

ZBA Minutes JAN 24 2013

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The Zoning Board of Appeals of the Town of Avon held a meeting on Thursday, January 24, 2013 at the Avon Town Hall. Present were Messrs. Ladouceur, Johansen, Ryan, McNeill, Ms. Hard and Mr. McCahill, Planning & Community Development Specialist.

PUBLIC HEARING

January 24, 2013

The Clerk read the call to meeting.

Mr. Ladouceur said the ZBA works within the Avon Zoning Regulations as well as the CT State Statutes. A zoning application requires four affirmative votes for an approval of the application. There are five people sitting here tonight, and if one of us were not here you would still need four affirmative votes. With five people sitting on a ZBA board you would still need four affirmative votes and have it approved. One of the abutters on your application is a board member here tonight. So he cannot sit in judgment for this application and will abstain from that portion of this meeting which will leave us with a four member board to approve your application. We can postpone your application to the next meeting which is February 28th where we will try to have five members present or you can go forward with the four member board. Mr. Davis replied he would go forward tonight.

Mr. Ladouceur said the members present for this hearing are Suzanne Hard, Brian Ladouceur, Tom McNeill and Terry Ryan. Mr. Ladouceur read the Application of Brian Davis, Huckleberry Hill LLC, owner/applicant; requesting from the Avon Zoning Regulations, Section IV.A.6., a 4 foot variance from the 20' side yard setback requirement to permit a deck, landing, & stairs, located at 41 Huckleberry Hill Road in an R-30 zone. He also read a letter dated 1/12/13 from Linda Keith, 44 Huckleberry Hill Road with problems about the application. He then read an e-mail to Mr. McCahill dated 1/23/13 from Ms. Keith stating she had met with the applicant where he said he would provide a privacy screen on the deck and agreed to remove the trees near her barn.

Mr. McCahill said he had a phone conversation with Linda Keith and also with Brian Davis suggesting they get together and try to resolve these issues. In a previous application we actually used a barrier fence on a deck and that satisfied the issue in that neighborhood.

Mr. Ladouceur stated that in the file is a drawing received 1/24/13 of the proposed deck highlighted 7'6" privacy fence, 4x4x8 posts every 5 inches.

Mr. Brian Davis was present. The back of the house has sliding glass doors that originally went to a small deck and stairs to go outside. If you look at the map, it shows an empty corner where the doors open. It's the most ideal location for a deck. If we don't have the four foot variance, they could build a five feet deck and wrap the deck around to the back of the property. It would not look as good. The neighbor on the other side would see it and the neighbor who wrote the letter would be able to see more of the deck. This is the most practical place to put the deck especially with the sliding glass doors already in place. We are selling this property and the neighbor doesn't want new residents sitting on the deck viewing her back yard.

Mr. McCahill said the house was built in 1957, we adopted zoning regulations in the fall of 1957. That's why it's nonconforming.

Mr. Ladouceur said the house in the pictures looks new due to renovations. The existing house was build in 1957, the old porch built at a later date which did not need a variance. The deck would be flush with the side of the existing house. After reading Ms. Keith's letter, you both spoke and made assurances to her there would be a privacy fence at the edge of the deck so you couldn't view her property and vise versa looking north on the deck. According to her e-mail you have agreed to remove the trees on her barn. Mr. Davis answered yes.

There was no one else present for this application. The Public Hearing closed at 7:52.

Mr. Ladouceur read Application of Thomas B. and Claire R. Leonardi owners, Thomas Leonardi

applicant; requesting from the Avon Zoning Regulations, Section IV.A.2.e., a 15 foot variance from the 25' side yard setback requirement to permit three (100 gallon) propane tanks adjacent to an existing tank along the rear of the detached garage, located at 12 Stonefield Road in an RU-2A zone.

Tom Leonardi was present. The idea is to connect the three new tanks to the existing tank in a row. They are not visible to the neighbors or to us because of the thick woods that exist behind that particular garage. The alternative location would be on the back lawn which would be very visible to the neighbors. The house was a total rebuild, originally build in 1988 and redone in 2006. The present tank feeds a heater in the detached garage and goes into the house to feed a six burner cook top. The new tanks will be one to the right and two tanks to the left all strung together.

Mr. Ladouceur described the tank in the picture showing a 4' high tank with woods around the area.

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

ZONING BOARD OF APPEALS MEETING

January 24, 2013

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

The four member board was seated. Mr. Ryan made a motion to GRANT WITH CONDITION to install a privacy fence on the deck, seconded by Ms. Hard the application of Brian Davis, Huckleberry Hill LLC, owner/applicant; requesting from the Avon Zoning Regulations, Section IV.A.6., a 4 foot variance from the 20' side yard setback requirement to permit a deck, landing, & stairs, located at 41 Huckleberry Hill Road in an R-30 zone.

Mr. Ladouceur commented that the one neighbor who was opposed to this application, was approached, came up with a solution to screen it, the privacy certainly addresses her concerns over the ability to see into her yard and vice versa to make it more conducive to future property owners. The entire side of the house is that close to the property line anyway. This is a very small square footage seasonable extension. It's pretty heavily wooded on those property lines.

The vote to GRANT was unanimous by Messrs. Ladouceur, Ryan, McNeill, Ms. Hard.

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. Johansen returned to the board. Ms. Hard made a motion to GRANT, seconded by Mr. McNeill the Application of Thomas B. and Claire R. Leonardi owners, Thomas Leonardi applicant; requesting from the Avon Zoning Regulations, Section IV.A.2.e., a 15 foot variance from the 25' side yard setback requirement to permit three (100 gallon) propane tanks adjacent to an existing tank along the rear of the detached garage, located at 12 Stonefield Road in an RU-2A zone. The vote was unanimous by Messrs. Ladouceur, Johansen, McNeill, Ryan, Ms. Hard.

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

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

There being no further business the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Shirley C. Kucia, Clerk