regularly scheduled meeting will be December 17, 2020.

Chair Carroll motioned to adjourn the meeting and Board member Shea seconded the motion. All present voting members voted in favor: Eileen Carroll (Chair), Christy Yaros (Vice-chair), Board members Chet Bukowski and Ames Shea, and Alternate member James Williams. The motion carried and the meeting adjourned at 7:33 p.m.

Susan Guimaraes, Clerk  
Zoning Board of Appeals  
Town of Avon Planning and Community Development