

The Zoning Board of Appeals of the Town of Avon held a meeting on Thursday, November 2, 2017, at the Avon Town Hall. Present were Eric Johansen, Chair, Ames Shea, Vice Chair; Commissioners: Chester Bukowski, Mackenzie Johnson and Alternate Francesco Lupis. Absent were Alternates Vi Smalley, and Thomas McNeill. Commissioner Andrew Bloom left at 7:35p.m. Also present was John McCahill, Planning and Community Development Specialist and Christine Campasano, Clerk, ZBA.

Mr. McCahill stated for the record the ZBA meeting was rescheduled from October 26, 2017 to November 2, 2017 due to problems with the legal notice. The legal notice was submitted in a timely fashion by the Planning office; however, the Hartford Courant failed to publish the first run of the legal notice on time. He apologized for any inconvenience this may have caused the Commissioners and applicant. The legal notice for the rescheduled meeting on November 2, 2017 was published in accordance with the state statutes and a meeting can now be held.

PUBLIC HEARING

November 2, 2017

Mr. Johansen called the meeting to order at 7:30 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. Johansen read the Application of Michelle K. Gagan, owner; Joseph M. Minkos, applicant; requesting from the Avon Zoning Regulations, Section IV.A.6, a 7-foot variance from the 15-foot side yard setback and a 22-foot variance from the 30-foot rear yard setback to permit a 12-foot by 20-foot shed, located at 105 New Road in an R15 Zone.

Michelle Gagan, property owner and Joseph Minkos, applicant were present.

Mr. Johansen stated the application noted the hardship being the subject lot was narrow and placing the shed within the setbacks would limit the use of the yard. He mentioned photographs of the property and a map were included in the application materials.

Joseph Minkos stated that the house and garage are fairly small. They are not able to park a car in the garage and store their lawn equipment. They placed a deposit on a shed from the Barnyard without placing the order, realizing they would need permission from the Board and a building permit.

Mr. Minkos stated they had a survey performed a couple of years ago which marked out the buildable area with all the setbacks. He told the Commissioners, as they could see, the hardship is that the lot is narrow and due to the location of leach fields which the Farmington Valley Health District (FVHD) makes you maintain a 5' distance from, along with the setbacks, there is just one area where the shed can go. This location would more or less put the shed in the middle of the yard limiting the use of the space. Mr. Minkos noted they probably would not install the shed if they were not able to locate it where they propose to place it.

The applicant submitted into the record two (2) signed letters from the neighboring property owners, one from the side yard neighbor, Mr. Capouch (107 New Road) and the other from the rear yard neighbor, Jason Frechette (11 Blanchard Road).

Mr. McCahill requested Mr. Johansen to read the letters into the record. Mr. Johansen read the two (2) signed letters. The letters read as follows: Town of Avon, please be advised that I approve of the application of Michelle K. Gagan, owner, and Joseph M. Minkos, applicant, requesting a 7-foot variance from the 15-foot side yard setback and a 22-foot variance from the 30-foot rear setback to permit a 12-foot by 20-foot shed, located at 105 New Road, Avon, CT signed by Jason Frechette, 11 Blanchard Road and Brian Capouch, 107 New Road respectively.

Mr. Johansen asked if the Town received anything else back from the neighbors. Mr. McCahill responded no.

Mr. Johansen referenced a photo from the application materials and questioned how the tree line would change if the shed was installed in the proposed location. The applicant stated some trees were recently cut down near the proposed location of the shed.

Ms. Shea also referenced a photo provided with the application questioning the location of the shed. The applicant offered to show additional photos of the property from his cell phone. Ms. Shea stated she was okay with the photo provided and she was only trying to get a feel for the location of the shed on the property.

Ms. Shea stated she assumed the regular notices went out to all the abutters. To which Mr. McCahill, responded yes. She asked if Ms. Gagan knew her neighbor at 1 Blanchard Road, Cynthia Tahl. Ms. Gagan responded she did. Ms. Gagan did not receive a written letter from this neighbor but discussed the application over the phone with her and she had no objections. Ms. Ames stated she was just curious but was satisfied that the neighbor had no issues since Ms. Tahl received the notice and was not present.

Mr. McCahill said he thought this was a pretty straightforward application. The house was built in 1937 and does not comply with the regulations of current time, it encroaches on the required side yard a little on the north side. He spoke with Mr. Minkos about two (2) years ago when he was first contemplating this project. The first obstacle they had to overcome was that there was no good valuable survey to work off of and they could not really go forward without the survey. They actually had to put out the expense of getting a survey to come this far.

Mr. Johansen asked if there were any other questions. There being no further input, the public hearing portion of the meeting was closed.

ZONING BOARD OF APPEALS MEETING

November 2, 2017

Ms. Shea made a motion to GRANT, seconded by Mr. Johnson, the application of Michelle K. Gagan, owner; Joseph M. Minkos, applicant; requesting from the Avon Zoning Regulations, Section IV.A.6, a 7-foot variance from the 15-foot side yard setback and a 22-foot variance from the 30-foot rear yard setback to permit a 12-foot by 20-foot shed, located at 105 New Road in an R15 Zone.

Mr. Johansen noted for the record the abutting neighbors were notified and there were no negative responses that came back. He went on to say that there will be no impact to neighbors and the proposed location is one of the few places the shed can go due to the location of the septic leach fields.

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 due to the narrow lot and position of leach fields.

There being no further business, the meeting adjourned at 7:50 pm.

Christine Campasano
Zoning Board of Appeals
Planning and Community Development