

The Zoning Board of Appeals of the Town of Avon held a meeting on Thursday, December 14, 2017, at the Avon Town Hall. Present were Ames Shea, Vice Chair; Commissioners: Chester Bukowski, Mackenzie Johnson, Andrew Bloom and Alternate Francesco Lupis. Eric Johansen arrived late and was not seated. Absent were Alternates Vi Smalley and Thomas McNeill, Jr. Also present was John McCahill, Planning and Community Development Specialist and Christine Campasano, Clerk, ZBA.

## PUBLIC HEARING

December 14, 2017

Ms. Shea, Vice-Chair, 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.

Ms. Shea read the Application of Path LLC, owner/applicant; requesting from the Avon Zoning Regulations, Section VI. E.4, a 27-foot variance from the 75-foot front yard setback to permit a proposed 30-foot by 32-foot building addition, located at 40 Waterville Road in a CPA Zone.

The legal notice for this meeting held on December 14, 2017 was published in accordance with the state statutes.

Ms. Shea summarized the application which stated that the strict application of the zoning regulations would produce undo hardship because it would prohibit the expansion of the existing building. This hardship is unique to the premises because the location of the existing building is non-conforming and pre-dates the zoning regulations. The addition will not change the character of the neighborhood since it will match the appearance of the existing structure.

Russell Bush, representative for the owners/applicant and David Whitney, engineer for the applicant were present.

Mr. Bush introduced himself and stated Path LLC is a bridge building company which primarily builds bridges for the State of Connecticut. Their offices are located at this property and their shop facilities/storage for all construction equipment are located in Berlin, CT. Mr. Bush stated the company recently hired more employees and additional space is needed at their Avon office.

Ms. Shea added that in addition to the application, Commissioners received photos of the site and the existing building, a location map of the subject parcel and surrounding properties and a topography map and plans for the addition which included architectural renderings.

Ms. Shea asked if anyone on the Board had questions for the applicant.

Mr. Bukowski asked Mr. Whitney what the setback for the existing building is now.

Mr. Whitney, the applicant's engineer responded to Mr. Bukowski. Mr. Whitney, who prepared the site plan for this application and referenced it in his response, stated the front corner of the

building is currently 49.4 feet from the front property line. Most of the existing building, which was built in 1952 pre-dates the existing zoning regulations, is within the 75 foot front yard setback. The closest point of the new addition is 49.9 feet because of the angle of the building. Mr. Whitney added the existing building is closer to the street than the proposed addition. He also noted that they are increasing the size of the nonconformity.

Mr. Whitney mentioned that the site rises very steeply in the rear; there is approximately a 70 foot elevation difference. Mr. Whitney discussed the topography of the site stating most of the property is a steep slope (50-58% slope); 29% of the property is developable. Due to this, Mr. Whitney believed this is a textbook case of a hardship.

Mr. Whitney stated the parking lot and retaining wall to the rear of the property prohibits expansion to the rear.

Mr. Whitney went on to say it is a limited site. Path LLC, the current occupant, has occupied this building for ten (10) years and it is very well kept. The building is residential in appearance and the addition will match the existing style.

In terms of harmony with the neighborhood, Mr. Whitney mentioned the setbacks for the parcels surrounding the subject property. He noted the adjacent property, 36 Waterville Road, is also an older building, owned by the Brighenti family which has approximately the same setback from the road as 40 Waterville Road. The property across the street at 29 Waterville Road, the building that houses the Bee's Knee, is closer to the road. The building located at 45 Waterville Road, also across the street, is located farther back.

Mr. Whitney told the Commission that the small addition proposed to the existing house will not impact the adjacent properties.

Ms. Ames inquired if notice was given to the abutting properties.

Mr. McCahill confirmed notice was given to abutting neighbors. No objections were received. He also stated that Mr. Delbone, the owner of 45 Waterville Road came into the Planning office to review the plans and architectural drawings and had no objections.

Mr. Johnson inquired about the vacant lot next door. Mr. McCahill told the Commission the adjacent lot is also owned by Path LLC and it will also be developed. Path LLC plans to grade to the south of the existing property for additional parking. These improvements will be requested in an application to the Planning & Zoning Commission.

Mr. Johnson questioned if there was any concern that someone else may purchase that parcel. Mr. McCahill confirmed there were no concerns; that parcel will be developed for Path LLC's use.

Marion Hemmerich, a resident of RiverMead, addressed the Commission. She was concerned with the appearance of the addition and questioned whether if it would have industrial look or

look like a large garage. Ms. Hemmerich was assured that the addition will be in harmony with residential nature of the existing office space. Mr. Whitney showed Ms. Hemmerich the architectural renderings of the proposed addition. She had no objections.

Ms. Shea added to the record that the property is located in CPA Zone - Commercial Park A Zone.

Ms. Shea 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

December 14, 2017

Mr. Lupis made a motion to GRANT, seconded by Mr. Bloom, the application of Path LLC, owner/applicant; requesting from the Avon Zoning Regulations, Section VI. E.4, a 27-foot variance from the 75-foot front yard setback to permit a proposed 30-foot by 32-foot building addition, located at 40 Waterville Road in a CPA 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 since the strict application of the zoning regulations would prohibit the expansion to the existing building. The location of the existing building is non-conforming and pre-dates the zoning regulations.

There being no further business, the meeting adjourned at 7:40 p.m.

Next meeting scheduled for January 25, 2018.

Respectfully submitted,

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