

ZBA Minutes JUNE 27 2013
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The Zoning Board of Appeals of the Town of Avon held a meeting on Thursday, June 27, 2013 at the Avon Town Hall. Present were Messrs. Johansen, Ryan, McNeill, Ms. Aube and Mr. McCahill, Planning & Community Specialist. Mr. Johansen called the meeting to order at 7:45 p.m. He explained we are expecting a fifth member to join us this evening, but if we were only 4 members, we would have to have a unanimous decision. People would have the opportunity not to have their application heard tonight and could defer until the next meeting. Considering the first application of the agenda is a continuance from the previous meeting, the public hearing was never closed. They decided to hear it while waiting for the fifth member.

Mr. Johansen read the application of Neal & Joanne Garvin owners/applicants; requesting from the Avon Zoning Regulations, Section IV.A.6., a 12'* variance from the 15' side yard setback requirement and a 20'* variance from the 30' rear yard setback requirement (*location & size revised from the May application) to permit a 10x 18' storage shed, located at 20 Arbor Road in an R-15 zone. He also read the correspondence from Carol Andrews, Richard Reid, Stephen Collins Andrews, Jr., Nicholas Duffy Reid, 17 Birchwood Road stating she agreed to support the new plan after reviewing it.

Mr. Garvin was present and said he met with the neighbors and agree to turn the shed 90 degrees, moved it toward the Barnaby property line and talked to Mrs. Barnaby who had no problem with it.

Mr. McCahill said there are new pictures showing the revised location of the proposed shed. We had a public hearing last month and received some issues and concerns. We held the hearing open to afford an opportunity for the applicant and the neighbors to have some conversations. That was successful, Ms. Andrews called yesterday and confirmed some of the things discussed in the field. She put in writing what they agreed to, now it's up to this Board to decide if it's an appropriate variance.

There was no one else present for this application. The Public Hearing was closed at 7:53 p.m.

Mr. McCahill suggested they put this application to vote now. Normally we hear all the Public Hearings first and then vote afterward at the meeting.

Mr. Johansen opened the ZBA meeting. Ms. Aube made a motion to GRANT, seconded by Mr. McNeill the Application of Neal & Joanne Garvin owners/applicants; requesting from the Avon Zoning Regulations, Section IV.A.6., a 12'* variance from the 15' side yard setback requirement and a 20'* variance from the 30' rear yard setback requirement (*location & size revised from the May application) to permit a 10x 18' storage shed, located at 20 Arbor Road in an R-15 zone. The vote was unanimous by Messrs. Johansen, Ryan, McNeill & Ms. Aube.

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

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

Mr. Ladouceur arrived at 7:55 p.m. The Public Hearings resumed.

Mr. Ladouceur read the Application of Toll CT Limited Partnership, owner, Sam Abdelmalek, applicant; requesting from the Avon Zoning Regulations, Section IV.A.6., a 20' variance from the 35' side yard setback, and a 15' variance from the 30' rear yard setback requirement to permit a 12'x 20' shed; a 19' variance from the 35' side yard setback requirement, and a 14' variance from the 30' rear yard setback requirement to permit pool equipment on 5'x 9' concrete pads, located at 14 Weatherstone in an R-40 zone. Also read a letter from Toll Brothers that the house will be deeded to Mr. Abdelmalek no later than June 17, 2013.

Mr. Sam Abdelmalek was present and said he is now the owner. The land cuts into a steep angle on the back left corner. There's not too many places to put a pool, he didn't realize it would be such a problem for it's location because of the shape of the lot. The shed and pool equipment will be located in the woods, there's many trees around it. This was the only location for the pool. The pool and shed will be

within the fence.

Mr. McCahill said one resident came in to look at the application. There is only one lot occupied in the area so he was probably the one who looked at it. He had no issues with the plan. The permit has been issued for the pool.

Mr. Ladouceur said the lot is a triangle shape with the house occupying the longest edge of it. The pool will be tucked behind it. To put the shed anywhere else within the setbacks, the only other locations would be between the pool and the house which would be a safety issue blocking the view as you wouldn't be able to see from the house the people in the pool which would be dangerous. Or to place it right on the edge of the pool is an issue as it doesn't permit enough space on the edge of the pool for people to travel or place chairs, it's too narrow a passage.

There were no other comments. The Public Hearing closed at 8:04 p.m.

Mr. Ladouceur opened the ZBA meeting. Mr. Johansen made a motion to GRANT, seconded by Ms. Aube the Application of Toll CT Limited Partnership, owner, Sam Abdelmalek, applicant; requesting from the Avon Zoning Regulations, Section IV.A.6., a 20' variance from the 35' side yard setback, and a 15' variance from the 30' rear yard setback requirement to permit a 12'x 20' shed; a 19' variance from the 35' side yard setback requirement, and a 14' variance from the 30' rear yard setback requirement to permit pool equipment on 5'x 9' concrete pads, located at 14 Weatherstone in an R-40 zone. The vote was unanimous by Messrs. Ladouceur, Johansen, Ryan, McNeill & Ms. Aube.

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

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

Mr. Ladouceur reopened the Public Hearing. He read the Application of Bruce Appell & Nancy Frodermann, owners/applicant; requesting from the Avon Zoning Regulations Sections III.C. & IV.A.6., a 43' variance from the 60' front yard setback requirement to permit an addition, a 43' variance from the 60' front yard setback requirement to permit an open porch & stairs; a variance to permit a third floor addition to existing house within nonconforming area, a variance to permit a two story addition at rear of dwelling within the nonconforming area; a 14' variance from the 15' side yard setback requirement to permit a storage addition behind the garage; a 14' variance to permit an open shed storage addition behind existing garage, located at 85 New Road in an R-15 zone

Mr. Appell and family were present and Ms. Eloise Marinos, Architect. Mr. Appell stated the whole house is on the street.

Eloise Marinos said the house is already built entirely within the front yard setback. The garage is built almost entirely within the side yard setback. In order to do anything at all, they need several variances. The other issues were the septic. They did some soil testing. The septic system is old and close to the house and needs to be replaced within the next decade. They were able to verify two additional areas on the back of the lot which would be usable.

She continued. She does passive solar designs and sustainable materials, non toxic and they are planning to do some energy improvements to this house in the process of renovations. The south side, the side yard, is open and she wants to maintain that clearance so they can do some window glazing on all levels of the house so they can reduce energy consumption. The roof line will be set up for the availability to put on solar panels as an option. They have a one car garage set back on the lot and a neighbors' garage that sticks over onto their property. The current survey has all the new actual dimensions so they can be specific about what they are requesting. She presented a petition from abutting neighbors in favor of the application. The goal is to get a two car garage and additional living space. The existing roof currently needs to be replaced. They plan to go up a very modest third story. The highest proposed is a 6' outside perimeter wall so it's not a full third level as far as the square footage. They could go even shorter.

There's a very tiny living room and dining room. They propose to take down the current addition at the back of the house and build an addition further toward the west, the bulk of the addition will be within

the front yard setback needing the 60' setback variance. They will put in a full foundation, moving the septic back will help improve the drainage issue on the driveway and the lot. The plan should be undated to show a two level addition.

The front entry door currently has no covered overhang. She is proposing to put in a covered porch moving it over just 4' into the front area with 7' toward the existing driveway. It will look like a side porch with a wrap around the corner. It will permit people to come and go more safely. All the houses in the immediate area have front porches all within the front yard setback, some porches are relatively new. They are preserving the character of the house.

There will be a 2' bump out to the south and toward New Road for a tiny new room. This is just a projection, not a foundation. It's a big bay window that wraps around the corner. This is allowed under the regulations.

The third level will be used for work space, not a bedroom. There is a stair case currently in the house that connects to the third floor. The house next door and across the street have a third floor. They propose to remove the roof and build the third floor.

The numbers she has presented differ from the assessor's card for square footage. Her number is 1434 sq.ft., assessor's number is 1500 sq.ft. They are allowed 50% which would change it to 340 sq.ft. They would like to have a two car garage. The existing garage is in a bad location, almost entirely in the side yard. They can't build it forward. The plan is to build it southerly into the lot placing one car after the other. She is just expanding into the same line of the present foundation. The existing curb cut is already on the north as well as the neighbor's driveway, next to each other. There is less impact to maintain that. To maintain natural day light she wanted to keep the south open and to reduce energy costs. They hope to stay in this house instead of moving out of town. Many houses in that area have some issues.

Mr. Ladouceur questioned the square footage problem. Mr. McCahill replied the assessor uses rounded numbers and can vary when actually measured. In our legal notices we used to try to calculate the numbers but now we just generally advertise it. Most of these homes were built in the 1930's which predates zoning. Also the 60' setback was changed to a collector road in the 80's from a 40' setback requirement. This is a long deep lot.

Mr. Ladouceur read the petition from abutting neighbors in favor of application from James. C. Vose, 16 Blanchard, Ken DaCunha, 12 Blanchard Road, Barry Hannen, 79 New Road, James Kassel, 88 New Road, Wayne Mabb, 91 New Road.

There was no one else present. The Public Hearing was closed at 8:45 p.m.

Mr. Ladouceur opened the ZBA meeting. He said the applicant has done a lot of work as this existing structure is one hundred percent in the front yard. Even with a large addition in the back, it's still in the front yard setback. There's very limited options to do anything else here. You look at the pictures of the neighborhood, they are not on top of each other, but certainly close in proximity of each other so I don't think it's going to change anything there. It's going to enhance the neighborhood.

Ms. Aube made a motion to GRANT, seconded by Mr. McNeill the Application of Bruce Appell & Nancy Frodermann, owners/applicant; requesting from the Avon Zoning Regulations Sections III.C. & IV.A.6., a 43' variance from the 60' front yard setback requirement to permit an addition, a 43' variance from the 60' front yard setback requirement to permit an open porch & stairs; a variance to permit a third floor addition to existing house within nonconforming area, a variance to permit a two story addition at rear of dwelling within the nonconforming area; a 14' variance from the 15' side yard setback requirement to permit a storage addition behind the garage; a 14' variance to permit an open shed storage addition behind existing garage, located at 85 New Road in an R-15 zone. The vote was unanimous by Messrs. Ladouceur, Johansen, McNeill, Ryan and Ms. Aube.

Reason – To grant variance is in harmony and keeping with the purpose and intent of the regulation 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 8:50 p.m.
Respectfully submitted,

Shirley C. Kucia, Clerk