

## ZBA MINUTES NOV 19 2013

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The Zoning Board of Appeals of the Town of Avon held a meeting on Thursday, November 21, 2013 at the Avon Town Hall. Present were Messrs. Ladouceur, Ryan, Worobow, Vicino, Ms. Aube and Mr. McCahill, Planning & Community Development Specialist. Mr. Ladouceur called the meeting to order at 7:30 p.m.

#### PUBLIC HEARING November 21, 2013

The Clerk read the call to meeting.

Mr. Ladouceur read the Application of Arlene DeMaris & Michael Toti, owners/applicants; requesting from the Avon Zoning Regulations Section IV.A.6., an 18' variance from the 30' rear yard setback requirement to permit a 10'x14' shed, located at 13 Cliff Drive in an R-15 zone.

Michael Toti and Arlene DeMaris were present. Mr. Toti said the distance from the shed to the neighbors property is about 75' away so should not be an issue. The existing house is completely in the front yard setback. There was an addition in the back of the house and a garage in the rear yard setback. The shed will run even with the garage, but about 8' closer to the house than the garage. One part of the property drops off. The fence was recently installed. He explained the location of the proposed shed on the pictures.

Mr. McCahill said the previous variances granted were for adding a second floor to the garage and a variance for a hobby studio which minimized his ability to have storage space in the garage. The fence is about 7' tall along the property to shield the house on that side.

There was no one else present. The Public Hearing was closed at 7:43 p.m.

Mr. Ladouceur read the Application of Joseph & Megan Speich, owners/applicants; requesting from the Avon Zoning Regulations, Section IV.A.6., a 25' variance from the 30' rear setback requirement, & a 7' variance from the 15' side yard requirement, to permit an 8'x12' shed to remain, located at 115 Old Farms Road in an R-15 zone.

Mr. Joe Speich was present. He stated after he put in the shed his father asked him if he needed a permit. He discovered he did and also needed ZBA approval. The old railroad abuts his property now owned by the state. The shed location is a distance from the neighbors to the south. They can see it from their back yard but you can't see the shed from the street. It's the same color as his house. In the spring they plan to install more shrubs to block it even more. It would be an expense to get his excavation company back and also the shed company to move it. The fence was installed three months after he moved in to shield the neighbors yard. They had two structures on that property, one a wood shed, the other a work shop. The house is currently empty.

Mr. Ladouceur stated there was another variance from July 2010. This was the foundation located 2 inches over the property line which was miss located.

There was no one else present. The Public Hearing was closed at 7:50 p.m.

#### ZONING BOARD OF APPEALS MEETING November 21, 2013

A Zoning Board of Appeals meeting was held following the Public Hearing.

Ms. Aube made a motion to GRANT, seconded by Mr. Worobow, the Application of Arlene DeMaris & Michael Toti, owners/applicants; requesting from the Avon Zoning Regulations Section IV.A.6., an 18' variance from the 30' rear yard setback requirement to permit a 10'x14' shed, located at 13 Cliff Drive in an R-15 zone.

Mr. Ladouceur noted that given the unique circumstances of this property, the side, front and rear yards, almost all the structures except the addition appear to be outside the boundaries so it does make it a unique circumstance in terms of the ability to locate the shed plus the topography.

The vote was unanimous by Messrs. Ladouceur, Ryan, Worobow, Vicino & Ms. Aube.

Reason – To grant variance is in harmony and keeping with the purpose and intent of the regulations

and would not be injurious to the neighborhood.

Hardship – To deny would deprive the owner of a reasonable use of the property.

Mr. Vicino made a motion to GRANT, seconded by Ms. Aube the Application of Joseph & Megan Speich, owners/applicants; requesting from the Avon Zoning Regulations, Section IV.A.6., a 25' variance from the 30' rear setback requirement, & a 7' variance from the 15' side yard requirement, to permit an 8'x12' shed to remain, located at 115 Old Farms Road in an R-15 zone.

Mr. Ladouceur said the shed is installed, there was no opposition from the adjoining neighbors and they have similar types of structures close to the line.

Mr. Worobow asked if we talked to the owners of the shed companies to tell property owners they need to talk to the town about permits so we don't run into this situation.

Mr. McCahill stated their goal is to make a sale and they shift the burden onto the homeowners. They just want to deliver the shed when they're ready.

The vote was unanimous by Messrs. Ladouceur, Ryan, Worobow, Vicino & Ms. Aube.

Reason – To grant variance is in harmony and keeping with the purpose and intent of the regulations and would not be injurious to the neighborhood.

Hardship – To deny would deprive the owner of a reasonable use of the property.

There being no further business, the meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Shirley C. Kucia, Clerk