

The Zoning Board of Appeals of the Town of Avon held a meeting on Thursday, April 26, 2018, at the Avon Town Hall. Present were Ames Shea, Chair; Commissioners: Mackenzie Johnson, and Eileen Carroll; and Alternate Thomas McNeill, Jr. Absent were Commissioners: Chester Bukowski and Andrew Bloom and Alternates: Vi Smalley and Frank Lupis. Also present was John McCahill, Planning and Community Development Specialist and Christine Campasano, Clerk, ZBA.

Ms. Shea, Chair, called the meeting to order at 7:06 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.

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

PUBLIC HEARING

APRIL 26, 2018

Ms. Shea read the Application of David M. Ford, owner/applicant; requesting from the Avon Zoning Regulations, Section IV. A.2, a 524 s.f. variance from the 1,000 s.f. permitted for accessory buildings, to build an 864 s.f. accessory barn (a 660 s.f. accessory shed exists), located at 34 Valley View Drive in an R-U2A Zone.

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.

Mr. Ford acknowledged that he would prefer to proceed with the public hearing this evening, understanding the options available to him were to either proceed this evening with four (4) members or continue the hearing to the next Zoning Board of Appeals meeting.

Ms. Shea noted the variance requested is due to the excess square footage of the accessory buildings. She stated typically the Board receives requests for variances due to a setback issue. John McCahill clarified that the two (2) outbuildings will exceed the 1,000 s.f. permitted by the regulations.

Ms. Shea listed the application materials provided to the Board. Ms. Shea read the applicant's responses to the questions listed on the ZBA application. She stated that the undue hardship is due to the extreme topography of the land. The elevation of the proposed outbuilding is at 270 and the existing outbuilding sits at an elevation of 220 and it is approximately 300' from the proposed outbuilding. This renders the use of the existing outbuilding as impractical. Therefore, Ms. Shea stated, as noted on the application, the strict application of the regulations would prevent the home from having a practical outbuilding.

She further explained the hardship is unique to the property since the typography is different from that of the neighboring properties. The subject parcel has extreme grade variations.

Ms. Shea stated the home sits on over four (4) acres of land with the existing outbuilding located roughly 300' from the front of the home. The parcel appears visually split into two (2) properties, one piece being a meadow with the existing outbuilding and the other piece which includes the home

site. The two are separated by 300' and a 50' slope. Ms. Shea described the proposed outbuilding as a barn which will fit in with the landscape and the existing home. She mentioned that neither the home nor the proposed outbuilding are visible from the street.

She went on to say that the purpose of this regulation is to maintain the scale of the accessory buildings and to ensure that the building coverage is not excessive. In this case, it is not excessive with coverage being under 10 percent; the maximum lot coverage allowed for this property is approximately 18,000 s.f.

Ms. Shea listed the materials found in the application package to include: drawings/maps showing the location of outbuildings and home, the plot plan, a plan for barn, the GIS map showing the location of the property at the end of the cul-de-sac, a topography map, and a series of eight (8) photographs of the parcel along with a full size site plan.

Mr. Ford, the applicant, felt Ms. Ames could not have been more complete in her summary of the application request. He only added that the distance is great between the house and the meadow with the existing barn. He stated that it is essentially like two (2) parcels with the slope making the distance appear greater. Mr. Ford also added that the proposed structure will not be visible from any neighboring property.

Mr. McCahill directed the Board to reference the middle picture on the sheet of photos provided. This picture gives a good representation of the slope from the existing outbuilding up to the existing house.

There was some discussion between the applicant and the Board regarding the location of the proposed structure. Mr. McCahill once again directed their attention to the sheet of photos showing the proposed location.

Ms. Ames asked if anyone was present on behalf of the application. Neighbors, Ms. Anna Smolen and Mr. Peter Culver, from 20 Pine Hill Road were present at the meeting. She told the Board she did not have anything to add. Mr. McCahill told the Board, this neighbor stopped by the Planning and Zoning office to inquire about the use of the proposed outbuilding. He told her that the building was to be used for storage and as a garage.

Mr. Ford said he would also want to know what the outbuilding was intended for if he were a neighbor.

Ms. Carroll asked Mr. McCahill if the setback for the barn was appropriate. Mr. McCahill responded it was.

There being no further input, Ms. Shea proceeded to the next application.

Ms. Shea read the Application of Peter Starr, applicant; Jessica and David Giulietti, owners, requesting from the Avon Zoning Regulations, Section IV. A.6, an 8 foot variance from the 25 foot required side yard setback to permit a 31'6" x 26' detached garage, located at 7 Brighton Way in an R-40 Zone.

Ms. Ames asked who was there on behalf of the application. Peter Starr, the applicant/contractor was present to speak. Ms. Shea again 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 the affirmative votes by all four (4) Zoning Board of Appeals present; a 3 to 1 vote would result in a denial.

Mr. Starr acknowledged that he would prefer to proceed with the public hearing this evening, understanding his options available to him where to either proceed this evening with four (4) members or continue the hearing to the next Zoning Board of Appeals meeting.

Ms. Shea stated that the request is to allow an 8' variance to the required setback as previously described. Ms. Shea read, as stated in the application, that the undue hardship is that proper sizing and functional layout call for the structure to be placed over the setbacks. The hardship is unique to the property and not shared by other properties in the neighborhood since there is no alternative layout for driveway access and the functionality of the proposed detached garage. She concluded with the applicant's response that the variance would not change the character of the neighborhood since the garage would match the character of the current house, it would be set back on the property and will be surrounded by trees.

Ms. Shea noted for the record that the following items were received along with the application: a neighborhood map, six (6) photos of the subject property, a rendering of the garage, a floor plan and site map showing the location of the existing house foundation and proposed garage.

Ms. Shea asked Peter Starr, the applicant, if there was any additional information he wanted to add. He then showed the Board a 3-D rendering on his tablet. The tablet was provided to each Board member to review in order to get a better understanding of the location of the garage on the property.

Ms. Carroll noted the existing driveway was on Brighton and not on Wildwood. Mr. Starr mentioned the property owners have three (3) small children and the proposed structure will be used for storage and as a garage.

Ms. Carroll asked what separated the house from the adjacent property. Mr. Starr responded that the neighbor's house is elevated on the side where the garage is proposed. There is a hill sloping up toward the neighboring property along with existing pine trees.

Ms. Shea asked Mr. McCahill if the abutters were noticed. Mr. McCahill stated the abutters were notified and no communications were received.

Mr. McCahill told the Board that the property is unique by having curvatures on two (2) roads and a 40' setbacks on both roads. Due to the 40' setbacks, the property does not have a whole lot of room to the rear.

Ms. Shea confirmed there was no one in the audience to speak on behalf of this application.

There being no further input, the public hearing portion of the meeting was closed.

Commissioner Johnson made a motion to GRANT, seconded by Commissioner Carroll, the Application of David M. Ford, owner/applicant; requesting from the Avon Zoning Regulations, Section IV. A.2, a 524 s.f. variance from the 1,000 s.f. permitted for accessory buildings, to build an 864 s.f. accessory barn (a 660 s.f. accessory shed exists), located at 34 Valley View Drive in an R-U2A Zone.

The motion received unanimous approval.

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.

Commissioner Johnson made a motion to GRANT, seconded by Commissioner Shea, the Application of Peter Starr, applicant; Jessica and David Giulietti, owners, requesting from the Avon Zoning Regulations, Section IV. A.6, an 8 foot variance from the 25 foot required side yard setback to permit a 31’6” x 26’ detached garage, located at 7 Brighton Way in an R-40 Zone.

The motion received unanimous approval.

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.

OTHER BUSINESS:

2018 ZBA Meeting Schedule. The Board discussed the proposed changes to the 2018 meeting schedule due to scheduling conflicts.

The following changes were proposed:

<u>Application Deadline</u>	<u>Meeting Date</u>
July 5 to June 28	July 26 to July 19
September 6 to August 30	September 27 to September 20
January 3, 2019 to December 27, 2018	January 24, 2019 to January 17, 2019

Ms. Shea made a motion to change the application deadlines and meeting dates as noted, seconded by Ms. Carroll. The motion was unanimously approved.

The Board also discussed changing the regularly scheduled ZBA meetings from the fourth Tuesday of each month to the third Tuesday of each month. This would require an amendment to the Town of

Avon ZBA Rules and Regulations. A vote of a least four (4) of the Board's regular members would be required to amend the rules (Item #7).

Seeing there were not four (4) regular members of the Board seated to vote, this item was tabled to the next regularly scheduled meeting.

Commissioner Shea made a motion to adjourn, seconded by Commissioner Johnson. The motion received unanimous approval.

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

The next scheduled meeting is on May 24, 2018.

Respectfully submitted,

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