

The Zoning Board of Appeals of the Town of Avon held a meeting on Thursday, June 26, 2014 at the Avon Town Hall. Present were Messrs. Johansen, McNeil, Oleyer, Ms. Aube and Mr. McCahill, Planning & Community Development Specialist. Mr. Johansen called the meeting to order at 7:30 p.m.

PUBLIC HEARING

June 26, 2014

Mr. Johansen said we would normally have a board of five members. Tonight we have four members present. All the actions of the board must be unanimous whereas if we had five members, we could have one descending vote. Applicants have the opportunity not to have their application heard tonight and could defer until the next meeting where we expect to have five members present. Each applicant agreed to present their application.

The Clerk read the call to meeting.

Mr. Johansen read the Application of Karen M. Russo, owner/applicant; requesting from the Avon Zoning Regulations Section IV.A.6., a 27' variance from the 35' side yard setback requirement to permit a 10'x14' shed, located at 65 Fairway Ridge in an R-40 zone.

Ms. Russo was present. This is the first house in a new development, there is one other house but it's not sold yet. The two lots near us are empty. She has talked to other neighbors and they have no problem. It will be set back from the house on the side of the driveway so it will be easy to access. It's on a tree line so the neighbors won't be able to see it. If it was moved over it would be in the leaching fields, in a previous house the leaching fields were damaged once and they want to avoid that at all costs. The shed will be placed on the property. In one picture you can see the marks where the shed will be located.

There was no one else present. The Public Hearing closed at 7:39 p.m.

Mr. Johansen read the Application of Gary W. Chestone, Jr. owner/applicant; requesting from the Avon Zoning Regulations Section IV.A.6., a 10' variance from the 35' side yard setback requirement to permit a 16'x10' shed to remain, located at 19 Cranbrook in an R-40 zone.

Mr. Gary Chestone, Jr. was present. He said he talked to both neighbors and they have no objections. If he placed it over 10' he would have had to cut down large trees and then it would back up to a neighbors side yard. His house is on a corner lot. The shed is already there. He wanted to place the shed before the top soil was placed. He apologized for not obtaining a permit in advance.

There was no one else present. The Public Hearing closed at 7:44 p.m.

Mr. Johansen read the Application of Ron Beecher, Jr. owner/applicant; requesting from the Avon Zoning Regulations Section IV.A.2.d., a 26' variance from the 30' rear yard setback requirement to permit an in-ground swimming pool, located at 468 Lovely Street in an R-30 zone

Genny Eldridge was present. They are looking to install a 16'x36' swimming pool in their back yard which is very secluded. Their driveway is about one eighth of a mile into the woods from Lovely Street. They have talked to their neighbors who have no problem with it. One neighbor stopped by and checked where the pool was to be located and had no problem with it.

Mr. Oleyer questioned if during construction would the workers be on other neighbors property as it's only 4' from the property line.

Mr. Beecher replied an addition that was put on a few years ago is shown on the map as 7' from the property line. He measures it as 12' from the property line. Brookmoor is the street behind his house. He showed the location of those houses. He has a different map. The town sewer goes through his property. They have put five additions on this house so obviously they got machines back there before and poured concrete. You won't see the pool as there is a mound of dirt over an embankment that will hide it.

Mr. McCahill said he is confident that the information before you is accurate. Mr. Beecher is the one who suggests it's not accurate. The Building Department will get a copy of this plan.

Mr. Johansen said if the plan is different that is presented to the building department then the variance becomes nil and void.

Mr. McCahill said he spent a long time at the counter making sure this was where he planned to place the pool. If the building permit is different, he cannot sign it.

There was no one else present. The Public Hearing ended at 7:55 p.m.

Mr. Johansen read the Application of Brook & Michelle Seeley, owners, Jack Kemper applicant; requesting from the Avon Zoning Regulations Section IV.A.6., a 9' variance from the 40' front yard setback requirement to permit an addition/two-bay garage, located at 71 Oakengates in an R-40 zone.

Jack Kemper Architect, Brook and Michelle Seeley were present. Mr. Kemper presented letters from C. S. Daversa & M. Tan, 66 Oakengates, Qian Wu, 88 Cotswold Way, Barbara Mitchell, 72 Oakengates, Jason Kurtzman, 52 Oakengates, Sharon & Eric Levine, 98 Cotswold Way with no objections. Mr. Seeley said it represented 360 degrees around his house.

Mr. Kemper continued. The lot is a corner lot, all frontage. The house is set sideways to the front. The side yard is actually a front yard. They plan to take the three car garage and turn it into a family room and then add a mud room and a two car garage beyond that. It will involve renovating and improving the house. There's a pool right behind the garage which limits them as to where they can go. They are finishing the attic and the back porch. The addition will be next to the existing driveway.

Mr. Seeley said there is a pool in the back yard and the septic is in the front yard. There were no other options.

There was no one else present. The Public Hearing closed at 8:00 p.m.

Mr. Johansen read the Application of Stephen Miller, owner/applicant; requesting from the Avon Zoning Regulations Section IV.A.6. & III.C., a 15' variance from the 40' front yard setback requirement to permit an addition on a nonconforming dwelling; a 38' variance from the 40' front yard setback requirement and 13' variance from the 15' side yard requirement to permit detached garage; a variance from Section IV.A.2. to allow proposed garage to exceed average height of existing house/principle structure, located at 165 Secret Lake Road in an R-15 zone.

Dave Whitney, P.E. representing Stephen Miller, owner/applicant was present. Mr. Whitney said this application is for several variances, for a detached garage and a house addition for Steve's property. He showed a map of the existing conditions. It's probably the southern most house actually on the lake than it turns into a swamp. He has a new survey made in March this year. The lot is 16,000 sq.ft., .37 acres. There is an existing house on the site, one story bungalow, 1,100 sq.ft. He has been renovating this house over the past few years. There is a shed. The property drops off from the road. He showed the flood line, about 85% of the property drops below the 100 year flood plain. The actual house is on piers. The water flows under the house. There's a sewer easement that goes through the western portion of this site. There is a parking area, a very steep area, not a safe area for parking cars, you need four wheel drive to get out of it under wet conditions. Steve's desire is to improve this site to make it his retirement home. This site is a steep drop off from the road.

The plan is to add on a small addition to the existing house, 14'x16', 227 sq.ft. It will be in line with the front of the house, the roof line will match the existing house. It will be an extension of the bedroom, closets also on piers as is the rest of the house. The existing house is over the 40' front yard setback so they need a 15' variance for this addition. It will not be any closer to road than the existing house.

The other variance requested is a detached garage located in the south east corner of the property, a 32'x22', two bays for cars and a third bay for yard work

equipment. This part of the site is out of the flood plain, furthest from the wetlands and highest in elevation. They are requesting a 38' variance from the 40' front yard setback, and a 13' side yard southern property line to permit the garage.

The drive will have maximum grade of about 9%, they are removing the curve of the very steep parking area that's existing and putting in a driveway that meets the town's standards. The garage is being put in sideways which will minimize the view from the road, it will be facing the shorter side. This will not be a towering structure to view from the road. The actual front of the garage will be only 2.6' from the property line is actually 17' from the edge of the road. This lot had a real shoulder to the road and the garage will be lower to the ground. It will be 1' lower than the first floor of the house, 6" above the 100 year flood elevation. From the street you will only see 11 ½' maximum of the peak because the wall of the garage facing the street will be part retaining wall.

This is a modest one story house, there is no basement so no storage. The mechanicals are in the attic so no storage there. The desire is to have a safe parking area and access way to the property, a place to park two vehicles and some storage space which is absent in the existing house. In regard to changes to the character of the neighborhood, this area has many small lots with existing nonconforming dwellings. He described the lots at several locations in the area with existing nonconforming garages in the front yard and many houses that are nonconforming.

Ms. Aube questioned if the road is lit as the garage will be close to the road. The road is narrow and there are people walking along the road.

Mr. McCahill replied that he lives near this development and drives through and is amazed at the number of street lights in the area. It is well lit, probably the highest lit of any area. Several neighbors were present and commented there is a street light by 161 and 171.

Mr. Miller said the garage is sideways to the road. There are currently lights on the side of the house which extend to that area and a street light at the beginning of the driveway. He hasn't thought about lighting at this time.

Mr. Whitney said they have letters from neighbors with no objections: Dennis A. Teixeira, 161 Secret Lake Road, Brian J. Ford, 171 Secret Lake Road, Dory Hill, 166 Secret Lake Road, Ellen Orzech, 154 Secret Lake Road, Jeffrey S. Blacker, 164 Secret Lake Road and verbally his brother Sean who lives in the house.

Mr. Miller said the lack of storage is a problem. The yard is starting to get cluttered with the lawn tractor, the grill, a wheel barrel. He would like to get it straightened out and look presentable and functional so he can live an organized

lifestyle. There are not a lot of other choices, to try to develop a grade for a driveway that will function.

Mr. Whitney stated they will have to go to wetlands, they have an application before that board, they have to also go to the Planning & Zoning Comm. as they will be regrading the site because there will be some fill required for the garage in the west end. The shed currently on the property will be removed.

Mr. Johansen stated they received a letter from Carl Wright, 5 Goodwill Trail. Mr. Whitney showed on the map that location which is not within the proposed area. Mr. McCahill read the letter opposed to this application.

Mr. Whitney said they are not avoiding any laws. It has not been built yet, Steve is here within the framework of the regulations requesting the variances which we feel are reasonable. He himself, grew up in this town and Secret Lake was a run down part of town when he was growing up. He thinks all the variances over the years that have been granted, all the improvements that have been made, have made it a special neighborhood. He sees nothing wrong with the desire to improve this property. Mr. Wright's letter mentioned piling snow up against the garage. The edge of the proposed garage is over 17' from the road. This garage is not at the edge of the road by a few feet. With the new addition the total square footage of living area will be 1,300. The total coverage of the lot will be about 13%, no variance needed.

Dennis Teixeira, 161 Secret Lake Road said the letter made it sound as if the garage would be 2' from the pavement. It's not. We have the sewer line running behind our houses so you can only build toward the road. The previous owner was not able to park his car on the property. He parked on the road.

Mr. Oleyer questioned if he could put in a shed for the garden supplies. Mr. Miller replied that the present shed will be removed. He thought it would look neater if there was just one structure, just a continuation of the same foundation, a two car structure with storage on the third section for the trailer, mower and supplies. By the time we're done with this investment it will be something that everyone will be proud of. The property does not look presentable at this time. His neighbor, Brian Ford, has given him permission to go onto his property during construction.

Mr. McCahill stated that the present shed will be removed. Technically there shouldn't be a shed that has the potential to float away below the flood plain elevation. If you were to request a shed in the flood plain, we wouldn't allow it. This new garage had to be elevated above the flood plain. There has been a lot of discussion about this property due to all the challenges.

Mr. Whitney talked to Mr. Blacker who lives across the street who expressed the idea that the detached garage was a better choice so he doesn't have to see as

big a mass if attached to the house so he can see through to the lake. They will be directing the water away from the house, not to a neighbors house.

Brian Ford 171 Secret Lake Road said he doesn't have a problem with this application. The whole project will clean up the neighborhood.

Ms. Aube questioned about how many variances have been granted in the Secret Lake Area. Mr. McCahill replied he was guessing about 40 variances in this neighborhood increasing the front yard .

Mr. Whitney said this area probably has the most variances in this town.

There was no one else present. The Public Hearing closed at 8:37 p.m.

ZONING BOARD OF APPEALS MEETING

June 26, 2014

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

Ms. Aube made a motion to GRANT, seconded by Mr. Oleyer, the Application of Karen M. Russo, owner/applicant; requesting from the Avon Zoning Regulations Section IV.A.6., a 27' variance from the 35' side yard setback requirement to permit a 10'x14' shed, located at 65 Fairway Ridge in an R-40 zone. The vote was unanimous by Messrs. Johansen, Oleyer, McNeill, Ms. Aube.

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.

Ms. Aube made a motion to GRANT, seconded by Mr. Oleyer, the Application of Gary W. Chestone, Jr. owner/applicant; requesting from the Avon Zoning Regulations Section IV.A.6., a 10' variance from the 35' side yard setback requirement to permit a 16'x10' shed to remain, located at 19 Cranbrook in an R-40 zone. The vote was unanimous by Messrs. Johansen, Oleyer, McNeill, Ms. Aube.

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Mr. Johansen acknowledged that a letter was received by this Board from Eileen C. Farrar & John J. Farrar, 370 Huckleberry Hill Road regarding P&Z applications

#4716 and #4717 about an issue at a P&Z meeting where they felt they were not being represented properly.

Mr. McCahill said the letter was also addressed to the Board. The application is still pending with the P&Z, it has been approved by the Wetlands Comm. The adjacent property owner has been coming to the meetings. It was a misunderstanding but as it was addressed also to this Board it had to be put before this Board.

There being no further business, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Shirley C. Kucia, Clerk