

THE ZONING BOARD OF APPEALS OF THE TOWN OF AVON HELD A VIRTUAL REGULAR MEETING FOR A PUBLIC HEARING ON THURSDAY, APRIL 16, 2020, AT 7:00 P.M., VIA GOTOMEETING, <HTTPS://GLOBAL.GOTOMEETING.COM/JOIN/235423973>, DIAL BY PHONE: 1-877-568-4106, ACCESS CODE: 235-423-973#.

Present were regular Board members Eileen Carroll (Chair), Christy Yaros (Vice-chair), Chet Bukowski, and Eileen Reilly, and alternate members Vi Smalley (non-voting) and James Williams; absent were regular member Ames Shea, and alternate member Tom McNeill. Also present was John McCahill, Town of Avon Planning and Community Development Specialist.

Chair Carroll called the meeting to order at 7:00 p.m. John McCahill facilitated the virtual meeting.

### PUBLIC HEARING

Roll call was taken for the Board, owners/applicants present on behalf of the applications submitted, and any participating members of the public.

John McCahill stated the following: Notice was provided in accordance with Town regulations, State Statutes, and recent COVID-19 related executive orders; and the Town notified the abutters to the subject properties according to Town process.

The Avon Zoning Board of Appeals was created as required by Section 8-6 of the Connecticut General Statutes, and functions in accordance with the powers and duties of Section X – Administration and Enforcement, C., of the Town of Avon Zoning Regulations. All applications will be heard in the order shown on the agenda and the public hearing will be held on each application. The public hearing will be closed after each application review is complete. Voting will follow after the close of the public hearing for each application on the agenda. Mr. McCahill summarized the agenda.

Application of Jonathan D. Pollack, owner/applicant; requesting from Avon Zoning Regulations, Section IV. A.6, a 15-foot variance from the required 30-foot rear yard setback, and a 20-foot variance from the required 25-foot side yard setback to permit a 12' x 24' detached outbuilding, located at 23 North Farms Road in an R-40 Zone.

Jonathan D. Pollock, owner/applicant of 23 North Farms Road, was present on behalf of his application for the property.

John McCahill summarized the application form as submitted and accompanying materials, including imagery for the proposed structure provided by the applicant, photographs of the property and of the existing house taken by Town staff, Town of Avon GIS aerial photography of the property, Town of Avon GIS map and identification of abutting properties to which Town staff sent public hearing notification; and letters of correspondence from the following neighbors: Tom Carlone of 22 North Farms Road, and Jennifer and Tom York of 59 North Farms Road. Mr. McCahill read into the record an e-mail letter of support from Brian Fluss, of

29 North Farms Road, which had been received by the Board after the application materials were posted to the Town of Avon Zoning Board of Appeals website page. Mr. McCahill described the undue hardship as written in the application, involving the existence of a large boulder in place of where the structure could normally be placed in compliance with zoning regulations with respect to setback restrictions. He asked the owner/applicant for any additional input.

Jonathan D. Pollack, owner/applicant of 23 North Farms Road, indicated that Tom Carlone, who wrote a letter of support for the record and who resides at 22 North Farms Road, lives directly across the street from his home. Mr. Pollack noted that neighbors Jennifer and Tom York at 59 North Farms Road, who wrote a letter stating that they are not in opposition to the variance request, are rear-abutting property owners. He described the location for the proposed structure and stated that the boulder preventing adherence to the setback requirements is approximately the size of a small vehicle. The proposed structure would be used to house an extra car for family use or a lawn mower. Other neighbors that he spoke to verbally did not have a problem with the variance request. He answered Board member Bukowski's question by confirming that the property owner at 29 North Farms Road did not have an objection to the variance request. He indicated that the color of the proposed structure will match the navy blue paint of the house and the roof line will match the house's roof style as well, but with less of an angled pitch. The garage door will face the driveway.

John McCahill stated for the record that the only zoning regulation restriction on height, as it relates to a detached structure, is that the detached structure cannot be taller than the principle structure; therefore it is not an issue regarding this application. He confirmed that there were no further questions or concerns from the board nor the participating public.

It was then determined which members of the Zoning Board of Appeals would be voting with regard to the pending applications for this meeting. Chair Carroll established that the voting members would be the following: regular members Eileen Carroll, Christy Yaros, Chet Bukowski, Eileen Reilly, and alternate member James Williams. Alternate member Vi Smalley dismissed herself from the meeting at this time.

The public hearing for the application of Jonathan Pollock, at 23 North Farms Road, was closed.

Board member Bukowski motioned to approve the application for 23 North Farms Road. Board member Reilly seconded the motion. The five voting members, Eileen Carroll, Christy Yaros, Chet Bukowski, Eileen Reilly, and James Williams, voted unanimously in favor and the application was approved.

John McCahill 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.

The public hearing was reopened for the following:

Application of Derek R. and Ashley C. Moore, owners/applicants; requesting from Avon Zoning Regulations, Section IV. A.6, a 12-foot variance from the required 25-foot side yard setback to permit a 10' x 16' shed, located at 15 Frederick Drive in an R-40 Zone.

Derek R. Moore, owner/applicant of 15 Frederick Drive, was present on behalf of his application for the property.

John McCahill summarized the application form as submitted and accompanying materials, including imagery for the proposed structure provided by the applicant, photographs of the property and existing house taken by Town staff, Town of Avon GIS aerial photography of the property, Town of Avon GIS map and identification of abutting properties to which Town staff sent public hearing notification. Mr. McCahill described the undue hardship as written in the application in the following: that the lot is significantly sloped downhill from west to east, and mostly wooded, and adherence to the regulations would require the removal of several large trees. He also noted from the application that the proposed structure would be placed behind a large pine tree and the viewpoint from the street would be limited; also, that the proposed structure would not change the character of the neighborhood, as it would match the house in color and style.

John McCahill confirmed Board member Bukowski's statement that there appeared to be a heavily wooded section between the location of the proposed structure and the abutting neighbor's property nearest the proposed location for the structure. Mr. McCahill stated that the Town did not receive any written correspondence either in favor or against the variance request for this property.

Mr. Moore stated that his wife had spoken to the neighbor at 21 Frederick Drive, the opposite side from the proposed structure, and there was no opposition to the request. She tried on a couple of occasions to contact the owners at 24 Christian Drive, the neighbors abutting the side of the subject property where the structure would be placed; however, a note was left for those neighbors and no response was received. He clarified that the structure will be used to house a lawn mower, etc.

John McCahill confirmed that there were no further questions or concerns from the board or the participating public regarding this application.

The public hearing for the application of Derek R. and Ashley C. Moore, owners/applicants of 15 Frederick Drive, was closed.

Board member Bukowski motioned to approve the application for 15 Frederick Drive. Vice-chair Yaros seconded the motion. The five voting members, Eileen Carroll, Christy Yaros, Chet Bukowski, Eileen Reilly, and James Williams, voted unanimously in favor and the application was approved.

John McCahill 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.

The public hearing was reopened for the following:

Application of Martha Y. Fine, owner, and J.P. Bellott, applicant; requesting from Avon Zoning Regulations, Section IV. A.2, a 270 Square foot variance and two additional garage spaces over the number allowed to permit a 28' x 40' detached garage/enclosed storage building (12' x 12' shed and attached two car garage existing), located at 271 Cider Brook Road in an RU-2A Zone.

J.P. Bellott, applicant, was present on behalf of the owner Martha Y. Fine of 271 Cider Brook Road.

John McCahill summarized the application form as submitted and accompanying materials, including imagery for the proposed structure provided by the applicant, photographs of the property and existing house taken by Town staff, Town of Avon GIS aerial photography of the property, Town of Avon GIS map and identification of abutting properties to which Town staff sent public hearing notification. He described the undue hardship as written in the application: that the proposed structure is needed to provide a two-bay storage structure for four cars to preserve their integrity. The proposed structure would be styled as classic New England and it would not be seen from the road in the proposed location. There is an existing 12' x 12' shed on the property. The total size of the detached structures on the property, including the proposed structure, would exceed the Town's zoning regulations limit by 270 square feet and the number of garage spaces would exceed the regulations by two garage spaces. The structure would be long and narrow with two bays for the four cars to be stored in two rows, one in front of the other.

John McCahill confirmed Chair Carroll's inquiry that the cars would sit two-deep inside the two-bay structure. He stated that Cider Brook Road is a dead end road and the property is also at the very end. He stated that the road does not have a turn-around, and the road simply ends. He confirmed the location of the proposed structure on the property using the computer cursor on the screen image.

Mr. Bellott confirmed that the owners are an older couple who want to preserve the cars and store them on the property. He stated that there are vast woods separating this property from the abutting property on the side where the proposed structure would be located.

Mr. Bellott responded to Board member Bukowski's inquiry and confirmed that he had requested for the owner to call all of the abutting neighbors regarding the variance request. In conversations with the neighbors, there was no opposition to the request. Mr. Bellott also stated that the owner had agreed to attach the foundation of the proposed structure to the existing house at the beginning of construction, in order to create a future covered open connection to the structure. This measure would save money, due to the fact that a later conversion to connect the structures would be more costly.

Mr. Bellott confirmed Board member Bukowski's inquiry that the owners had no intentions or plans to utilize the proposed structure for any commercial purposes.

John McCahill confirmed that there were no further questions or concerns from the board nor the participating public regarding this application.

The public hearing for the application of Martha Y. Fine, owner of 271 Cider Brook Road, and J.P. Bellott, applicant, was closed.

Board member Bukowski motioned to approve the application for 271 Cider Brook Road. Vice-chair Yaros seconded the motion. The five voting members, Eileen Carroll, Christy Yaros, Chet Bukowski, Eileen Reilly, and James Williams, voted unanimously in favor and the application was approved.

John McCahill 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.

The next regular meeting is scheduled for May 21, 2020.

Board member Bukowski motioned to adjourn the meeting and Board member Reilly seconded the motion. All members were unanimously in favor.

There being no further business, the board adjourned and the virtual GoToMeeting ended at 7:55 p.m.

Susan Guimaraes, Clerk  
Zoning Board of Appeals  
Town of Avon Planning and Community Development