

## ZBA Minutes MAR 21 2013

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The Zoning Board of Appeals of the Town of Avon held a meeting on Thursday, March 21, 2013 at the Avon Town Hall. Present were Messrs Ladouceur, Ryan, Vicino, Ms Hard, Ms Aube and Mr. McCahill, Planning & Community Development Specialist. Mr. Ladouceur called the meeting to order at 7:30 p.m.

### PUBLIC HEARING

March 21, 2013

The Clerk read the call to meeting.

Mr. Ladouceur explained the procedures of the meeting to the applicants. He stated present were only the applicants, the Board and town staff members.

Mr. Ladouceur read the Application of David Kuharski & Brianna Meyers, owners/applicants; requesting from the Avon Zoning Regulations, Section IV.A.6., a 14' variance from the 20' side yard setback requirement to permit a 10'x14' shed, located at 80 Sylvan Street in an R-30 zone.

Mr. Dave Kuharski said he is looking to add storage to his house, now everything for the yard is housed in the garage along with the cars. He would like to get those materials out of the garage, such as the tractor and gas and other such items. He purchased a shed and did not know about the regulations, codes and permits until he contacted the town officials and learned about the process. Based on the zoning, the placement of the septic system, the grade of the yard, they were limited to where they could place the shed where it wouldn't interfere with those regulations. It will not be placed directly on the property line so there is empty space to place a fence in the future. The neighbor on that side will only see the back side of the shed. There are also bushes there now so the view will be somewhat obstructed. He does not have much contact with that neighbor, he just moved into this house last September. They have not received any objections. The neighbor on the other side Robert H. & Joyce Gregoire gave him a letter with no objections. The shed will be on the garage side. There are trees in the back part of the yard on that side.

Mr. Ladouceur read the letter from the Gregoires into the record.

There were no further comments. The Public Hearing closed at 7:42 p.m.

Mr. Ladouceur read the Application of Patrick Dermesropian owner/applicant; requesting from the Avon Zoning Regulations, Section IV.2.d.; a 20' variance from the 30' rear yard setback requirement and 20' variance from the 25' side yard setback requirement, to permit a tennis court with fencing and lighting, located at 15 Hazen Drive in an RU-2A zone.

Patrick Dermesripian was present. The drainage system is a very complicated system and takes up much of the yard. The topography of the land is very uneven and it does have quite a few trees on it. It's hard to imagine a tennis court going in any other location on the property. There's a pool in the back yard and a septic tank and reserve area. The proposed location of the court is a clear area so he will not have to cut down a lot more trees. The paved area is not quite as large as he needs, it will be extended a bit further. The lights will be directed straight down, not projected into any neighbor's yards. The tennis court will go where the existing basketball court is now.

Mr. McCahill stated the basketball court looks like an expansion of the driveway, when they paved the driveway it created an area for extra parking. The basketball court is actually a couple of portable stands. They would not have required a permit for those. There was no word from the Town of Simsbury. He did receive a call from the abutting property owner to the south east of this project. She is on the opposite side of the proposed tennis court and her house is set further back. She has no issue with it.

Mr. Dermesropian said he tried to reach out to all the neighbors. He contacted the two houses on either side and one across the street. Both John Randazzo, 41 Ridgebury Road and Elizabeth Zieky, 5 Pembroke Drive signed the petition with no objections. He also talked to Mr. Roscigno also with no

objections. This area is far from the neighbors houses.

Mr. McCahill said the septic and the reserve catch basin which comes off the road and discharges across the front of this property and then cuts through the next property and then hopefully continues down toward Nod Road. It's a complicated system.

Mr. Ladouceur read the petition. He mentioned the topography and it looks as if there are a lot of hills surrounding the house and the front yard. The property looks like a triangle with the house in one corner, the tennis court pushed into another corner, and then the only other open space is littered with catch basins and storm drain pipes and septic systems and reserve areas. Given the shape of the lot, there's not a whole lot of free space here. There's a drainage easement in the front part of the property. Looking at the Google earth map, it's looks as if that area is also surrounded by trees and screened from the neighbors.

There being no further discussion the Public Hearing closed at 7:54 p.m.

ZONING BOARD OF APPEALS MEETING

March 21, 2013

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

Ms. Aube made a motion to GRANT, seconded by Ms. Hard the Application of David Kuharski & Brianna Meyers, owners/applicants; requesting from the Avon Zoning Regulations, Section IV.A.6., a 14' variance from the 20' side yard setback requirement to permit a 10'x14' shed, located at 80 Sylvan Street in an R-30 zone.

Mr. Ladouceur said regarding the topography of the land and the placement of the house it certainly warrents placing the shed in that spot.

The vote was unanimous to GRANT by Messrs. Ladouceur, Ryan Vicino, Ms. Hard and Ms. Aube.

Reason - The granting of this variance will be in harmony with the purposes and intent of these regulations, will accomplish substantial justice and will not be injurious to the neighborhood or otherwise detrimental to public health, safety and welfare.

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

Mr. Vicino made a motion to GRANT, seconded by Ms. Aube the Application of Patrick Dermesropian owner/applicant; requesting from the Avon Zoning Regulations, Section IV.2.d.; a 20' variance from the 30' rear yard setback requirement and 20' variance from the 25' side yard setback requirement, to permit a tennis court with fencing and lighting, located at 15 Hazen Drive in an RU-2A zone.

Mr. Ladouceur commented about the unique shape and the topography of the lot, and the various structures for drainage and easements presents a problem of the placement any where else and is pretty well screened from the neighbors.

The vote to GRANT was unanimous by Messrs. Ladouceur, Ryan, Vicino, Ms. Hard & Ms. Aube.

Reason - The granting of this variance will be in harmony with the purposes and intent of these regulations, will accomplish substantial justice and will not be injurious to the neighborhood or otherwise detrimental to public health, safety and welfare.

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

There being no further business the meeting was adjourned at 7:58 p.m.

Respectfully submitted.

Shirley C. Kucia, Clerk