



# Town of Avon

60 West Main Street  
Avon, Connecticut 06001-3719  
(860) 409-4300 • [www.avonct.gov](http://www.avonct.gov)  
2021 FEB -3 AM 10:33  
ANN B. BEARSTYNE  
AVON TOWN CLERK

## LEGAL NOTICE TOWN OF AVON

The Zoning Board of Appeals of the Town of Avon will hold a virtual Public Hearing on **Thursday, February 18, 2021 7:00 PM - 8:00 PM (EST)**, via **GoToMeeting: Join by web, <https://global.gotomeeting.com/join/918539933>; or Dial by phone +1 (571) 317-3112, Access Code: 918-539-933#**; on the following:

Application of Bennett and Sarah Goss, owners/applicants; requesting from Avon Zoning Regulations, Sections IV. A. 6. and IV. A. 2., a 10-foot variance to the 30-foot rear yard setback for a proposed in-ground pool (20' x 40'), located at 106 Old Mill Road in an R-40 zone.

All interested persons may join and be heard and written communications will be received. Copy of this notice is on file in the Office of the Town Clerk, Town Hall. Dated at Avon this 3<sup>th</sup> day of February, 2021.

## ZONING BOARD OF APPEALS

Eileen Carroll, Chair  
Christy Yaros, Vice-chair

## **ZBA Virtual Public Hearing Process Via GoToMeeting**

Chair calls the public hearing to order.

Town Staff to conduct:

- I. Attendance of ZBA members: regular members; alternates, appoint as needed.
  - Caller identification of application representatives.
  - Caller identification of any interested public.
- II. 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.
- III. 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.  
  
(If only four members of the board are present at a public hearing, and in the absence of the fifth member, a vote in favor of an application would require a unanimous approval. If the application were not approved by a unanimous vote, the application could be refiled to be heard at a future meeting, after a period of six months. Does/do the applicant(s) agree(s) to proceed with the public hearing? Applicant responds.)
- IV. Summary of agenda. All applications will be heard in the order shown on the agenda and the public hearing will be held on each application. The public hearing will be closed after each application review is complete. Voting will follow after the close of the public hearing for each application on the agenda.
- V. Summary of the application and the accompanying materials, and ask the applicant for any additional input.  
\*Please self-identify for the record before any commentary.
  - Input from owner(s)/applicant(s).
  - Board member comments/questions.
  - Public comments/questions.
  - Any objections to the variance request from abutters, neighbors, or the general public.
  - Any support of the variance request from abutters, neighbors, or the general public.
- VI. Close the public hearing and motion to vote. Member identification tally taken. \*Any member who votes against a variance request must state their reason(s) for denial. These statements of denial are required for the record.

Town Staff states: 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.

**THE PUBLIC HEARING PROCESS ABOVE WILL REPEAT FOR EACH ADDITIONAL APPLICATION.**

Other Business:

Town staff will present and address any other business.

The next regularly scheduled meeting is March 18, 2021.

Motion to adjourn the meeting. Second the motion.

Chair states the meeting is adjourned.

**TOWN OF AVON  
ZONING BOARD OF APPEALS  
THURSDAY, FEBRUARY 18, 2021, 7:00 P.M.**

**Virtual Public Hearing  
VIA GOTOMEETING**

**Join by web, <https://global.gotomeeting.com/join/918539933>; or Dial by phone  
[+1 \(571\) 317-3112](tel:+15713173112), Access Code: 918-539-933#**

**AGENDA  
(scroll downward to see application materials)**

**I. PUBLIC HEARING:**

Application of Bennett and Sarah Goss, owners/applicants; requesting from Avon Zoning Regulations, Sections IV. A. 6. and IV. A. 2., a 10-foot variance to the 30-foot rear yard setback for a proposed in-ground pool (20' x 40'), located at 106 Old Mill Road in an R-40 zone.

**II. OTHER BUSINESS:**

**III. NEXT REGULARLY SCHEDULED MEETING: March 18, 2021**

TOWN OF AVON  
ZONING BOARD OF APPEALS  
THURSDAY, FEBRUARY 18, 2021, 7:00 P.M.

**Virtual Public Hearing  
VIA GOTOMEETING**

**Join by web, <https://global.gotomeeting.com/join/918539933>; or Dial by phone  
+1 (571) 317-3112, Access Code: 918-539-933#**

**(scroll downward to see application materials)**

Items contained in the agenda packets sent to the Board via electronic submission, and posted on the Town's website [avonct.gov](http://avonct.gov), Boards & Committees, Zoning Board of Appeals:

Application of Bennett and Sarah Goss, owners/applicants; requesting from Avon Zoning Regulations, Sections IV. A. 6. and IV. A. 2., a 10-foot variance to the 30-foot rear yard setback for a proposed in-ground pool (20' x 40'), located at 106 Old Mill Road in an R-40 zone.

- Town of Avon ZBA public hearing legal notice, posted to Town of Avon ZBA web page, February 3, 2021.
- Town of Avon ZBA virtual public hearing process via GoToMeeting.
- Town of Avon ZBA agenda with meeting access details and web link, posted to Town of Avon ZBA web page, February 3, 2021.
- Town of Avon ZBA application (one page); and additional applicant-submitted materials including neighbor statements, aerial view and other photographs, maps, plans, and pool plans.
- Email correspondence, between subject property owner and an abutting neighbor, submitted for the record by Bennett Goss.
- Town of Avon Assessor's residential property card.
- Town of Avon GIS maps, including aerial views.
- GIS map of abutting properties to 106 Old Mill Road, and list of properties, that received Town of Avon public hearing notice.
- Multiple views of subject property; photographs taken by Town staff.
- Larger scale survey map, and closer aerial view of subject property.
- Additional neighborhood communications, if received by the Town of Avon.

A full hardcopy set of the application, with supplemental administrative information, is on file and will be retained in the Department of Planning and Community Development.



TO THE ZONING BOARD OF APPEALS

RECEIVED

Date: Wednesday, January 27, 2021

Owner: Bennett and Sarah Goss

Applicant: Bennett and Sarah Goss

Address: 106 Old Mill Rd, Avon, CT 06001

Telephone number: 503-929-6326, 917-583-4890

Email Address: [bennettgoss@gmail.com](mailto:bennettgoss@gmail.com), [gossar@gmail.com](mailto:gossar@gmail.com)

JAN 28 2021

Planning Department  
Town of Avon

LOCATION OF AFFECTED PREMISES

ON THE south SIDE OF THE STREET IN AN R-40 ZONE

ASSESSORS MAP NO.	PARCEL ID.	VOLUME	PAGE
018	33801067	733	396

Previous appeals have been made with respect to these premises: Date: N/A

This APPEAL: Building Lines

1. SPECIFIC DESCRIPTION OF VARIANCE REQUEST - (MUST BE SHOWN ON PLOT PLAN)

We would like to place the pool 20 feet from the rear setback line (as apposed to 30 ft) - please see plan.

*Please note, we are only applying for a 10 foot variance, however, most of our neighbors have agreed to a 15 foot variance.*

2. VARIANCE of the following section (s) of the Zoning Regulations is/are requested:

IV.A.6  
& IV.A.2

(a) Why will strict application of the regulation produce UNDUE HARSHIP

When we chose to move to Avon, we specifically set out to purchase a house with a pool, or a house with enough land to comfortably build a pool within 1 year of moving. Our previous home in Trumbull had a pool and our children have always been on a swim team. We specifically requested that our realtor only show us (i) homes with pools or (ii) homes with land that would allow for the construction of a pool to our specifications. Consequently, it was our understanding that our agent only showed us (i) homes with pools or (ii) homes with land in which a pool to our specifications could be constructed. Upon finding a home for purchase, our realtor obtained a map which demonstrated we could put our specified pool within the setbacks according to town regulation, that would also provide us a safe distance from the house for our children.

After purchasing the home, we contacted the town to obtain information about the permit process and found out that the survey/map provided to us by our realtor was not accurate or to scale. We were out of town buyers relying on the information provided by our realtor. Our realtor had indicated the map provided was from the town. However, after purchasing our home and contacting the town regarding the permit process, we were informed (by personnel at the zoning department) that no one from the town knew where our relator had obtained the map. The map provided to us by our realtor indicated a slightly bigger rear yard (see attached maps) than in reality, which we found out once we had an official survey done for purposes of tree-removal work. We were upset and shocked to have found out that unbeknownst to us, we were provided with an incorrect map which we based the purchase of our home on. The realtor had clearly indicated that the map was obtained from the town.

Without the variance, we would not be able to place the pool as originally expected, and thereby ensuring we have a safe distance from the house for our young family (3 children aged 8,8 and 24 months old) and properly fenced off from a designated play area.

**Our hardship is as follows:**

- 1) We were provided with an inaccurate map of our property by our realtor, which was reportedly given to our realtor by the town. After purchase of our home, and upon official survey of our home, we found out the realtor's map provided to us for purchasing our home was inaccurate and not to scale. The realtor's map we based our home purchase on demonstrated that we had a larger rear yard than in actuality. (see attached map of official survey and map provided by realtor)
- 2) The placement of our home is set much further back on our lot as compared to all our immediate neighbors, as well as the majority of the neighborhood. We have a much larger front yard which is not appropriate for a pool, and had our home not been set as far back like all of our neighbors, we would not be in need of a variance (see attached map of lots of neighboring properties).

(b) Why is this hardship UNIQUE to these premises and not shared by other premises in the neighborhood?

According to the plot maps, our house appears to be set further back on our lot than other neighboring properties along our street, as well as along the street that abuts our rear lot line (Briar Hill). If our house were not set so far back on our lot like neighboring properties, we would not need the variance and would have plenty of room.

The pool needs to be located in an area that can be separated and secure away from the children's play space on the other side of the backyard. Other neighbors may not have a desire to have a pool, or may not have young children that they need to ensure a pool is safely set off to one side of the yard and separated from the play area with proper fencing.

(c) This variance would not change the CHARACTER OF THE NEIGHBORHOOD because:

The placement of the pool 20 feet from rear setback line should have no effect on our neighbors. There will be a privacy fence around the perimeter of the back yard, which will be near our lot lines regardless of where the pool is located. Additionally, beyond our rear lot line is a completely wooded area. Again, regardless of pool location, the same privacy fence will be installed, and that is what will be visible to the neighbors.

There are several homes within our neighborhood that have pools. Building a pool within our property would be completely consistent with the character of our neighborhood, and others that have chosen to construct a pool on their property.

3. I HEREBY APPEAL from the decision of the Building Inspector for (denying/issuing) permit.

4. The undersigned warrants the truth of all statements contained herein and in all supporting documents to the best of his knowledge and belief. Furthermore, the applicant agrees that submission of this application constitutes permission for and consent to Board and Town Staff inspections of the site or proposed activity.

Signatures

Owners

Applicants

Sarah Goss  
Beers

Sarah Goss  
Beers

**Goss Application for Variance Town of Avon, CT**

We, neighbor of 106 Old Mill Rd, have been informed that the Goss family will be applying for a variance regarding the installation of a pool. We are aware they are requesting a rear setback of 15 feet instead of 30 feet as required by the Town of Avon. We are aware there will also be a privacy fence along the rear perimeter of the house affording us the same view, regardless of where the pool is located. We have no objections to their request for a variance.

Thank you,

John Balko  
signature

Name: JOHN BALKO

Address: 98 OLD MILL ROAD

AVON, CT. 06001

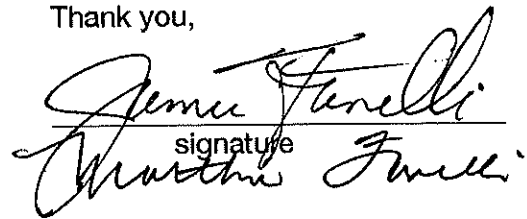
Phone: (860) 675-7518

Email: JOBALKO@COMCAST.NET

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Thank you,

  
signature

Name: James & Martha Fanelli

Address: 114 Old Mill Rd  
Avon CT 06001


Phone: 860-930-9662

Email: jfanelli13@gmail.com

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Thank you,

  
signature

Name: Katie and Mark Fineberg

Address: 88 Old Mill Rd  
Avon, CT 06001

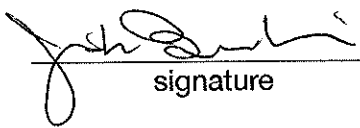
Phone: 617-512-4078

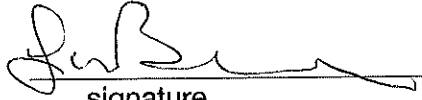
Email: finebergk@psn.com

**Goss Application for Variance Town of Avon, CT**

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Thank you,

  
signature

  
signature

Name: John & Lori Boullie

Address: 101 Old Mill Rd  
Avon, CT 06001-4000

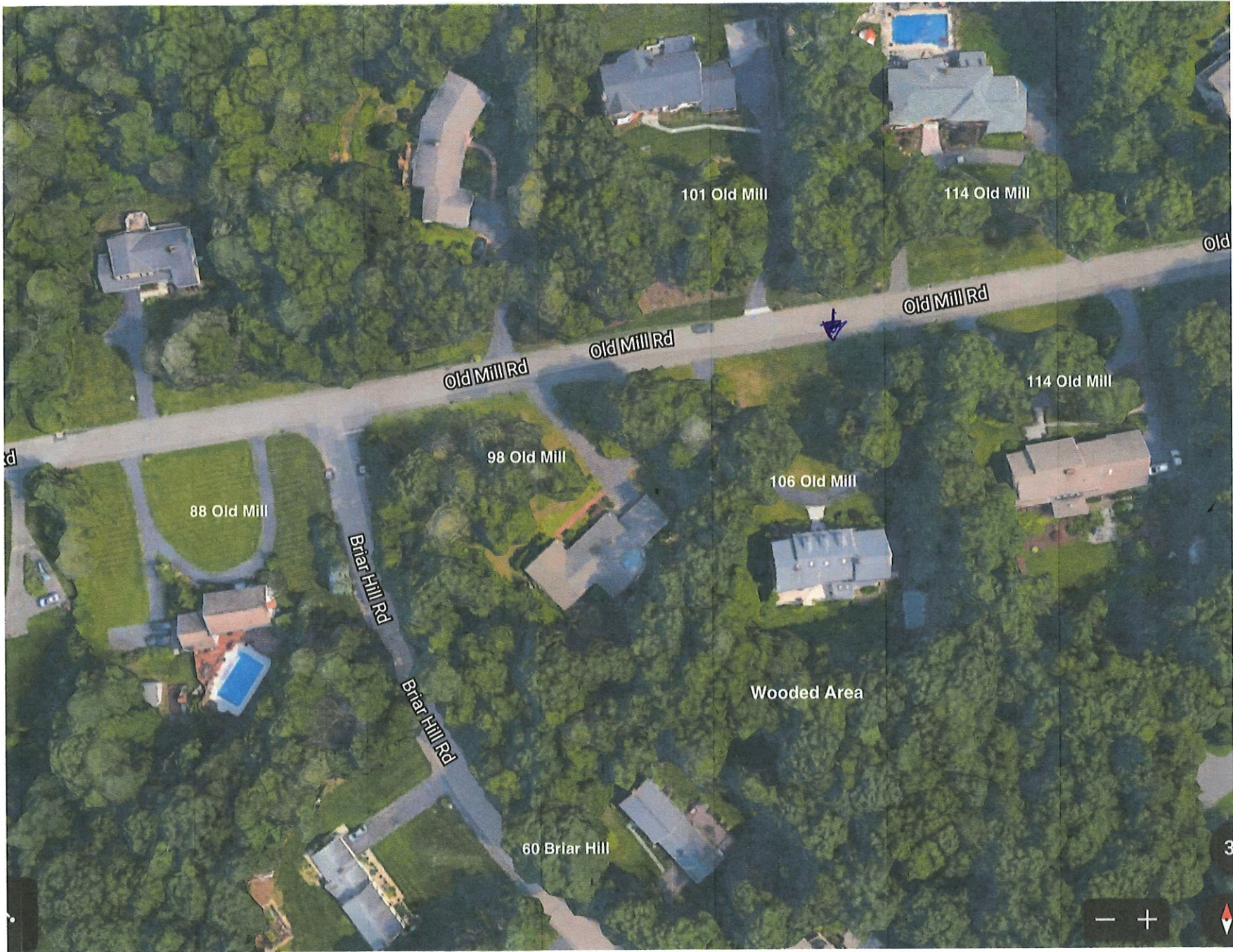
Phone: 860-321-7123

Email: JOHN.BOULLIE@yahoo.com  
Lori.Boullie@gmail.com









↑ 106 OLD MILL JMC





View of rear of lot  
106 Old Mill

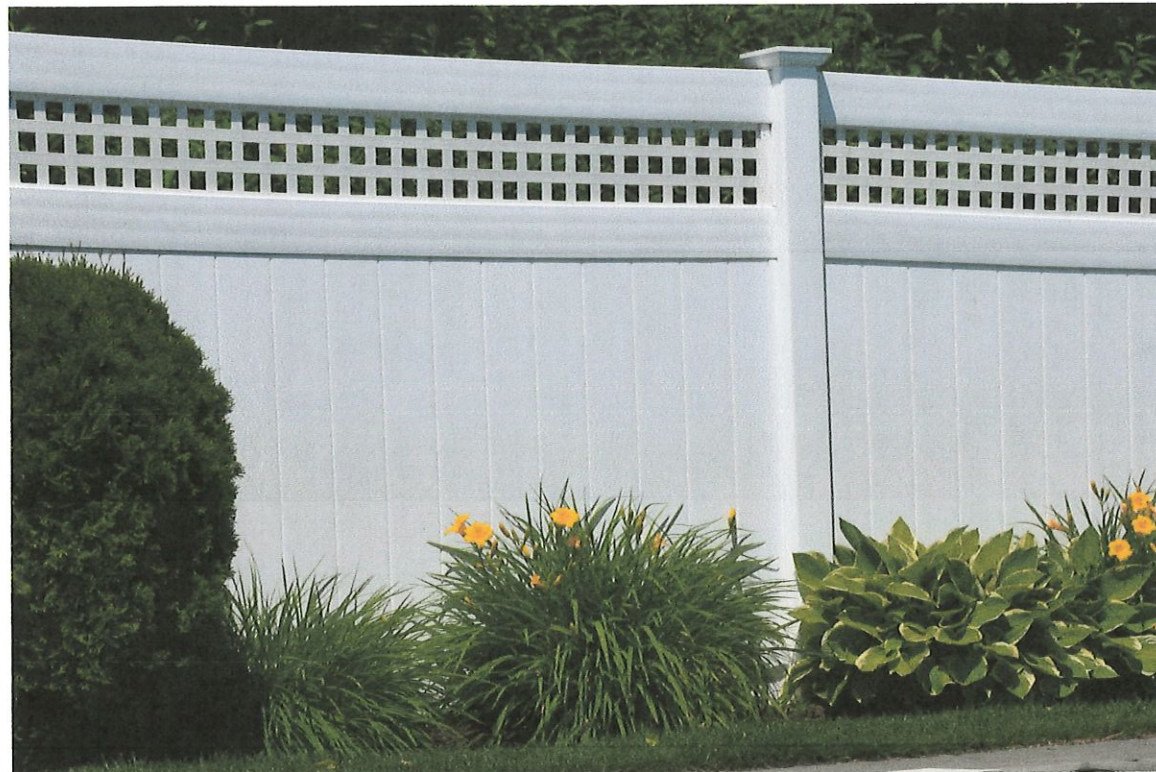


Panoramic view from deck  
106 Old Mill Rd.  
View of rear lot line



View of 106 Old Mill  
from wooded area near  
rear lot line.

Privacy Fence to be installed

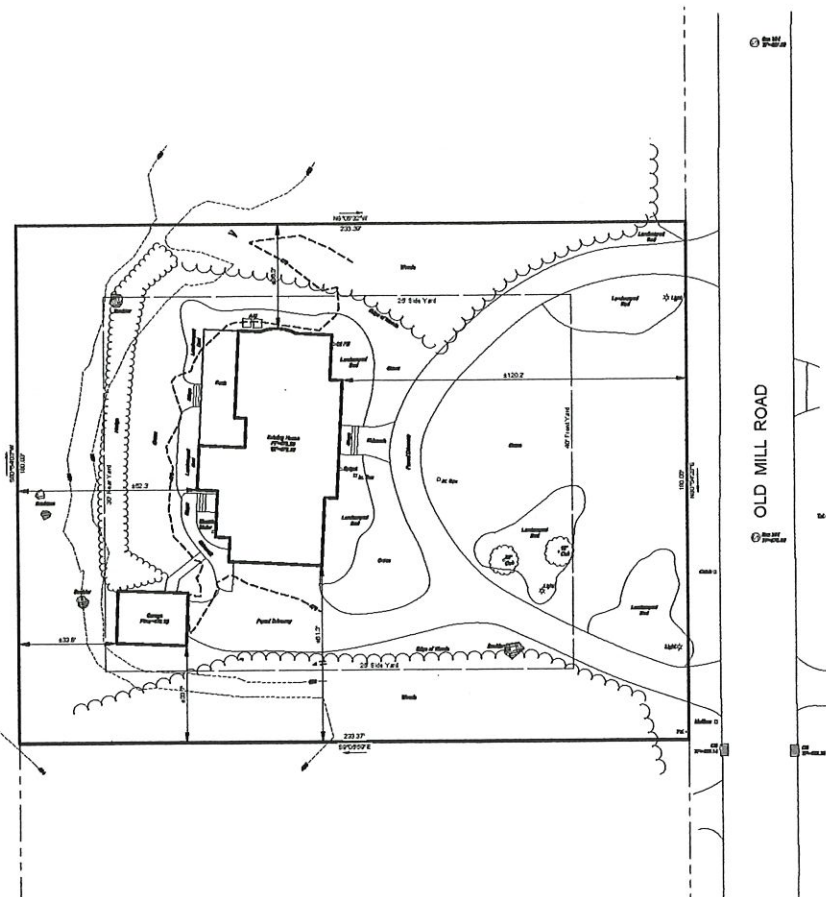




1. "Section XVI Country Club Estates, Property of Buena Vista Homes, Avon, Connecticut, Scale 1"=40', Dec 1966, R-40 Zone" by G. L. Davis, A.L.R. 14-30
2. "Plan of Subdivision, Aweridge at Old Mill, to be Developed by Aweridge, Inc., Old Mill Road, Hentley Way, & Stagecoach Rd., Avon, Connecticut, Scale 1"=40', March 1966" by Hodge Surveying Associates, P.C., A.L.R. 05-59

1. Parcel is located in Zone R40 - Residential

天田中



# OFFICIAL Survey map of PROPERTY

TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF  
THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON

*Arthur M. Neriani*  
ARTHUR M. NERIANI - LAND SURVEYOR  
CT LS #10250



PRELIMINARY  
subject to change

Proposed Pool Location  
Prepared For  
**Bennett & Sarah Goss**  
106 Old Mill Road

Avon  
Scale: 1"=20'

Connecticut  
July 21, 2020

Prepared By  
Neriani Surveying  
35 Old Farms Road - Avon Connecticut  
(860) 677-7732

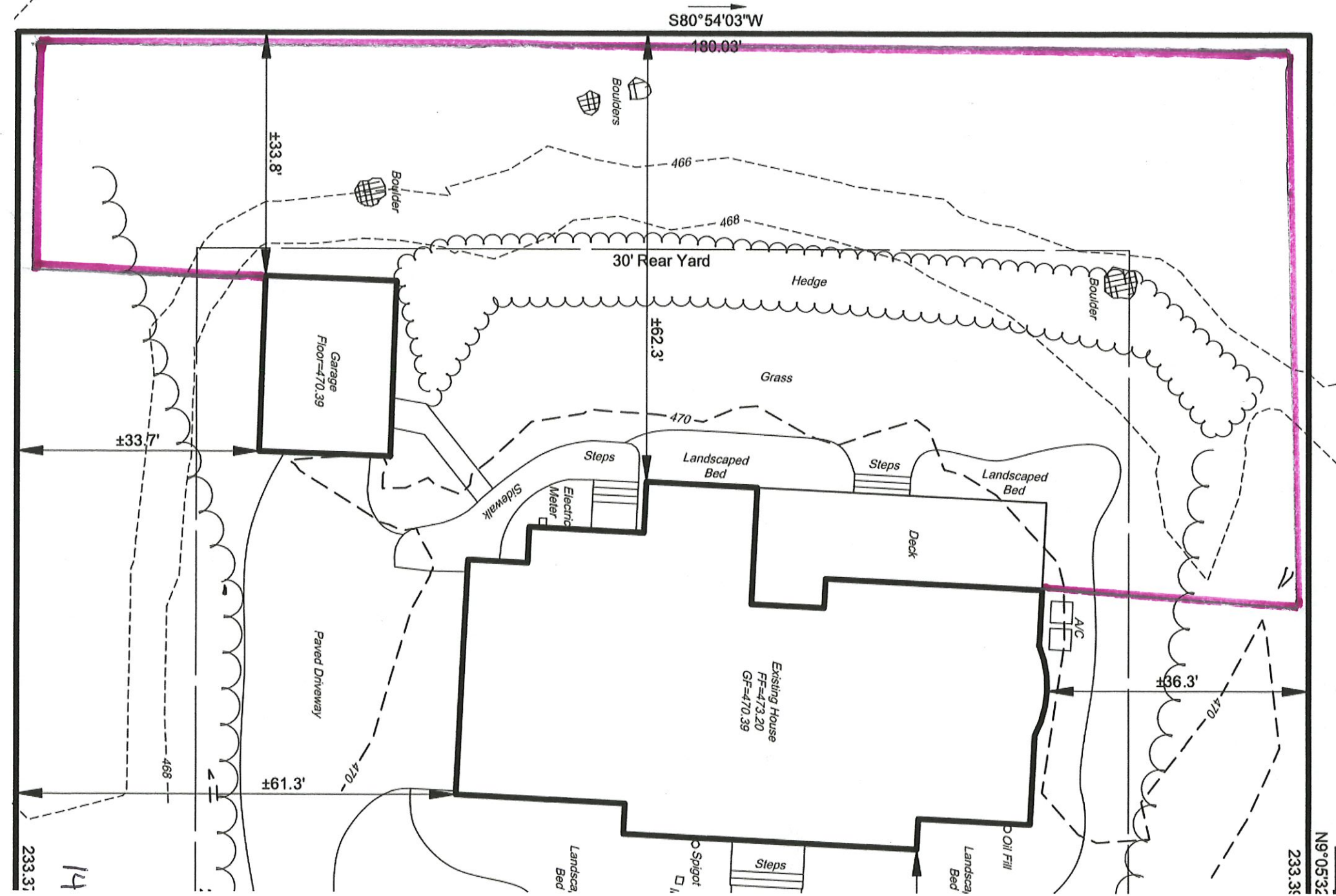
Graphic Scale:  
20' 10' 0' 20' 40' 60'

GRA	AMH	M20-28
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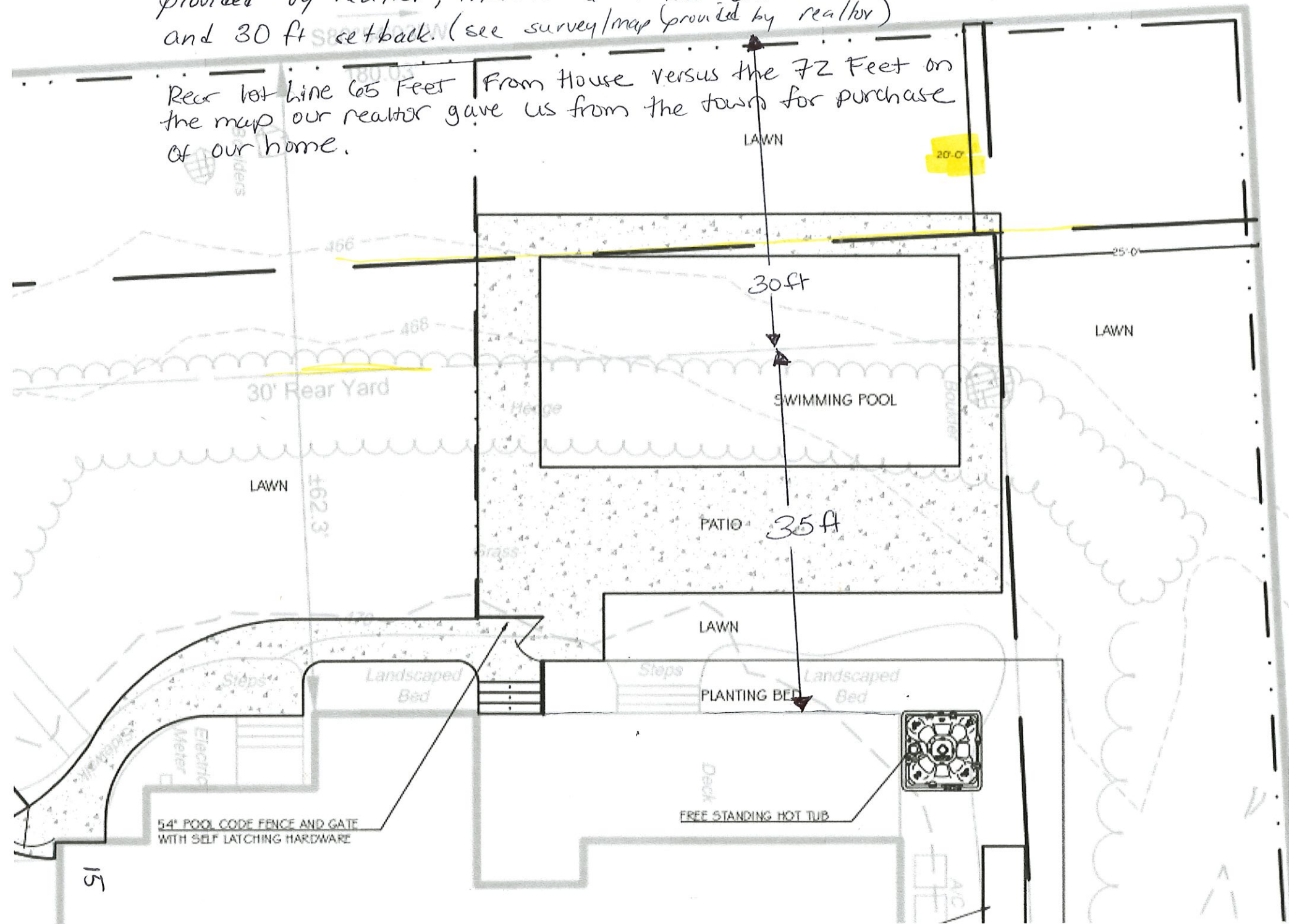


# Privacy Fence Proposal In Red



New Survey with proposed plan for pool and safety fence. Compared to plan provided by realtor, there is a 7 foot difference between house structure and 30 ft setback. (see survey/map provided by realtor)

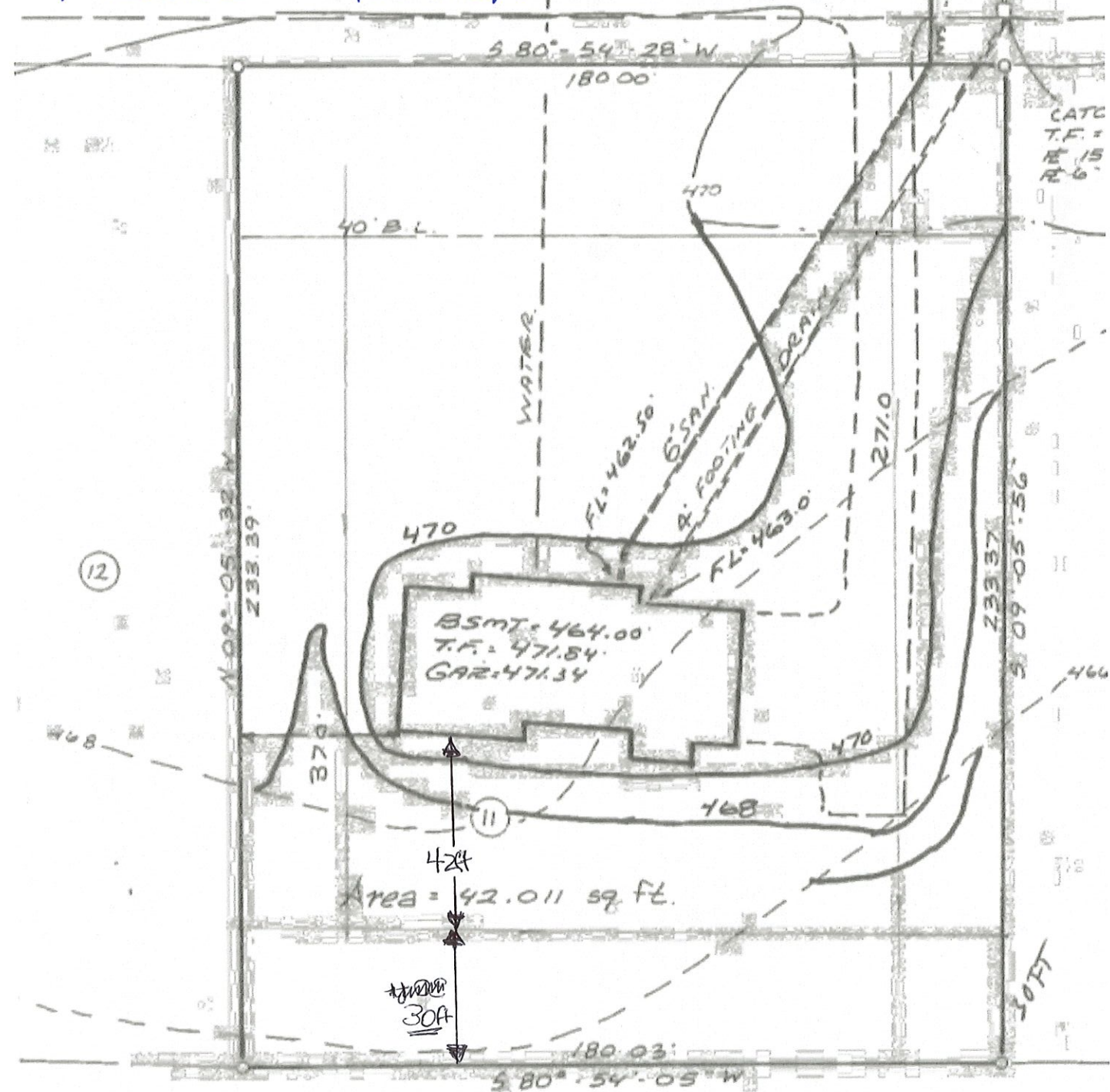
Rear lot line 65 Feet From House versus the 72 Feet on the map our realtor gave us from the town for purchase of our home.





# Realtor map

- (\*) Map Provided by Realtor For the purchase of our home - 106 Old Mill Rd. Reportedly received from town. As previously noted in application, map is incorrect, not to scale, and represents a larger backyard space than professional Surveyors map. Rear lot line 72 Feet From House





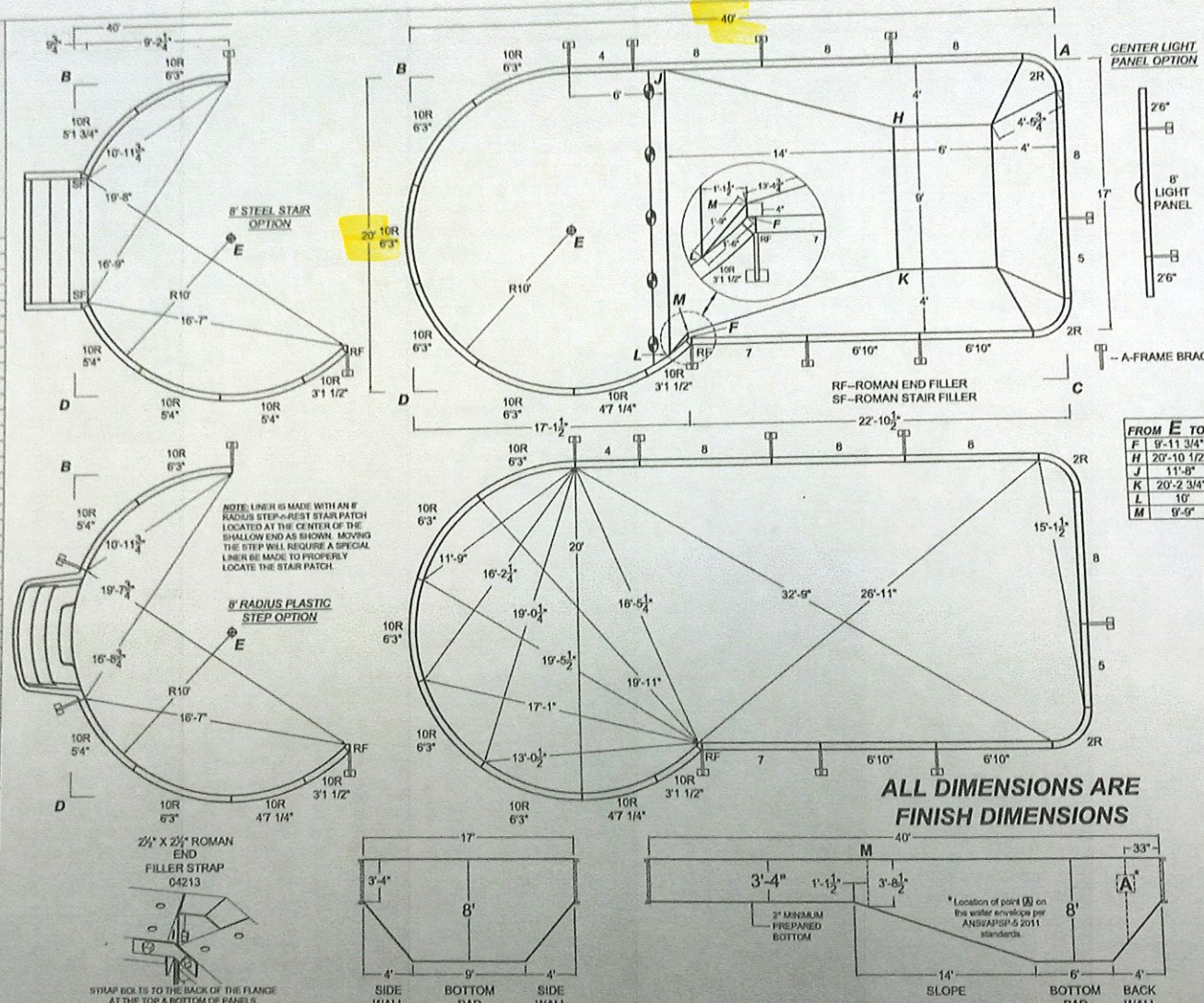
Legacy  
Keyhole  
20' x 40' Standard View

PART DESCRIPTION	PART #	NO STEPS	8" STEEL STAIR	8" RADIUS PLASTIC STEP
10' RADIUS PLAIN PANEL - 63"	04159	4	1	1
10' RADIUS RETURN PANEL - 63"	04160	1	1	1
10' RADIUS PLAIN PANEL - 54"	04445	3	2	
10' RADIUS PLAIN PANEL - 51 3/4"	04308	1	1	
10' RADIUS PLAIN PANEL - 47 1/4"	04306	1	1	
10' RADIUS PLAIN PANEL - 31 1/2"	04307	1	1	1
2' RADIUS CORNER PANEL	04116	2	2	2
6' PLAIN PANEL	04101	2	2	2
6' SKIMMER PANEL	04102	1	1	1
6' RETURN PANEL	04103	1	1	1
7' PLAIN PANEL	04105	1	1	1
6'10" PLAIN PANEL	04482	2	2	2
5' PLAIN PANEL	04107	1	1	1
4' PLAIN PANEL	04110	1	1	1
26" PLAIN PANEL	04480			
ROMAN END FILLER	04212	1	1	1
ROMAN END FILLER STRAP	04213	2	2	2
ROMAN STAIR FILLER - LEFT	04215	1		
ROMAN STAIR FILLER - RIGHT	04216	1		
ADJUSTABLE A-FRAME	04223	8	8	10
8" STEEL STAIR	04186B	1	1	
8" RADIUS STEP-N-REST	07418RSNR			1
NUT & BOLT PAK - 75 pcs	PAK-75			
NUT & BOLT PAK - 100 pcs	PAK-100	2	2	2
8" LIGHT PANEL	04104			

DIVING PERMITTED ONLY FROM  
DESIGNATED DIVING AREA.

1. Pour 2500 P.S.I. concrete footing around entire perimeter, minimum 6" deep.
2. Back fill with clean earth, free of roots and debris.
3. 3" wide concrete deck is to be poured at least 3" thickness and a slope of 1/8" to 1" away from the pool.
4. All inside pool dimensions are to be finished dimensions.
5. Finished bottom is to be 2" minimum of suitable material or undisturbed earth.
6. A safety line, with buoys, is to be permanently attached 10" to the shallow side of the point of first slope change.
7. Construction Drawing: Different methods and precautions may be dictated by various ground conditions. This is to be determined by and is the responsibility of the contractor who is not an agent of the manufacturer of the component parts.
8. Installation is to be done in accordance with all federal, state and local building codes, as well as ANSI / APSP suggested standards.

The bottom configuration shown conforms with current ANSI / APSP suggested minimum standards for adults approved for use with manufactured diving equipment. If diving equipment is installed, follow the equipment manufacturer's installation, use and safety instructions.



FROM A TO:

D	44'-8 3/4"
E	31'-7 1/2"
F	28'-6"
H	10'-9 1/4"
J	24"
K	16'-4 3/4"
L	30"
M	28'-3 3/4"

FROM B TO:

C	44'-8 3/4"
E	14'-1 3/4"
F	24'-1 1/2"
H	30'-3 1/4"
J	16"
K	32'-8 1/4"
L	24'-1"
M	23'-10 3/4"

FROM C TO:

B	44'-8 3/4"
E	31'-7 1/2"
F	23'-0 3/4"
H	18'-10 1/2"
J	31'-3"
K	12'-2 1/2"
L	24'-1"
M	23'-1 1/2"

FROM E TO:

F	9'-11 3/4"
H	20'-10 1/2"
J	11'-5"
K	20'-2 3/4"
L	10"
M	9'-5"

FROM D TO:

A	44'-8 3/4"
E	14'-1 3/4"
F	17'-4 3/4"
H	34"
J	25'-7 1/4"
K	30'-9 3/4"
L	16'-1 1/2"
M	17'-5 1/4"

ROMAN END FILLER  
2 1/2" x 2 1/2"  
(INSIDE EL FILLER)  
04212

ROMAN STAIR FILLER  
LEFT - 04215  
RIGHT - 04216

ALL DIMENSIONS ARE  
FINISH DIMENSIONS

Volume: 21600 gal / 81750 L Perimeter: 107' - 6" / 32.76 m Surface Area: 680.14 ft<sup>2</sup> / 63.17 m<sup>2</sup> Liner Sq. Ft.: 800.0000 48

Concrete Included? ☒ NO ☐ YES

Incl

Depositor 100% REFUNDABLE

FACT: Juliana Pools LLC has built more inground swimming pools in the past 10 years than all other local companies combined



Susan Guimaraes

**From:** John McCahill  
**Sent:** Tuesday, February 2, 2021 11:08 AM  
**To:** Bennett Goss; gosssar  
**Cc:** Susan Guimaraes  
**Subject:** RE: [External] 106 Old Mill Rd - Application for Variance

Greetings Bennett,

Acknowledging receipt of the email chain noted below.  
At your request, this will become part of your application.  
I've Cc'd Susan, as she is the Clerk to the Zoning Board of Appeals.

Best Regards,  
John McC

**From:** Bennett Goss [mailto:bennettgoss@gmail.com]  
**Sent:** Monday, February 1, 2021 3:37 PM  
**To:** John McCahill <JMCCAHELL@avonct.gov>; gosssar <gosssar@gmail.com>  
**Subject:** [External] 106 Old Mill Rd - Application for Variance

Hi John...

I just wanted to give you an update regarding our application for a variance regarding pool placement on our property. While we have applied for a 10 foot variance, most of our immediate neighbors (and a couple more we have had the opportunity to meet) have agreed to and signed a letter regarding an application for a 15 foot variance. However, we are aware the Mango family, located at 60 Briar Hill Rd. has voiced their concerns about our application for a variance.

We have reached out to the Mango family several times regarding their concerns and I have asked to meet with them in person (on more than one occasion) to discuss the issue further. The Mango family has preferred to address this only through emails and has been unwilling to make themselves available. My most recent communication attempted to address each and every one of their concerns in order to alleviate their apprehension towards our application for a variance of 10 feet. Originally we were going to request a 15-foot variance which as mentioned, all other neighbors have agreed to. We decided to reduce the variance request to 10 feet in a good faith effort to try to minimize the Mango's concerns, as that is really the minimum amount needed (and is based on hardship as explained in our application).

I would like to give you a copy of the emails between our two families to be included in our application. I believe this will help the Planning and Zoning Commision come to a determination on our application, hopefully in our favor as we have done everything we can to try to have discussions with them (as we did with all other neighbors) for the purpose of addressing their concerns to the best of our ability. Ideally we would have found common ground prior to the Commission's meeting on February 18th. Perhaps there is still an opportunity to do so. As you will see per the below email thread, we feel we could have easily resolved their concerns if they had given us the opportunity to meet with them and discuss our plans, as all the other neighbors have done.



Please let me know if this can be included in our variance application for review, as we feel it is very helpful for the decision making process and to understand the Mango's concerns and how they will be addressed. Please let me know if you have any questions.

Respectfully,  
Bennett Goss  
106 Old Mill Rd.  
503-929-6326

*Sent 2/1/2021*

Hi Tom and Beth, Thank you for your response. I would like to go through your concerns one by one and clarify how we can address them. if after reading this, you would like to meet to view our plans, I am more than happy to review them with you in person.

1) **“The first being that we are very concerned that building a pool closer to our property than allowed will decrease the overall value of our property.”**

- We can only surmise your other concerns which you noted below such as noise, privacy, drainage, etc. all relate to your concern for your property value. These are all addressed below.
- In Summary, regarding noise; noise levels are regulated by town ordinances and all residents must comply - even residents with pools. Pool equipment will not be placed within the rear 30-foot setback regardless of a variance. Drainage issues will be addressed with a licensed and certified landscape architect. A well respected and experienced pool company will construct the pool; they will build the pool and address proper drainage as required by building and zoning codes. These concerns will all be handled by the appropriate licensed professionals and go through the town permit process.
- The same view will exist regardless of pool placement. Your family or a future buyer of your property will have a view of your rear wooded area and our privacy fence placed within our lot lines. You likely won't even be able to see the pool at ground level.
- You will have the same privacy regardless of pool placement (again, this being due to the privacy fence being in the same location regardless of pool location).
- The same noise level will exist regardless of pool placement (we can utilize the entirety of our lot including rear 30-foot setback)
- There is no clear evidence that a pool in a neighbor's yard will devalue another neighbor's property. As you know, property value is very complicated, subjective, and predicated on current market conditions. It is impossible to know what one potential buyer's preferences are versus another buyer, and your home value will primarily be based on your home and property, rather than a neighboring property.
- Upon research and consultation with professional realtors, factors more likely to reduce market value based on a neighbor's property include the following: unkempt land or home, foreclosure of a neighboring property, or if a neighbor has a criminal background. A neighbor positioning a pool 20 feet versus 30 feet from the rear or their property should not affect the market value of your home or property.

2) **“Second, we are concerned it will decrease the privacy, use and enjoyment of our backyard.”**

- There will be a privacy fence surrounding our rear lot. The fence will be opaque and therefore will not reduce your privacy, but rather, should actually enhance it. Not only will you have the privacy that your wooded area creates, but now you will also have the added “buffer” of our privacy fence.

3) **“We have concerns about noise level, including the pool pump being that much closer to our home. “**

- The pool equipment will not be within the 30-foot rear setback and 25-foot side setbacks. Our plans include the equipment placed within the regular zoning requirements. Therefore, this will have no additional effect on noise levels and will be a non-issue.
- Regardless of pool placement, our children will still enjoy playing in the entirety of our backyard. They may use our entire lot and backyard, inclusive of the 30-foot setback: running, playing, laughing and other general frivolity. The noise levels on our rear 30-feet can only be controlled by the town ordinances, and has nothing to do with pool placement. We hope your children will also enjoy the entirety of your property as long as you live in this neighborhood.
- Every town has a noise ordinance that everyone must obey and we will certainly be within compliance. Our prior home had an in-ground pool. Our homes were situated much closer than here in Avon, and there was never a single complaint for the 7 and a half years we lived there.
- Being in a family neighborhood, we love to know that other families are having fun.

4) **“After consulting with a Civil Engineer, we also have concerns about changes in surface and ground water distribution, since we sit much lower than your home and currently experience a large amount of runoff.”**

- There are town building regulations that require homeowners to ensure proper drainage as it relates to pool construction.
- We have consulted the services of a landscape architect and have also relayed this hypothetical issue to the very reputable pool company contracted to build our pool to ensure this is looked at closely. Again, we have retained licensed professionals that will be obtaining proper permits and installing everything as per building code and regulations.

5) "We believe it could be difficult to sell our property to the next homeowner if it is burdened with an encumbrance such as this variance."

- I assume you are concerned about your above listed concerns (noise, privacy, drainage) could pose an *encumbrance* on the sale of your property. However, these concerns were already addressed above in detail.

6) "We informed you about our planned move simply so you had additional transparent information in order for you to decide how to optimally move forward, which could include reaching out to the next homeowner with this variance request."

- I am not sure if you have a current buyer. You had mentioned to wait for the next homeowner to discuss an approval for a variance. However, it could take months or longer to find the right buyer for your house. We know this not only through personal experience of recently selling and buying, but also from watching the market. We cannot wait for some hypothetical buyer at some hypothetical point in time. Sellers often list and then decide to take their home off market and re-list again later for various reasons. We have seen many homes go through many cycles of listing and re-listing while trying to find the right buyers and trying to "refresh" their listing if it becomes "stale". Waiting for a new owner would pose an undue hardship and hold us "hostage" for an undefined time period, which could be several months to several years.

We are aware of your concern about our original intent to obtain a 15 foot variance. In good faith, we are now only requesting a 10 foot variance (instead of 15 feet) from the Town of Avon. As a result, if the town grants us a variance, the pool would be 20 feet from our shared rear lot line.

I hope by reviewing our responses to each and every one of your concerns, you will feel more comfortable with our plans. I am sure you are aware that it is up to the town Board of Zoning and Planning to decide whether or not to grant us a variance; not all neighbors need to approve. Again, if you wish to meet in person to review our plans, I am more than happy to do so. This way, I could address your concerns immediately rather than by email.

All the best to you and your family,  
Bennett Goss

Begin forwarded message:

From: "Mango, Tom" <[TMango@CantorColburn.com](mailto:TMango@CantorColburn.com)>

Subject: RE: Goss Backyard Project

Date: January 28, 2021 at 3:14:15 PM EST

To: 'BENNETT GOSS' <[bennettgoss@me.com](mailto:bennettgoss@me.com)>, Beth Mango <[bmeinert@hotmail.com](mailto:bmeinert@hotmail.com)>, Sarah Goss <[gossar@gmail.com](mailto:gossar@gmail.com)>

Hi Bennett and Sarah,

Thank you for your email.

We've copied and pasted in our previous email exchange below to be sure there is no confusion between that string of communication and this new one you have started.

We are in no way objecting to the construction of your pool and at no time have stated such, and, therefore, we are surprised by this new email string. We fully respect your right to construct a pool on your property within the Town of Avon Zoning bylaws, regulations and ordinances, including a required 30-foot setback from neighboring properties.

Our last two responses simply stated we cannot agree to your requested 15-foot variance. We did respond that we'd look at your plans and asked you to email them to us (vs. your initial offer to show them to us at an in-person meeting), but at this time we have not received the plans from you.

The concerns we listed in our prior emails (i.e., noting potential property devaluation, additional noise, as well as potential drainage concerns as our home sits much lower than yours) are only related to your variance request, i.e., to having a pool closer to our property than allowed by the 30-foot setback. We understand the 30-foot setback to be a mechanism put in place to insure against concerns such as these stated by us and we would like it followed.

We informed you about our planned move simply so you had additional transparent information in order for you to decide how to optimally move forward, which could include reaching out to the next homeowner with this variance request. At no time did we express concern about pool construction during the sale of our home. The timing at which you construct your pool is your right and your business.

Again, we are sorry to hear you were given incorrect information about your property size and lines at the time of your home purchase. However, we cannot be responsible to sacrifice our property rights due to this alleged third party error.

We have lived at this home now for 15 years and Avon is a wonderful community and this is a fantastic private neighborhood. Yes, I'm sure we will continue to see you in town over the years and at mutual activities for our



children.

Again, respectfully, our opposition to a 15-foot variance is simply to protect our property rights, as well as those of the future homeowner.

Thank you,

Beth and Tom Mango

Thomas J. Mango  
Partner  
Cantor Colburn LLP

20 Church Street | 22nd Floor | Hartford, CT 06103-3207  
Work: 860-286-2929 | Fax: 860-286-0115 | Mobile: 860-508-4657  
[tmango@cantorcolburn.com](mailto:tmango@cantorcolburn.com)  
[www.cantorcolburn.com](http://www.cantorcolburn.com)

HARTFORD WASHINGTON, D.C. ATLANTA HOUSTON DETROIT

-----Original Message-----

From: BENNETT GOSS [mailto:[bennettgoss@me.com](mailto:bennettgoss@me.com)]  
Sent: Monday, January 25, 2021 9:13 PM  
To: Mango, Tom; Beth Mango; Sarah Goss  
Subject: Goss Backyard Project

Hi Tom and Beth,

Thank you for responding to my email. I just wanted to further clarify the situation. On September 19, 2020, well in advance of being informed about your plans to move (per your email dated January 20, 2021), Sarah and I signed a contract to construct our pool for this April. Barring weather related issues, we plan on continuing the construction of our pool. We are requesting a variance just regarding placement of the pool (the variance does not determine if the pool will be going in). The variance is primarily related to safety measures for the children. We merely wanted to shift the pool 10-15 feet. I am sure you can understand providing for additional safety concerns being the parents of 4 children yourselves. In essence, the question is only a matter of shifting the pool by approximately 10 feet, it is not a matter of whether or not the pool will be constructed.

In summary, this is just a friendly discussion regarding our pool being in one location versus 10 feet further away from our house to address safety concerns for our 3 children. Based on your prior emails, it seems your biggest concern is resale during our pool construction. Perhaps if we meet, we can further discuss and find a solution that meets both of our needs. I do think it would be a good idea to meet to discuss further if you have any interest.

We hope you and your family are staying in this wonderful community, and who knows, maybe our children will be in the same activities together in the future.

Thank you,  
Bennett  
503-929-6326

-----Original Message-----

From: Mango, Tom  
Sent: Friday, January 22, 2021 5:55 PM  
To: 'BENNETT GOSS'  
Cc: Sarah Goss  
Subject: RE: Backyard Project

Hi Bennett,

Thank you for your email and suggestion. We have been straight-out busy today and we have a full day tomorrow so we cannot schedule in a meeting. Our suggestion would be to take pictures of the plans and email them to me. We will review them and can provide any additional comments to you next week.

Given our expressed concerns, consultation with various professionals about this request, and our plans to sell our home, we want to be upfront with you that we feel strongly in our decision not to consent to the variance.

Again, perhaps the future homeowners would feel differently and we suggest that you raise the variance request with whoever buys our home.

Best regards,  
Tom

Thomas J. Mango  
Partner  
Cantor Colburn LLP

20 Church Street | 22nd Floor | Hartford, CT 06103-3207  
Work: 860-286-2929 | Fax: 860-286-0115 | Mobile: 860-508-4657  
[tmango@cantorcolburn.com](mailto:tmango@cantorcolburn.com)  
[www.cantorcolburn.com](http://www.cantorcolburn.com)

HARTFORD WASHINGTON, D.C. ATLANTA HOUSTON DETROIT

-----Original Message-----

From: BENNETT GOSS [mailto:[bennettgoss@me.com](mailto:bennettgoss@me.com)]  
Sent: Wednesday, January 20, 2021 9:08 PM  
To: Mango, Tom  
Cc: Sarah Goss  
Subject: Re: Backyard Project

Hi Tom,  
Thank you for getting back to us. I was wondering if you had any time Friday or Saturday to discuss this further. I could show you our plans which might help to reduce your concerns. Please let me know what your availability. Thank you and have a pleasant evening.  
Bennett

On Jan 20, 2021, at 5:37 PM, Mango, Tom <[TMango@cantorcolburn.com](mailto:TMango@cantorcolburn.com)> wrote:

Hi Bennett,

Happy New Year! I hope you and your family are doing well.

Thank you for your emails. We appreciate you confirming that you are no longer interested in cutting down the tree that is on both of our properties. Thank you.

We are very sorry to hear that an incorrect map was relied on when you decided to purchase this home.

We are unable to consent to the 15-foot requested variance due a variety of concerns. The first being that we are very concerned that building a pool closer to our property than allowed will decrease the overall value of our property. Second, we are concerned it will decrease the privacy, use and enjoyment of our backyard. We have concerns about noise level, including the pool pump being that much closer to our home. After consulting with a Civil Engineer, we also have concerns about changes in surface and ground water distribution, since we sit much lower than your home and currently experience a large amount of runoff. We believe it could be difficult to sell our property to the next homeowner if it is burdened with an encumbrance such as this variance. Therefore, we cannot consent to the variance and we will need to oppose it if you file an application with the Town of Avon.

In trying to think how this may work out best for you, we wanted to let you know that we are planning to list our house this spring. We suggest that once the sale goes through, you approach the new owners and ask them for the variance. They may be more willing to consider it than we are. This would avoid the hassle of a dispute at the Planning and Zoning Commission, and, if the new owners agree, then you would have the space that is optimal for your needs.

Please let me know if you would like to discuss this further over the phone.



Best regards,  
Tom

Thomas J. Mango  
Partner  
Cantor Colburn LLP

20 Church Street | 22nd Floor | Hartford, CT 06103-3207  
Work: 860-286-2929 | Fax: 860-286-0115 | Mobile: 860-508-4657  
[tmango@cantorcolburn.com](mailto:tmango@cantorcolburn.com)  
[www.cantorcolburn.com](http://www.cantorcolburn.com)

HARTFORD WASHINGTON, D.C. ATLANTA HOUSTON DETROIT

-----Original Message-----  
From: BENNETT GOSS [mailto:[bennettgoss@me.com](mailto:bennettgoss@me.com)]  
Sent: Friday, January 15, 2021 8:05 AM  
To: Mango, Tom  
Cc: Sarah Goss  
Subject: Backyard Project

Hi Tom and Beth,  
Hi Tom and Beth, the last email I sent had a couple of typos and I wanted to correct them. Sorry if there is any confusion.

I hope you and your family are doing well and had a nice holiday season.

I wanted to update you about our backyard project.

We have decided not to remove the tree shared between both of our properties, as we understand this is important to you and your family and thought it best to leave it. We would like to be friendly and respectful neighbors, and hopefully even get to hang out and get to know each other better once the pandemic is behind us.

When we moved to Avon, we had looked primarily for homes with inground pools but were not able to find a home that met our needs and also had an inground pool. When we saw our house, we knew it met our needs, with the exception of a pool. The other criteria if the home did not have a pool, was for our realtor to find a home that had a rear lot that could accommodate the construction of a pool. Prior to our purchase of 106 Old Mill, we obtained a map/survey from our realtor's team, which they reportedly obtained from the town to make sure we could place a pool safely and comfortably within our property lines and setbacks (while also providing a separate and safe play space for our children). In addition to obtaining this map, we also had a pool company review the property and the map, and they assured us we could build the pool to our specifications in a safe and comfortable location apart from a play area. We were from out of town so we relied upon our realtors to assist us in performing our due diligence. As a result of this information, we moved forward with the purchase of our home. However, over the course of planning our pool project, we found out we had less usable backyard space for the placement of our pool than previously represented by the map/survey presented to us by our realtor's team (which per the town, and unbeknownst to us, was not an official map and not to-scale). We then had a formal survey performed to make sure we had a proper map to-scale of our lot. After reviewing the survey and consulting with landscape architects, our rear lot has less room than originally indicated by the incorrect map provided to us. It has been advised by our landscape architect that for safety (proximity to deck and fencing issues), that an extra 15 feet from our house on our lot would be optimal for our needs.

Typically there is a 30 feet rear setback for the placement of a structure/pool. Based on our needs, the pool would best be placed 15 feet from the rear setback. Again, we had initially planned on placing our pool at or near this particular location but we are currently unable to do so based on the setbacks. The town advised us to apply for a variance to change our lot setback to 15 feet. As per our previous talks, we will still be placing a privacy fence within our property lines for both safety and any privacy concerns for your family's benefit as well as ours. (Privacy fences are not required - typically only a safety fence directly around the pool.) The town indicated that there will likely be no issues or barriers to placing our pool in our planned location of 15 feet from our rear setback.

At the recommendation of the town, after they explained the variance application process to us, we

are personally reaching out to our neighbors to inform them of our plans with our property. We have already reached out to our other neighbors on either side who have approved of our application for a variance. We believe this plan should not cause your family any type of hardship with the enjoyment of your own property, since our privacy fence will still be placed in the same location regardless of where the pool is. You would still have the same privacy afforded to your family, and the same view of your wooded area with our fence behind it. If there are no major objections to moving our pool 15 feet closer to our rear lot line, we are requesting that you and Beth provide us with a signed note indicating no objection to the town granting us our variance. We can place a simple letter in your mailbox to make it easier and more convenient for you or whatever method is easiest for you, please let us know. We know you may need some time to think about this, but if you could provide this by January 20th as we are trying to compile all our paperwork for the town in a timely manner.

Please let me know if you have any questions. Hopefully this summer the COVID pandemic will start to lessen and we can have you and your family over for a barbecue and swimming.

Thank you,  
Bennett Goss  
503-929-6326

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END OF APPLICATION  
AS SUBMITTED

JMC



Card 01 of 01 card

Town of Avon Residential Property Card

Property at 00106 OLD MILL ROAD

Prop ID 3380106

Printed 03-Feb-2020 2:20 PM

Design and Layout (C) Right/Angles

Administrative Information

Owner name: GOSS BENNETT & SARAH

Second name:

Address: 106 OLD MILL ROAD

City/state: AVON CT

Zip: 06001

Location Information

Map: 018

Clerk map:

Lot: 3380106

Neigh.: AR

Zone: R40

Vol: 733

Page: 396

Assessments

Assmt category

Qty

Amount

Resident Land

Resident Dwelling

Resident Excess

Resident Outbldg

Exemptions

Exempt

Cat

Amount

Assmt/sale:

Summary

Total assessments

Total exemptions

Net assessment

Utilities

Water

Avon

Sewer

Public sewer

Gas

None

Values

Sale date: 07-Oct-2019

Sale price: 665,000

Sale valid:

Mkt value :

Cost value: 653,671

Sales ratios

Cost/sale :

Mkt/sale :

Assmt/sale:

Building Valuation Summary

Dwelling

Frame

2 story w/bsmt

Area

1,941

330,420

Basement

Full

Heating

Yes

A/C

Yes

10,010

plumbing

4 F/B

2 H/B

4 Add'l fix.

1 Wh/p

Saunas

20,100

Attic

Fully finished w/WH

Attic size: 950

26,812

Additions

111,348

Other Features

Mason Trim

WB Stks

RR

39,867

Sub-Total

538,557

Grade

A-

Factor 1.4500

780,908

CDU

C&D Factor 1.00

780,908

Depreciation

35 %

507,590

Computed cost value @ 70%

355,313

Building additions

Category

Type

Area

Value

G

Garages

FRL

Attached frame GT 65

672

22,301

G

Garages

FSF

Full-story fin o/gar

672

33,343

L

Living Area

AIR

Air conditioning

672

1,514

L

Living Area

FRFF

Frame first floor

120

10,176

L

Living Area

FRUF

Frame upper full

120

7,443

L

Living Area

FRFF

Frame first floor

80

6,784

P

Porches, Patios, Decks

FEFF

Frame enclosed first

256

18,084

P

Porches, Patios, Decks

DECK

Wood deck

532

10,439

L

Living Area

OVER

Frame Overhang

8

543

L

Living Area

AIR

Air conditioning

320

721

Total additions

111,348

Land Information

Type

Use

Acres/SqFt

Rate

Total

Infl

Fact

Value

70% Value

PRIM

11

.920

135,000

135,000

135,000

94,500

Primary Site

40,075

RES

12

.044

7,500

330

330

231

Residual

1,917

.964 acres

Total land value

135,330

94,731

Residential Dwelling Information

Subject

Code

Description

Condominium

Style

04

Colonial

Exterior Walls

01

Clapboards

Roof Material

01

Asphalt Shingles

Roof Type

01

Gable

Foundation

01

Poured Concrete

Interior Walls

02

Drywall

Floors

01

Hardwood

Heating System

02

Forced Hot Air

Fuel

01

Oil

Attic

04

Fully finished w

Grade

47

A-

Garage

23

Attached 3 car

Area Over Gar.

01

Fully Finished

Basement

01

Full

Bsmt Fin Qual

03

Rec Room W/ Air

Air Condition

01

Central Air

Interior Cond

05

Good

Exterior Cond

05

Good

Total Rooms

12

Garage cars

3

Bedrooms

6

Unfinished area

Family Rooms

1

Dormer linear f

Full Baths

4

Masonry trim sf

656

Half Baths

2

Finish bsmt sz

Addtn'l fixtures

4

Rec Room Size

950

Whirlpools

1

Living area

5,832

Saunas

# Living Units

M/F stacks

W/B stacks

2

W/B openings

4

Actual Year Built: 1988

Outbuilding Information

Description

Wid

Len

Area

Rate

Year

Cnd

RCN

Depr

Value

RG1 Frame or Con

18

24

432

32.10

2008

A

21,494

50

10,750

Block Detach Garage

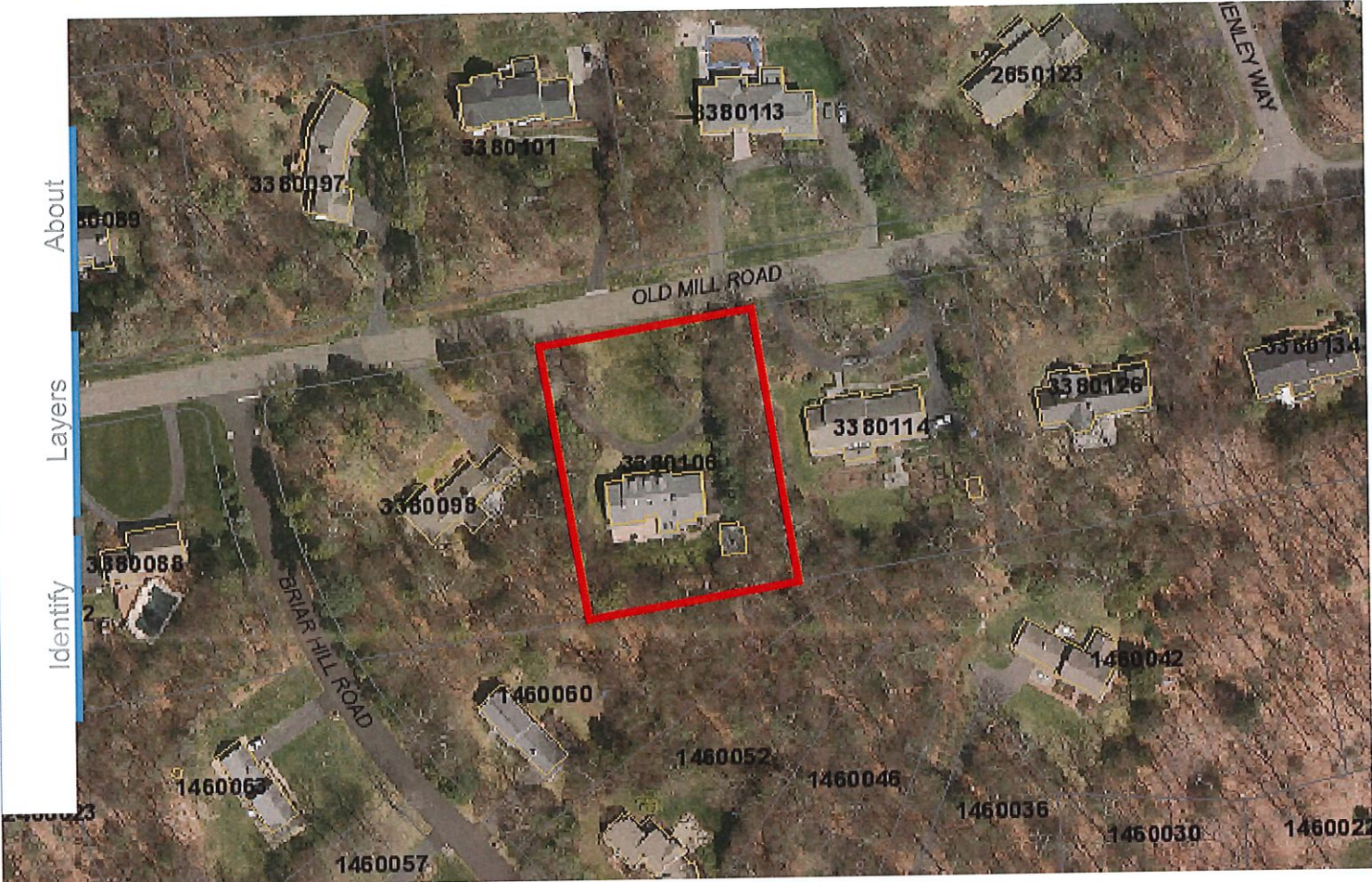
Value at 70%

7,525

Value at 100%

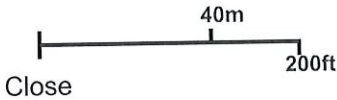
10,750

106 Old Mill



Email Map Link

Copy and paste the following string into an email to link to the current map view:



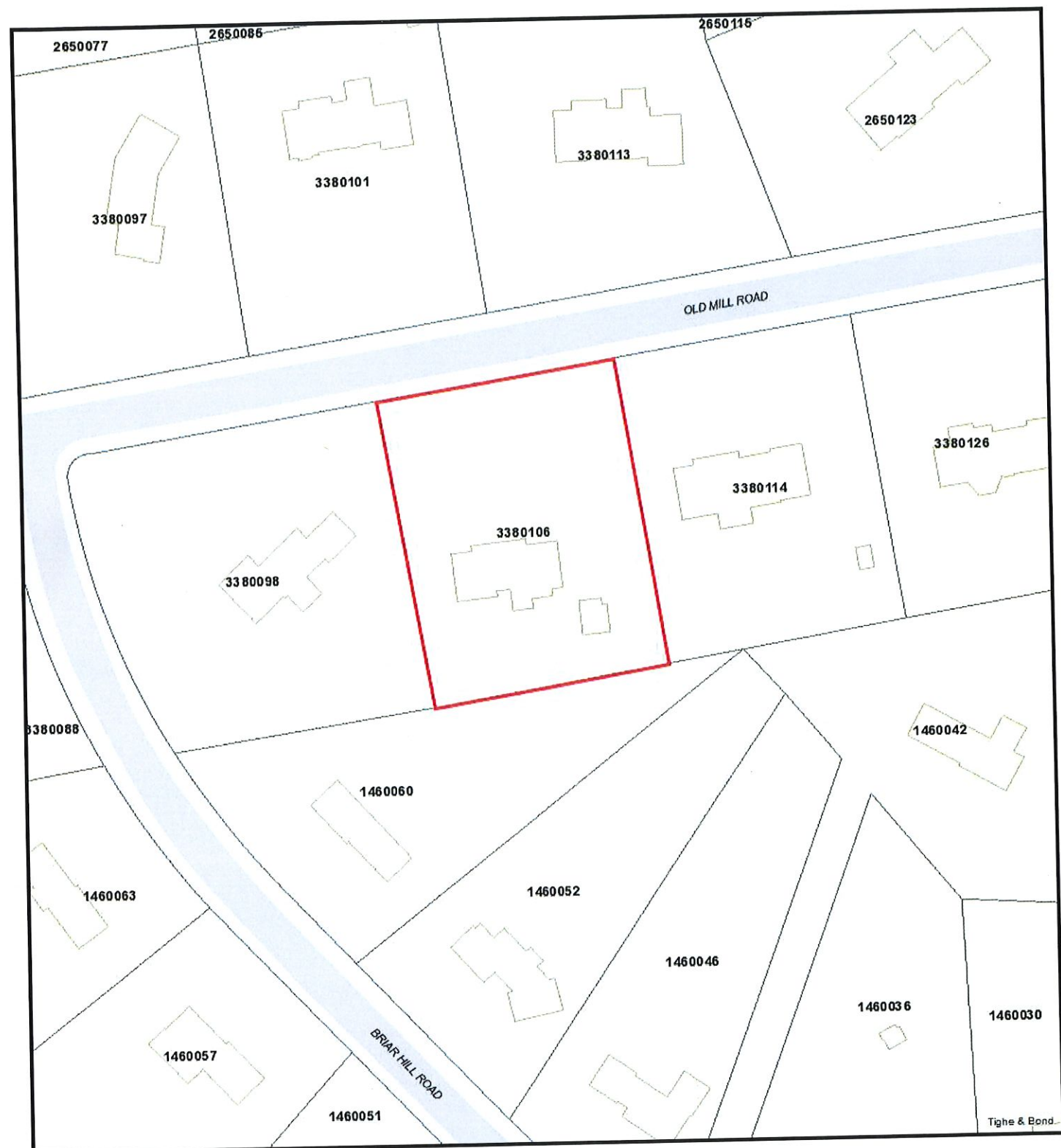
Print Map

Size:

Scale: 1" =  ft. Title:

-->





## 106 Old Mill

12/28/2020 8:00:45 PM

Scale: 1"=100'

Scale is approximate

The information depicted on this map is for planning purposes only.  
It is not adequate for legal boundary definition, regulatory  
interpretation, or parcel-level analyses.

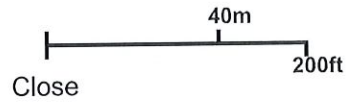




Email Map Link

• Abutting properties that have received Town notice of ZBA hearing. 2/2021

Copy and paste the following string into an email to link to the current map view:



Print Map

Size:

Scale: 1" =  ft. Title:

-->

TOWN OF AVON ZBA

Variance Requested:

Application of Bennett and Sarah Goss, owners/applicants; requesting from Avon Zoning Regulations, Sections IV. A. 6. and IV. A. 2., a 10-foot variance to the 30-foot rear yard setback for a proposed in-ground pool (20' x 40'), located at 106 Old Mill Road in an R-40 zone.

NOTICE TO ABUTTING PROPERTY OWNERS, MAILED FEBRUARY 4, 2021:

98 Old Mill Road

101 Old Mill Road

113 Old Mill Road

114 Old Mill Road

60 Briar Hill Road





1/28/21

106 OLD MILL Lane





1/28/21

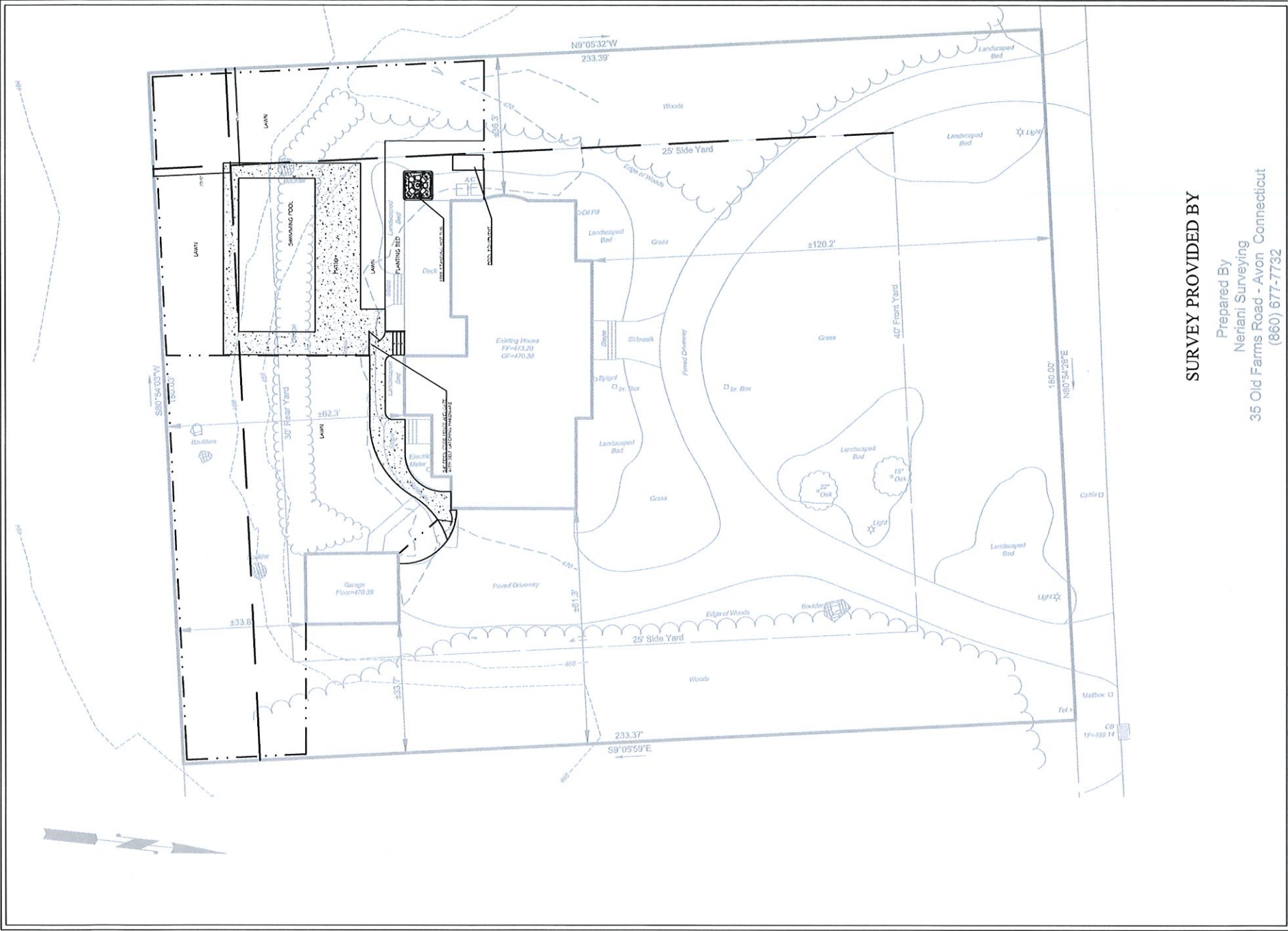
106 OLD MILL

JMC





1/28/21 106 OLD MILL Lem



elaborate but easier to read than

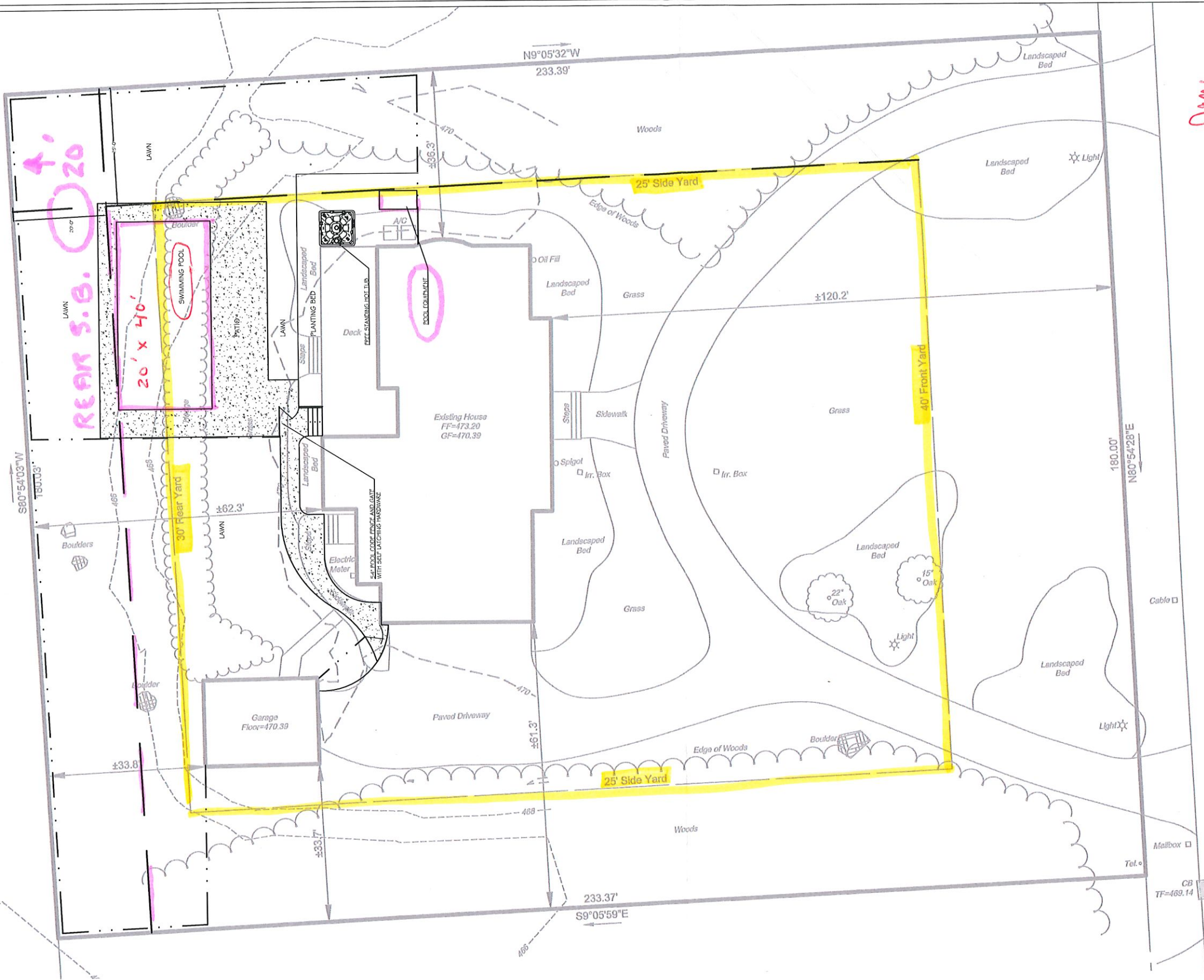
SURVEY PROVIDED BY

Prepared By  
Neriani Surveying  
35 Old Farms Road - Avon, Connecticut  
(860) 677-7732

<b>HARMONY DESIGN GROUP</b> LANDSCAPE ARCHITECTURE • CONSTRUCTION MANAGEMENT	
MARC NISSIM NJ-21AS00096900 NY-001972-1	
Drawn By	MN
Checked By	MN
Date	JAN. 13, 2021
Drawing Title	VARIANCE PLAN
<b>Goss Residence</b> 106 Old Mill Rd. Avon, Connecticut	
Scale	1"=10'-0"
<small>THIS DRAWING IS THE PROPERTY OF HARMONY DESIGN GROUP. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY NOTED THEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF HARMONY DESIGN GROUP.</small>	
<b>SHEET 1 of 1</b>	



REQUIRES 10' VAR.

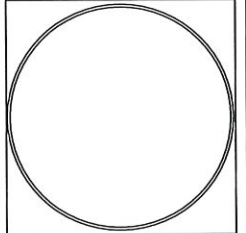


JMM

Scale  
1" = 16'

SURVEY PROVIDED BY

Prepared By  
Neriani Surveying  
35 Old Farms Road - Avon, Connecticut  
(860) 677-7732



MARC NISSIM  
NJ-21AS00096900 NY-001972-1  
Drawn By MN  
Checked By MN  
Date JAN. 13, 2021  
Drawing Title VARIANCE PLAN

Goss Residence

106 Old Mill Rd.  
Avon, Connecticut

Scale  
1"=10'-0"

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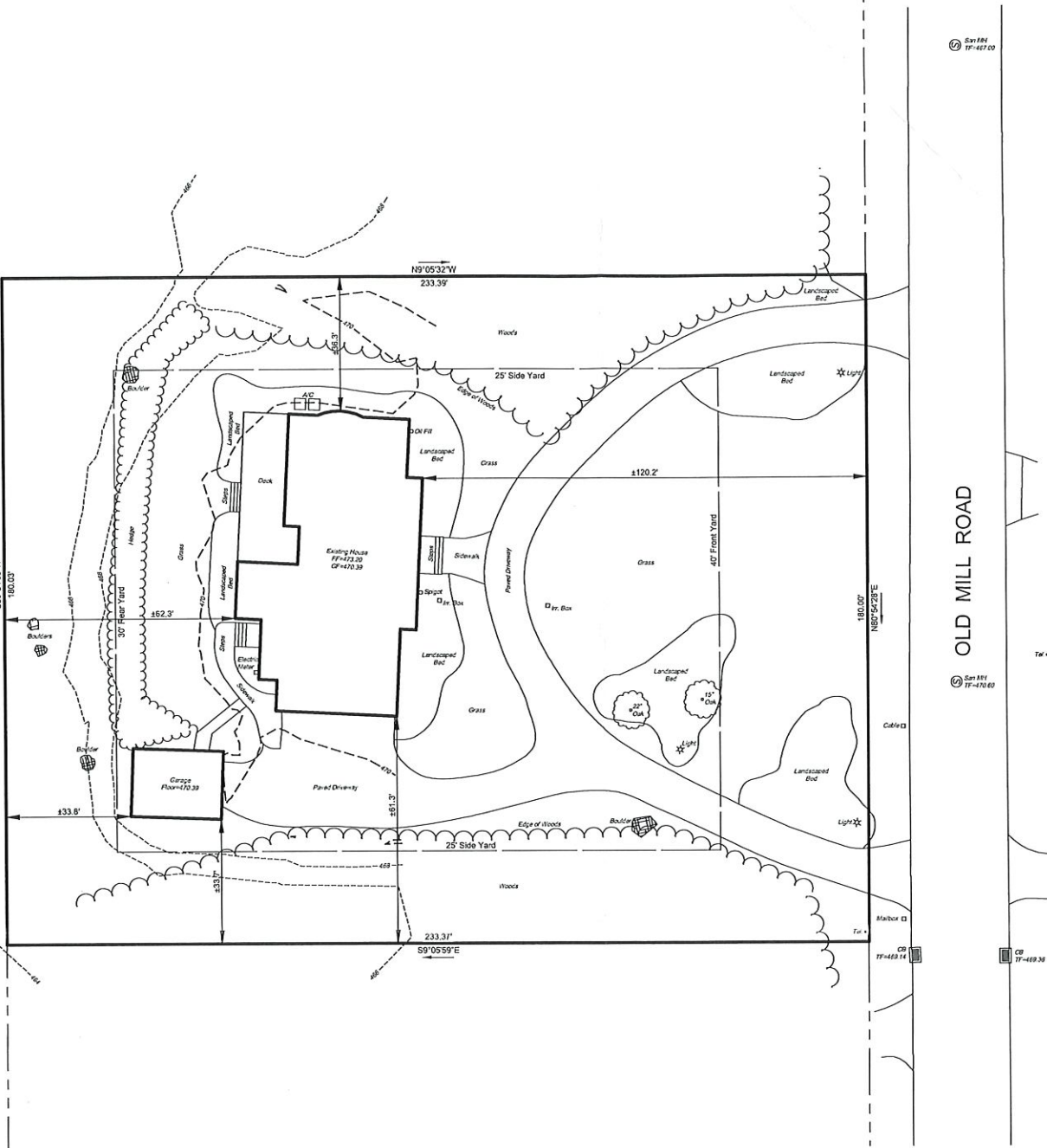


Map References:

1. "Section XVI Country Club Estates, Property of Buena Vista Homes, Avon, Connecticut, Scale 1"=40', Dec. 1966, R-40 Zone" by G. L. Davis, A.L.R. 14-30
2. "Plan of Subdivision, Avonridge at Old Mill, to be Developed by Avonridge, Inc., Old Mill Road, Henley Way, & Stagecoach Rd., Avon, Connecticut, Scale 1"=40', March 1988" by Hodge Surveying Associates, P.C., A.L.R. 86-58

Notes:

1. Parcel is located in Zone R40 - Residential



THIS SURVEY AND MAP HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 20-300b-1 THRU 20 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES - MINIMUM STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT AS ENDORSED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC.

THIS IS A PLOT PLAN SURVEY BASED UPON A DEPENDENT RESURVEY.

CLASS OF ACCURACY: CLASS A-2

TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON

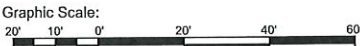
ARTHUR M. NERIANI - LAND SURVEYOR  
CT LS #10250



Map Showing Land  
Owned by  
Bennett & Sarah Goss  
106 Old Mill Road

Avon Connecticut  
Scale: 1"=20' July 21, 2020

Prepared By  
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DRAWN BY:	CHECKED BY:	JOB NO.
GRA	AMN	M20-28

\* full size original copy in file.

\* final copy of survey June





## 106 Old Mill

1/29/2021 11:12:00 AM

Scale: 1"=60'

Scale is approximate

The information depicted on this map is for planning purposes only.  
It is not adequate for legal boundary definition, regulatory  
interpretation, or parcel-level analyses.

