

THE ZONING BOARD OF APPEALS OF THE TOWN OF AVON HELD A VIRTUAL REGULAR MEETING FOR A PUBLIC HEARING ON THURSDAY, SEPTEMBER 23, 2021, AT 7:00 P.M., VIA GOTOMEETING: By web, <https://global.gotomeeting.com/join/788140165>; or by phone: [+1 \(646\) 749-3122](tel:+16467493122), Access Code: [788140165#](https://global.gotomeeting.com/join/788140165).

Present were regular Board members Eileen Carroll (Chair), Christy Yaros (Vice-chair), Chet Bukowski, Eileen Reilly, and Ames Shea. Absent were Alternate members Thomas McNeill, Vi Smalley, and James Williams. Also present was Planning and Community Development Specialist John McCahill.

Chair Carroll called the meeting to order at 7:23 p.m.

J. McCahill introduced Janet Stokesbury, the new Clerk for the ZBA in the Planning Department. Susan Guimaraes took a full time job in Human Resources for the Town of Avon.

J. McCahill took roll call for the Board.

J. McCahill facilitated the meeting. The public hearing will be closed after the application review is complete. Voting will follow after the close of the public hearing.

I. PUBLIC HEARING:

Application of Andrew M. Willauer, owner/applicant; requesting from Avon Zoning Regulations, Section IV. A. 6., an 11-foot variance from the required 15-foot side yard setback and a 28-foot variance from the required 40-foot front yard setback for a 10' x 12' **two-story** shed, **modification to previous variance**, located at 1 Mountain Ledge Road in an R-15 Zone.

J. McCahill gave some background information. The Town of Avon Zoning Board of Appeals did grant a variance back in January, 2021. The distances are not impacted at all by this request. The previous application that was approved was going to be a single story shed with a dormer but as the Applicant got into the project, he realized that he would like a two-story shed so that is the request. He has changed the diagram in the presentation and he is increasing the height of what was previously approved.

J. McCahill summarized the application materials and the Town staff supplemental documents. He listed the materials shown on the screen: the Agenda; a Legal Notice; the ZBA public hearing process; the current Application and the previous Application dated November 23, 2020, and a letter dated September 2, 2021 from the Applicant to the ZBA; a letter to the Applicant from the ZBA Clerk; a rendering of the proposed shed and image of previously approved shed; a GIS map of abutting properties and list of abutting properties (ZBA public hearing notifications sent to abutting owners via postal mail); a 2016 Town GIS aerial view of the subject property; multiple views of the subject property from photographs by Town staff; the subject site property plot plan showing location of proposed partially existing shed and setback lines; photographs taken by the Applicant of the subject property site and abutting property; neighborhood communications received by the Town of Avon; a letter to the Applicant from ZBA Clerk regarding the previous Grant of Variance; and the Grant of Variance dated January 7, 2021.

J. McCahill referenced the Agenda on the screen and noted that this is a Public Hearing. He pointed out that after this Application we have an approval for the Meeting Calendar 2022. The Legal Notice that was published was next and the details were already stated. The process for the ZBA Meeting was next. This is a virtual meeting as a result of COVID-19 Executive Orders. The Avon Zoning Board of Appeals was created in accordance with the powers and duties of Section X- Administration and Enforcement, C., of the Town of Avon Zoning Regulations. We have the benefit of a five (5) person board so J. McCahill will skip the part about a four (4) person board.

J. McCahill already summarized the Agenda so he stated that he would summarize the Application and then we will take input from the property owner, the Board member's questions and comments, and the public comments and questions in the order of objections first, in support of the variance second. Then we will close the public hearing and vote in the order listed in though in this case, there is only one Application.

J. McCahill stated that he has already summarized the Application. As noted, it is a modification of a previous variance that was granted on 1/7/21. A shed with a dormer was approved previously and this will now be a two-story shed with no changes to the distances. J. McCahill then showed on the screen the previous variance that was approved. He then showed and summarized the letter from Andrew Willauer dated 9/2/21 and the rendering of the new proposed two-story shed and most critically the issue that the height of this is taller than what was approved before. It will still include the dormer on the roofline facing the west. J. McCahill showed the initial rendering of the shed that was approved previously and estimated that the height was 14' feet instead of the new 24'. J. McCahill showed a location map of all the people that we sent notices to and the pink dots represent the locations of the property owners that submitted letters of support. J. McCahill showed an aerial view, a picture of the existing house, a picture of the property before the shed was placed (all pictures that were contained in the initial Application for the previous variance), a picture showing the area where the shed is currently under construction, a photo showing the shed that was under construction but the Applicant has stopped work on (for approximately 3-4 months), a map showing that the location and distances of the shed have not changed or been impacted by this request for a modification, pictures that were submitted in support of his previous Application showing that a number of variances were approved in the area in the past, letters with signatures from abutting property owners that they have seen the plans and are in favor of them, and a copy of the previous variance granted.

A. Willauer then spoke and thanked J. McCahill for his summary. A. Willauer indicated that he started building the shed in March or April and realized that after he got the initial footprint down the shed wouldn't be adequate. He talked to his neighbors who indicated that they were on board with a higher shed. He then came back to zoning and asked what to do to go taller. The plan is to put the kayaks, etc. on the second floor and leave the first floor for the more accessible items.

J. McCahill then asked Chair Carroll if she wanted to take questions from the Board members.

Chair Carroll asked the Board members if they had any questions. A. Shea asked about the letters of support and whether we had received any objections to this. J. McCahill indicated that we had

not and showed the map showing the abutting property owners. Chair Carroll asked what was the structure located on the corner. J. McCahill indicated that it was a house and not the fire house. The owners of that house were not sent a letter as the Town typically notifies the parties directly across the street and they were out of the sight line. J. McCahill is sure they are aware of the construction and we have not heard anything from them. A. Willauer indicated that he is friendly and believes he could have gotten a letter of support from them.

Chair Carroll asked if there was anyone else on the Board with questions. J. McCahill asked about communication from the public either in favor or against but there was none. Chair Carroll then asked for a motion to close the Public Hearing. C. Bukowski made a motion to close the Public Hearing. C. Yaros seconded the Motion.

Chair Carroll then asked for a motion for approval or denial. A. Shea made a motion to approve the amended request for a variance in accordance with the application and the evidence attached thereto. Chair Carroll seconded the Motion.

J. McCahill asked for a vote on the Motion and polled the individual Board members. The Board voted unanimously to approve. J. McCahill then stated that the Zoning Board of Appeals has concluded “that 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 the public health, safety, and welfare.”

J. McCahill then advised A. Willauer that he will have to follow up with filing a revised of Variance on the Land Records. A. Willauer will get an approval letter and a request for the filing fee – much like the last time. He will then have to finish up with a building permit. A. Willauer agreed.

II. OTHER BUSINESS:

J. McCahill then showed the proposed 2022 meeting calendar with the deadline dated in red and the meeting dates in black. The only adjustment that we made to the typical third Thursday of the month was with regard to the April meeting due to Passover. Chair Carroll made a motion to approve the 2022 meeting calendar. A. Shea seconded the motion. The Board approved the calendar unanimously.

III. NEXT REGULARLY SCHEDULED MEETING: October 21, 2021

C. Yaros made a Motion to Adjourn. C. Bukowski seconded the Motion. The Board unanimously approved the motion.

The meeting adjourned at 7:42 p.m..

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