

THE ZONING BOARD OF APPEALS OF THE TOWN OF AVON HELD A VIRTUAL REGULAR MEETING FOR A PUBLIC HEARING ON THURSDAY, APRIL 20, 2023, AT 7:00 P.M., VIA GOTOMEETING: By web, <https://meet.goto.com/730948525>; or by phone: [+1 \(571\) 317-3129](tel:+15713173129), Access Code: [730948525#](https://meet.goto.com/730948525#).

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

E. Kyle advised the Applicants that with only 4 Board members present a decision of Approval must be unanimous. It is the choice of the Applicant whether or not they would like to wait for a meeting when there are 5 voting members. J. Zavalishin asked about the consequences of a vote that was not unanimous. E. Kyle said that would be a denial. M. Jordan also asked about a non-unanimous vote tonight and E. Kyle said that vote would be final though an applicant could re-apply. M. Jordan asked to move to second on the Agenda.

Chair Yaros called the meeting to order at 7:08 p.m.

E. Kyle took roll call for the Board. We have a quorum of 4. M. O'Connor made a Motion to reorder the two Applications on the Agenda. J. Polhamus seconded. The Motion passed unanimously.

I. PUBLIC HEARING:

Application of Joseph C. and Dawn Zavalishin, Owners and Applicants; requesting from Avon Zoning Regulations, Section IV. A. 2. d., a 10-foot variance from the required 25-foot side yard setback for a detached two bay garage, located at 135 Northgate in an R40 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 Applicants that she would give a summary of the Application with her thoughts on it, then the Applicants can clarify further if necessary, we will allow questions by the Commissioners, and lastly we will open the floor to public comment.

E. Kyle began saying that the Applicants are requesting a variance from Section IV. A. 2. d. for the construction of a detached two bay garage. The number of bays is compliant with Avon Zoning Regulations as there are five bedrooms in the house which means that the Owners are permitted to have up to six bays. The proposal is for a garage at the end of the existing driveway that leads to Northgate so they will not require any additional pavement or have to reroute the existing driveway. The intent was to line up with the existing driveway. Abutter notices were sent out. E. Kyle showed on an Avon GIS map that to the west of the Property is a large parcel owned by the Town of Avon which is primarily woods with some trails. Multiple departments of the Town including Engineering, Parks and Recreation, Public Works, and the Town Manager's office were notified of this Application and none of those departments had any input, either positive or negative, on this Application. We also did not receive any input, either positive or negative, from any neighbors.

J. Zavalishin said that he and his wife did talk to their neighbors, both across the street, diagonally across the street, and next door and they were all supportive and had no issues. He agreed with E. Kyle that he was trying to come straight into the Property where there was existing pavement because to move the garage in and diagonally back to avoid this variance would require additional excavation and paving, as well as reducing egress to the backyard. This is largely not visible from the street.

Aden Baume asked why the hardship question on the Application was not completed. J. Zavalishin said if the garage was moved inward on the lot, the hardship was a combination of losing space in the backyard and having to do material work to curb the driveway which would require more deforestation of the area. A. Baume asked why the hardship was unique to this Property. J. Zavalishin said that there was not a contour of the land such as a wetland that was unique to this Property. A. Baume asked what the Applicants meant by egress from the backyard. J. Zavalishin said that if the garage was moved towards the right side where the existing walkway is to reduce the variance request, the garage would be right up against the corner of the house so if he needed to get out of his backyard, his only option would be to either cut more trees for a path to exit the backyard or to go around the house towards the neighbor's side. A. Baume asked if the Applicants had to take down trees to put the garage in anyway and J. Zavalishin said that he would need to have more deforestation to have a route to get to the west side of the house while if the garage goes where he proposed, he would have to do minimal excavating work and be able to leave the walkway untouched. The garage would be about 9' off the edge of the house and the garage would be just a foot short of the end of the existing driveway.

Chair Yaros made a Motion to Close the Public Hearing. M. O'Connor seconded. The Motion passed unanimously. A. Baume said that he was not satisfied with the explanation of a hardship as it does not seem to be a hardship to move the garage 10'. M. O'Connor said that she was friends and neighbors of the Applicants but she feels that she can treat this objectively. She does not think that the images shown do justice to how much yard will be disturbed if the garage is moved from the proposed location. If the Applicants have talked to neighbors, this proposal is the simplest plan, and the garage will not be seen from the street, then taking out more trees is not necessary. A. Baume asked if the garage was moved inward, would more trees have to be taken out? M. O'Connor believes that J. Zavalishin said that if the garage had to be moved, he would have to pour more concrete and destroy more trees. E. Kyle said that her understanding was that by moving the structure inward the Applicants would have to reroute the walkway to the other side of the building and would have to cut into the tree area towards the open space. Chair Yaros asked if it would affect the angle coming down the driveway and if you could still get into the garage if it is closer to the house. E. Kyle said that the Applicants probably feel safer with a buffer between cars when backing out of each garage and it could be harder for parking.

Aden Baume made a Motion to Approve the Variance for 135 Northgate. M. O'Connor seconded. The Motion passed unanimously.

E. Kyle told J. Zavalishin that there is an appeal period for the Approval and he would get a letter from her office about the next steps. She stated that "the granting of the variance will be in harmony with the purposes and intent of these Regulations, it will accomplish substantial justice

and will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, and welfare.”

Application of Michael and Jonida Jordan, Owners and Applicants; requesting from Avon Zoning Regulations, Section IV. A. 2. d., a 13-foot variance from the required 25-foot side yard setback for an attached one bay garage addition, located at 64 Hitchcock Lane in an R40 Zone.

E. Kyle said that the Applicants are requesting a variance from Section IV. A. 2. d. for the construction of an attached one bay garage addition. The number of bays is compliant as there are five bedrooms in this house. The exterior edge of the proposal is 12’ from the Property line so the variance request is a 13 foot side yard variance. The Applicants indicated to E. Kyle that their future plan for this Property is to add an attached dwelling above the existing garage which would not require any permitting from the ZBA because it is already compliant with setbacks. The proposal will be visible from the neighboring properties. The Planning & Zoning office did not receive any abutter input, either positive or negative though we were asked for more information by abutters.

M. Jordan said he hopes to build an accessory dwelling for his elderly in-laws in the next 2 years. This proposed garage will be used by them. He chose this side of the house because it will have the least impact on the overall look and feel of the house in terms of conformity with the rest of the neighborhood. It will require little to no additional asphalt work in front of the garage. There is also a line of evergreen trees on that side of the house so it is difficult to see his closest neighbor at any time of the year. It would be difficult to put the structure behind the existing garage as that would require extending the driveway through the area of the variance request. There is a fire access lane to the left side of the house, it would require a driveway rework, and it would not be near the accessory dwelling.

There were no questions from the Commissioners. Bill Thramann of 63 Hitchcock Lane said he was supportive of this Application but asked if the proposed garage would be flush with the front and back of the existing garage. The drawing makes it look like the new garage is going to be much deeper. M. Jordan said that yes the garage will be flush with the existing structure other than a one foot cutout for aesthetics on the front and the back. B. Thramann said that he shared the plans with the next door neighbor as she is away and that neighbor asked how long the project would take once it starts. M. Jordan said he hopes to move as expeditiously as possible though he has not secured an exact timeline from the contractor. M. Jordan would like it water tight as quickly as possible. B. Thramann asked to confirm that no asphalt work would be needed and the driveway would not be changed. M. Jordan said that there would only be 2-3 foot section of asphalt that would need to be added right in front of the garage as there is already a turnaround area right in front of the proposed garage. B. Thramann asked if the external staircase would be removed or displaced and M. Jordan said it would be removed. E. Kyle said that it would be difficult to put the garage on the other side of the house as there is a chimney there already so it would have to be detached and that could defeat the purpose of the garage of an accessory dwelling. E. Kyle asked M. Jordan if the accessory dwelling fell through, would he still pursue this additional bay. M. Jordan said he is moving forward on an attached dwelling in some fashion but is still working through the whole design.

Chair Yaros made a Motion to Close the Public Hearing. M. O'Connor seconded. The Motion passed unanimously. J. Polhamus made a Motion to Approve the Variance for 64 Hitchcock Lane. M. O'Connor seconded. The Motion passed unanimously.

E. Kyle told M. Jordan that our office would send him an approval letter with next steps. E. Kyle said "that the granting of this variance will be in harmony with the purpose and intents of these regulations, it 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: May 18, 2023

Chair Yaros made a Motion to Adjourn. J. Polhamus seconded. The Motion passed unanimously. The meeting was adjourned at 7:43 p.m.

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