

THE ZONING BOARD OF APPEALS OF THE TOWN OF AVON HELD A VIRTUAL REGULAR MEETING FOR A PUBLIC HEARING ON THURSDAY, DECEMBER 15, 2022, AT 7:00 P.M., VIA GOTOMEETING: By web, <https://meet.goto.com./383148141>; or by phone: [+1 \(571\) 317-3129](tel:+15713173129), Access Code: [383148141#](https://meet.goto.com./383148141#).

Present were regular Board members Chair Eileen Carroll, Vice Chair Christy Yaros, Jaime Polhamus, and Michele O'Connor, and Alternate Member James Williams. Absent were regular Board member Eileen Reilly and Alternate members Thomas McNeill and Vi Smalley. Also present was Planning and Community Development Specialist Emily Kyle.

Chair Carroll called the meeting to order at 7:05 p.m.

E. Kyle took roll call for the Board. Alternate member J. Williams will be seated tonight as a regular member so we have a quorum of 5.

I. PUBLIC HEARING:

Application of Jared Isaac Hales and Rebecca S. Hales, Owners and Applicants; requesting from Avon Zoning Regulations, Section IV. A. 2. d., a 15-foot variance from the required 25-foot side yard setback for an inground pool and related equipment, located at 50 Stratford Crossing in an R30 Zone.

E. Kyle read the Legal Notice and Numbers II and III of the ZBA Virtual Public Hearing Process into the record. She explained to the Applicant that she would give a summary of the Application, then the Applicant can give a brief presentation, and lastly we will allow questions by the Commissioners.

In summary, the Applicant is requesting a variance from Section IV. A. 2. d. for construction of an inground pool in the side yard of a front lot. The pool will likely not be visible from the road as there is a slight downhill pitch but it will be visible from at least one neighboring property. The Town did not receive any abutter input except that one neighbor did contact our office for a clarification. There was no public input received either positive or negative. E. Kyle shared the site plan which has the proposed pool location. The hardships include the multiple easements which are on this property. The rear part of this lot has a conservation easement and the 20 foot easement through the back yard is a sanitary sewer easement. The usable portion of this lot consists of just one corner because of the existing footprint of the house and the deck. The lot is fairly clear and level but there is little room for a pool and all the required equipment. The inground pool actually does abide by the side yard setback of 10' for the lot - because this property is part of a cluster development, this lot has different setbacks than the usual R30 setbacks. However, because Town Regulations also require a 25 foot setback for any inground pool and related structures regardless of zone, the Applicant needed to apply for a variance. The built in pool cover is built into the grade so it does not increase the variance beyond the 15 foot request. E. Kyle said the Town of Avon Director of Planning and Community Development confirmed this. The abutter closest to the proposed pool is the Town of Avon. They own an access way to a large open space parcel. There are currently no plans for the open space parcel by the Town of Avon but the Applicants need to know that that could change in the future and

there is always the possibility that the public will use the access way which is very close to the proposed pool.

J. Hales did not have anything to add to E. Kyle's summary of the variance request.

Vice Chair Yaros asked if there would be a fence between the pool and the access way. J. Hales said that per Connecticut law regarding pools, he does not need a fence if he has the built in cover mentioned above. E. Kyle said that if the Applicants decided to build a privacy fence in the future, as long as it is 6' or under, they could put it on the property line (though Town staff recommends bumping it in 1-2' in case of maintenance on the side facing an abutter). Vice Chair Yaros then asked why the pool could not be on the other side of the yard. J. Hales said that the sewer easement runs from the street, down the side yard, and almost wraps around the house. Vice Chair Yaros asked if the Town had any concerns about the pool so close to the access way. E. Kyle said that this variance request was shared with the Avon Parks and Recreation Department, the Department of Public Works, the Planning and Community Development Office, and the Town Manager's Office and they have no concerns other than being certain that the Applicants understand that the access way and the open space could be used by the public.

E. Kyle said that there were no members of the public present and the Town did not receive any letters from the public on this Application. Notices were sent to all abutters of this property.

Chair Carroll made a Motion to Close the Public Hearing. Vice Chair Yaros seconded. The Motion passed unanimously. There was no additional discussion by the Board members.

Chair Carroll made a Motion to Approve the Variance. M. O'Connor seconded. The Motion passed 4-0-1 as J. Williams lost his connection to the meeting. E. Kyle stated "That the granting of the 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 the public health, safety and welfare."

II. OTHER BUSINESS: None

III. NEXT REGULARLY SCHEDULED MEETING: January 19, 2023

J. Polhamus made a Motion to Adjourn. Vice Chair Yaros seconded. The Motion passed unanimously. The meeting was adjourned at 7:20 p.m.

Janet Stokesbury, Clerk  
Zoning Board of Appeals  
Town of Avon Planning and Community Development