

## ZBA Minutes APR 25 2013

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The Zoning Board of Appeals of the Town of Avon held a meeting on Thursday, April 25, 2013 at the Avon Town Hall. Present were Messrs. Johansen, Ryan, McNeill, Ms. Hard and Mr. McCahill, Planning & Community Development Specialist. Mr. Johansen called the meeting to order at 7:35 p.m.

Mr. McCahill stated we do expect to have our 5th member join us this evening but if we have only 4 members present, we would have to have a unanimous decision. The applicant has the opportunity not to have this application heard tonight and could defer until the next meeting. Mr. Spivak indicated to go forward tonight with his application.

### PUBLIC HEARING

April 25, 2013

The Clerk read the call to meeting.

Mr. Johansen read the Application of Jay S. Spivak, owner/applicant; requesting from the Avon Zoning Regulations, Section IV.A.6.& IV.A.2.d.; a 10' variance from the 60' front yard setback requirement from Northington Drive, to permit a pool house and open porch located at 125 Northgate in an R-40 zone.

Mr. Johansen read the petition in favor of this application from Michael & Cynthia Wise, 135 Northgate, Richard & Kathy Pulling, 132 Northgate, Michael & Kathleen Esteves, 117 Northington, F.D. & Evakay Sweeney, 124 Northgate, Scott Gill & Kathy Randall, 135 Northington.

Mr. Jay Spivak, 125 Northgate said they tried to position the pool house and open porch in other areas but the extra 10' would be extremely valuable because there is no other place to put it because of that large rock. It is a corner lot with a 60' setback requirement which is not the usual 25' side yard setback. He showed pictures of the rock which is bigger underground than aboveground. They plan to provide more proper landscaping.

Mr. McCahill said this lot is unique as it has two front yard setback requirements, one is impacted by a collector road (Northington) which requires a 60' front yard setback requirement.

Ms. Hard mentioned the petition was a very good idea as it indicated that the neighbors were informed and not opposed to this application.

It was noted there no one else was present and there were no letters against this application. The Public Hearing was closed at 7:45 p.m.

### ZONING BOARD OF APPEALS MEETING

April 25, 2013

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

Ms. Hard made a motion to GRANT, seconded by Mr. Ryan the Application of Jay S. Spivak, owner/applicant; requesting from the Avon Zoning Regulations, Section IV.A.6.& IV.A.2.d.; a 10' variance from the 60' front yard setback requirement from Northington Drive, to permit a pool house and open porch located at 125 Northgate in an R-40 zone. The vote was unanimous by Messrs. Johansen, Ryan, McNeill and Ms. Hard.

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 7:47 p.m.

Respectfully submitted,

Shirley C. Kucia, Clerk