

THE ZONING BOARD OF APPEALS OF THE TOWN OF AVON HELD A VIRTUAL REGULAR MEETING FOR A PUBLIC HEARING ON THURSDAY, MAY 21, 2020, AT 7:00 P.M., VIA GOTOMEETING, <https://global.gotomeeting.com/join/549197637>, or Dial by phone: 1-877-568-4106; Access Code: 549-197-637#.

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

Chair Carroll called the meeting to order at 7:02 p.m. John McCahill facilitated the virtual meeting.

#### PUBLIC HEARING:

Application of Nino A. Giammarco, owner/applicant; requesting from Avon Zoning Regulations, Section IV. A.6., a 13-foot variance from the 15-foot required side yard setback and a 20-foot variance from the 30-foot required rear yard setback; and a variance to allow 23% lot coverage (20% lot coverage existing) which exceeds the 15% lot coverage allowed, to permit a proposed 10' x 20' shed, on a legally non-conforming undersized lot, located at 123 Secret Lake Road in an R-15 Zone.

Roll call was taken for the Board, and any participating members of the public; Nino A. Giammarco, owner/applicant of 123 Secret Lake Road, was present on behalf of his application for the property.

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

John McCahill summarized the application form as submitted and the 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, and a Town of Avon GIS map marked to identify the abutting properties to which Town staff sent public hearing notification. John McCahill described the undue hardship as written in the application: The lot is non-conforming and notably smaller, and has a Town sewer system easement running through the backyard. He noted the owner's statement that several properties in the neighborhood have sheds. The staff photographs of the property elements were described verbally. The lot coverage for the variance appears large, however, that is due to the fact that the lot is small. John McCahill stated that the public hearing notification was also sent to the President of the Secret Lake Association. The Planning office received only one letter, in support of the application, after the meeting information had been posted on the

website. The letter was dated May 12, 2020, from property owner Adam Peirce, at 130 Secret Lake Road, to the southeast from the subject property. He read the letter aloud for the record. He asked the owner/applicant for any additional input.

Mr. Giammarco stated that he had considered placing the proposed shed in the front yard, however, that location would severely obstruct the lake view of the neighbor to the left of his property, at 125 Secret Lake Road. He felt that the impact to the neighbor's property would be undesirable for the neighbor and therefore inappropriate. He felt that his own view of the lake would be the most impacted among his neighbors. It was also the only place that a shed could be located due to the Town sewer easement running through the backyard of his property. The proposed shed location would be approximately 10-15 feet from the sewer line. The proposed shed would be used to store two motorcycles that he owns and which he would like to use at his convenience; the motorcycles are currently stored in a West Hartford facility. The proposed shed would also be used to store kayaks, since there is no space for such in the house. There is no functional basement of the house either, since its ceiling height does not accommodate the height of a grown man. The general style of the proposed shed would be similar to the sample provided, a Cape Cod Fence Company storage structure, with the aesthetics of a lakeside boat house.

Chair Carroll asked if the Board members had any questions for Mr. Giammarco.

Board member Bukowski inquired of John McCahill whether or not correspondence was received from the neighbors at 117 Secret Lake Road and 125 Secret Lake Road. He also inquired whether or not the Planning office had received a response from the President of the Secret Lake Association.

Mr. Giammarco stated that he had spoken with the property owners at both 117 Secret Lake Road and 125 Secret Lake Road, and they had not expressed any opposition to the variance request.

John McCahill stated that the office had not received communication from the Secret Lake Association president. In past years, Secret Lake Association presidents have indicated that they had not wanted to take positions either in favor or not in favor of association members' variance requests. It has been the practice of the Town office to notify the association of any variance requests. He asked if there was any member of the public, participating in the virtual meeting, who wished to speak about this variance application. John McCahill confirmed that there were no further questions or concerns from the Board, and that no member of the participating public offered commentary or asked questions regarding this variance application.

Board member Shea motioned to close the public hearing for the variance application of Nino A. Giammarco, owner of the property at 123 Secret Lake Road. Board member Bukowski seconded the motion. Board members Eileen Carroll (Chair), Christy Yaros (Vice-chair), Ames Shea, Chet Bukowski, and Eileen Reilly were unanimously in favor, and the public hearing was closed.

Board member Shea motioned to grant the variance application for 123 Secret Lake Road. Board member Reilly seconded the motion. The following five members voted unanimously in favor of

granting the application: Eileen Carroll (Chair), Christy Yaros (Vice-chair), Ames Shea, Chet Bukowski, and Eileen Reilly, 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.

OTHER BUSINESS:

There was no other business.

The next regular meeting and public hearing is scheduled for June 18, 2020.

Board member Bukowski motioned to adjourn the meeting and Vice-chair Yaros seconded the motion. All voting members voted unanimously in favor, and the virtual GoToMeeting adjourned at 7:28 p.m.

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