

THE ZONING BOARD OF APPEALS OF THE TOWN OF AVON HELD A VIRTUAL REGULAR MEETING FOR A PUBLIC HEARING ON THURSDAY, JULY 16, 2020, AT 7:00 P.M., VIA GOTOMEETING, <https://global.gotomeeting.com/join/847320053>; or Dial by phone: +1 (646) 749-3112, Access Code: 847-320-053.

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

Chair Carroll called the meeting to order at 7:08 p.m. John McCahill facilitated the virtual meeting.

Roll call was taken for the Board. Sharon and Eric Finucane, owners/applicants for 18 Westbury, were present on behalf of their application.

John McCahill stated that notice was provided in accordance with Town regulations, State Statutes, and recent COVID-19 related Executive Orders; and the Town has notified the abutters to the subject properties as required. 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. He summarized the agenda.

PUBLIC HEARING:

Application of Eric and Sharon Finucane, owners/applicants; requesting from Avon Zoning Regulations, Sections IV. A. 6 and IV. A. 2, a 5-foot variance to the 30-foot side yard setback and a 15-foot variance to the 30-foot rear yard setback for a proposed in-ground pool (16' x 34'); and a 15-foot variance to the 30-foot rear yard setback for a slab for the pool pump, filter and heater (4' x 16') and a proposed shed (12' x 16'), located at 18 Westbury in an R-30 Zone.

John McCahill summarized the application form as submitted by the applicants. He read aloud the applicants' letter of description of the variance request, signed by the owners/applicants. He summarized the accompanying materials, (ZBA public hearing notification sent to abutting owners via postal mail); the GIS map of abutting properties; the GIS aerial view of the subject property; multiple photographic views of the subject property taken by Town staff; and subject property plot plan showing the proposed location for the pool, shed, and concrete slab where the pool heater/filter accessories will be installed, and proposed variances for the side and rear yard setbacks. Mr. and Mrs. Finucane have stated in their application, with regard to regulations that would produce undue hardship, that they did not want to disturb the natural swale of the lot; there is a steep grade in the middle of the backyard; and there was ledge discovered in back of the foundation during construction and they would like to keep as far away as possible from the ledge. They stated that the hardship is unique to their premises, as many neighbors have large open flat lots and this proposed pool location is the only place for a pool due to Section A of the Town of Avon Zoning Regulations. The Finucanes stated that the variance would not change the

character of the neighborhood because of the following: there are other pools on this road and there exists a privacy fence next to both neighbors' lots where the proposed pool would be. Included in the application is a rendering of the pool and a side view and cross section of the proposed pool structure; the pool will be a Foxx brand. He stated that one letter of support from Beverly and Calvin Moore of 4 Westbury, dated June 24, 2020, had been received by the Town regarding the variance proposal; the neighbors indicated that they had no issue with the proposed project.

Mr. Finucane requested confirmation of John McCahill that the concrete slab as well as the shed would have to be 15' from the rear of the property according to the plan.

John McCahill confirmed the 15-foot rear variance distance for the proposed structures.

Mr. Finucane stated that he discussed the project verbally with his adjoining neighbor in back of the property, on Huckleberry Hill Road. He did not have an objection to the proposed location of the pool. He stated that there exists a six-foot tall white privacy fence at the rear and some of the side of the property, and it was installed some years ago. If the proposed pool were located outside of the rear yard setback, an approximate seven-foot retaining wall would need to be installed due to the steep grade of the land.

Chair Carroll asked if the Board members had any questions. There were no Board questions or comments at that time.

Board member Shea motioned to close the public hearing. Board member Yaros seconded the motion. All members were unanimously in favor of the motion and the public hearing was closed.

Board member Shea motioned to grant the variance as proposed by the owners/applicants. Board member Bukowski seconded the motion. The following members voted unanimously in favor of the motion: Vice-chair Yaros, Board member Shea, Board member Bukowski, Alternate member Williams, and Chair Carroll.

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.

Board member Bukowski motioned to adjourn the meeting. Vice-chair Yaros seconded the motion. All members voted unanimously in favor of the motion and the meeting adjourned at 7:24 p.m.

OTHER BUSINESS:

There was no other business.

The next regularly scheduled meeting will be September 17, 2020.

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