

ZBA Minutes SEPT 19 2013

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The Zoning Board of Appeals of the Town of Avon held a meeting on Thursday, September 19, 2013 at the Avon Town Hall. Present were Messrs. Ladouceur, McNeill, Ryan, Vicino, new member Daryl Worobow and McCahill, Planning & Community Development Specialist. Mr. Ladouceur called the meeting to order at 7:30 p.m.

PUBLIC HEARING September 19, 2013

The Clerk read the call to meeting.

Mr. Ladouceur read the Application of John & Marie Peluso owners, Morgan Contracting, Inc. applicant; requesting from the Avon Zoning Regulations, Section IV.A.6. a 5' variance from the 25' side yard setback requirement to permit a deck located at 5 Timber Lane in an R-40 zone.

Mr. Ladouceur stated that one of the applicants was a preschool teacher for his children but he does not think it will impact his judgment on the application.

Mr. Dan Morgan is the owner of Morgan Contracting. He wants to put in a deck on the existing patio, the corner of the deck will encroach 5' into the side yard setback. The house was built probably in the 1960's. This lot is a corner lot with two front yards and two side yards. The proposed deck will extend two feet past the existing patio toward where the bushes are coming straight off the garage. They built the house right at the 25' side line setback. There is an angle to the lot which makes the back part of the lot become more narrow. He has located all the pins with a string between them to make sure he does not go any further.

Mr. McCahill said there was no questions or correspondence on the application. We have had this conversation before where you can have a patio in an area where you can't have a deck. It's because it's a structure that we have to sign off for zoning compliance. It's in the abutters interest to go along with a deck as we can have certain requirements in place whereas a patio is not involved.

Mr. Ladouceur said the property is a corner lot, narrower on the side where the deck is proposed and the deck is being replaced over an existing patio, it's well screened from the neighbors and the activity will probably go along the same line.

There was no one else present. The Public Hearing closed at 7:40 p.m.

ZONING BOARD OF APPEALS MEETING September 19, 2013

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

Mr. Vicino made a motion to GRANT, seconded by Mr. McNeill the Application of John & Marie Peluso owners, Morgan Contracting, Inc. applicant; requesting from the Avon Zoning Regulations, Section IV.A.6. a 5' variance from the 25' side yard setback requirement to permit a deck located at 5 Timber Lane in an R-40 zone. The vote was unanimous by Messrs. Ladouceur, McNeill, Ryan, Vicino and Worobow.

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 – Denying would deprive the owner of a reasonable use of the property.

There being no further business, the meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Shirley C. Kucia, Clerk