

THE ZONING BOARD OF APPEALS OF THE TOWN OF AVON HELD A VIRTUAL REGULAR MEETING FOR A PUBLIC HEARING ON THURSDAY, APRIL 15, 2021, AT 7:00 P.M., VIA GOTOMEETING:

By web, <https://global.gotomeeting.com/join/688789653>;

or by phone, United States: +1 (872) 240-3311, Access Code: 688-789-653#.

Present were regular Board members Eileen Carroll (Chair), Christy Yaros (Vice-chair), Chet Bukowski, Ames Shea, and Alternate member Tom McNeill (voting). Absent were regular Board member Eileen Reilly, and Alternate member Vi Smalley. Jim Williams left the meeting as he was not needed. Also present was Planning and Community Development Specialist John McCahill.

Chair Carroll called the meeting to order at 7:02 p.m.

Roll call for the Board was taken.

John McCahill facilitated the meeting. He read aloud the legal notice for the meeting. He 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. He stated that 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.

John McCahill stated for the record that the Zoning Board of Appeals (ZBA) had received a written statement from the applicant related to the application for 22 Hillcrest Drive, on the agenda that evening, requesting postponement of this application to the regularly scheduled meeting on May 20, 2021, at which time the application would be heard by the ZBA. He stated that there would be no discussion of this application that evening.

PUBLIC HEARING:

Application of Matthew and Caitlin Y. Serpliss, owners/applicants; requesting from Avon Zoning Regulations, Section III.C and IV.A.6, a variance to allow a nonconforming building (existing house) to be altered and enlarged to add a second floor over the existing footprint, located at 84 Secret Lake Road in an R-15 zone.

Present on behalf of the application for 84 Secret Lake Road were applicants/owners Matthew and Caitlin Y. Serpliss, and their architect Chris Hill, of Blue Moon Design, Architectural Design LLC.

John McCahill summarized the application materials and Town staff supplemental documents: Town of Avon ZBA application (one page), dated 3/23/2021; Town of Avon Assessor property card; Town of Avon GIS aerial views of subject property; Town of Avon GIS base map and list of abutting properties which received ZBA public hearing notification via postal mail, mailed

4/5/2021; multiple photographic views of the subject property taken by Town staff; Blue Moon Design, Architectural Design LLC Schematic Elevations Plan A-2, and Schematic Plans A-1; subject lot and Secret Lake Road area scaled map; Town of Avon Zoning Regulations APPENDIX D-ZONING; and neighborhood communications, if received by the Town of Avon. John McCahill had requested from the applicant an additional schematic drawing to illustrate the proposed changes for the Board. He noted the applicants' statement on hardship which indicated that with the zoning restrictions regarding the 40' building line for the property, their intention was not to extend beyond the current footprint of the existing house, but instead add a second floor. The owners/applicants stated in the application that the proposed building activities were consistent with the character of the neighborhood, including the proposed height of the second story addition. John McCahill noted that the subject house was built in 1936, predating the Town of Avon Zoning Regulations.

Board member Shea inquired of the applicants/owners whether or not they had spoken with their abutting neighbors and if they had received any feedback.

Ms. Serpliss stated that she had shared the plans and had communication with some neighbors, who were excited about the proposed construction.

John McCahill stated that office staff had not received written communication from neighbors regarding the project but had provided a hardcopy of the application to a neighbor at 84 Secret Lake Road upon request.

In response to Alternate member McNeill's inquiry, John McCahill stated that the lake is located to the west of the house and the house is across the street from houses that have lake-frontage.

In response to Board member Bukowski's inquiry regarding the Avon zoning regulations' 35-foot height limitation, John McCahill stated that the proposed second story would not be near that threshold. John McCahill also stated that the proposed addition would not exceed 50% of the square footage of the existing house.

Chair Carroll asked for public comments or questions.

Kimberly Saillant, owner of abutting property 3 Sunset Trail, asked for clarification of the fenestration on the submitted schematic plans. Architect Chris Hill clarified the plans, in regard to Ms. Saillant's questions, through the virtual meeting *chat* feature due to his computer audio technical difficulties. The owners/applicants also clarified the placement of windows on the plans and which rooms were at the front and rear of the house. The architect confirmed that the proposed plans would not increase the footprint of the existing house. John McCahill stated that the approximate existing lot coverage for the subject property, for this already non-conforming house on a non-conforming lot, is approximately 18%; the proposed activities would not increase the coverage.

Allyson Mulligan, an abutting property owner of 82 Secret Lake Road, had concerns regarding the proposed window on the plan for the subject property which faces her backyard and home. She requested a smaller window higher on the wall of the north-facing elevation, which would

face her backyard and home. The applicants/owners stated that they were amenable to working with Ms. Mulligan regarding her concerns and requests.

John McCahill stated that the ZBA does not place conditions on applications.

Chair Carroll and Board member Shea concurred that it was not the ZBA's charge to consider window placement or size; however, Ms. Mulligan's concerns and public commentary would be noted in the record that the concerns and requests exist.

Chair Carroll confirmed that the Board had no further questions for the applicants/owners or their representative at that time.

Chair Carroll motioned to close the public hearing. Alternate member McNeill seconded the motion. The following members voted unanimously in favor: Chair Carroll, Vice-chair Yaros, Ames Shea, Chet Bukowski, and Thomas McNeill. The motion carried.

Board member Shea motioned to grant the variance per the petition as detailed in the hearing. Chair Carroll seconded the motion. The following members voted unanimously in favor: Chair Carroll, Vice-chair Yaros, Ames Shea, Chet Bukowski, and Tom McNeill. The motion carried.

John McCahill stated for the record 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.

NEXT REGULARLY SCHEDULED MEETING:

The next regularly scheduled virtual meeting and public hearing will be May 20, 2021, at 7:00 p.m.

Board member Shea motioned to adjourn the meeting and Alternate member McNeill seconded the motion. All following members voted unanimously in favor: Chair Eileen Carroll, Vice-chair Christy Yaros, Ames Shea, Chet Bukowski, and Tom McNeill. The motion carried and the meeting adjourned at 8:05 p.m.

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