

The Zoning Board of Appeals of the Town of Avon held a meeting on Thursday, October 16, 2008 at the Avon Town Hall. Present were Messrs. Drew, Eschert, Ladouceur, Ms. Coppola, Ms. Mozzicato and Mr. McCahill, Planning & Community Development Specialist. Mr. Drew called the meeting to order at 7:30 p.m.

PUBLIC HEARING

October 16, 2008

The Clerk read the call to meeting.

Mr. Drew read the Application of Aaron Haines & Rose Ann McLaury (60 Old Wood Road) owners, Robert Haines IV applicant; requesting from the Avon Zoning Regulations Section IV.A.6., a 20' variance from the 25' side yard setback requirement, and an 8' variance from the 30' rear yard setback requirement along the revised property line, to permit a two car detached garage with storage above, located at 68 Old Wood Road in an R-40 zone.

Mr. Robert Haines, 68 Old Wood Road is requesting to construct a detached two car garage. The variance borders the properties at 60 and 71 Old Wood Road. They are changing the lot line between this property and Rose Ann McLaury's property. They are requesting a 20' variance from the side yard and 8' variance from the rear yard. When he originally approached his neighbor, he requested purchasing part of her land so he would not need a variance. Unfortunately when the surveyor went there he found her lot was 40,000 sq.ft. which is the minimum requirement in Avon. There was no way he could purchase land from her. He thought he could adjust the lot line by trading properties. When he checked with the town staff with a design, they suggested that he simplify the lot line and keep it as straight as possible and ask for a much larger variance. He showed pictures, the country club is behind his house with a large buffer of trees between. Another picture is of a detached garage in his neighborhood.

He tried to move the garage closer to the house, however there is a tree in the middle of the driveway that he would like to save. It would be a nightmare to remove the tree and the turning radius would be difficult. Another location he tried would probably be opposed by the neighborhood. This is the only location where he can put it.

He talked to Ed McClusky, president of the Avon Country Club who told me over the phone he had no problem with it but he referred him to Chad Baker, general manager who came out and walked the yard with the four corners of the proposed garage staked out. He had absolutely no problem with it. He has also talked to the neighbors and presented the petition to the board. If he had even one neighbor who opposed, he would not be here tonight. He will be removing a few trees & bushes. He does have an existing two car garage.

Mr. Drew read the letter signed by Rose Ann McLaury, Thayer and Judy Drake, Craig & Nancy Nation, John & Aelish Clifford, Bill & Arlene Weldon in favor.

Mr. McCahill stated that Rose Ann McLaury did sign the application. Some of her land is part of this application so we advertised both addresses in the legal advertisement. He does have a four bedroom house so he is entitled to five bays. He is requesting two bays, has two bays already. We have language in the subdivision regulations which would suggest that PZC does not like lots that are irregular in shape. That's why we guided him toward a nicer looking lot in exchange for a larger variance.

There was no one else present. The Public Hearing closed at 7:52 p.m.

Mr. Drew read the Application of Brigitte Soucy, owner/applicant; requesting from the Avon Zoning Regulations Section IV.A.6., a 10' variance from the 15' side yard setback requirement, a 3' variance from the 30' rear yard setback requirement, and 16% lot coverage (15% coverage allowed); to permit a detached garage located at 27 Evergreen Road in an R-15 zone.

Brigitte Soucy owner, and Bruce Hebert builder were present. Ms. Soucy said the big maple tree is one she would like to keep. It is the only tree on her property other than bushes. There is a shed behind the tree that will be removed. She would like to keep the tree, keep the variance at 3' in the rear and keep as much land in the front to clear the area for plants. The circular driveway will go so she can plant trees, bushes and flowers. The driveway will come straight up to the garage from Evergreen Road, that's why she doesn't want the garage to go to far back. She is trying to get rid of a lot of driveway. She has a dog which would roam in the back yard. This is a one car, one story garage with a cover over the side door with a walkway to the front of her house. There will be a window on the side of the garage. The picture shows the next door neighbor's house with the proposed garage staked out. She bought the house last September.

Mr. Drew said they are requesting a 10' side yard variance and a 3' rear yard variance. Mr. McCahill added she'll be slightly over on the impervious coverage which was advertised at 16%, 15% is allowed.

Ms. Julie Crawford 25 Evergreen Road was present and said she wrote the letter. Mr. Drew read the letter opposed to the placement of the garage which she suggested should be placed further to the rear as its present location will block two windows on their house. She hasn't seen the design of the garage. The stakes just went up and from a window in the top floor bedroom, it looks as if the garage will be further forward than it appears on the map. There are two bedroom windows on the first floor that will be dark.

There was much discussion about the location of the stakes in relation to the neighbor's house.

Mr. Hebert said they would not like to move the garage toward the back as it would look like a shed and she doesn't want a long driveway. If she were to stay within the guidelines and not go with a variance, the result is the tree gets cut, the garage would move up and stay away from needing the variance other than the lot coverage.

Mr. Ladouceur questioned which road the Crawford's accessed their garage. Ms. Crawford replied from Park Road.

Mr. Drew suggested the two neighbors talk together as there is some question as to where the stakes are and where they show on this map and how they impact their neighbors. If you want a variance, one of the concerns is how it impacts the neighbors. The neighbor is saying it will adversely affect them. That's a major issue that we're concerned about. It looks to me that you might have some possibility of more clearly defining where this will be that may work for your neighbors. They are not against your garage but just concerned about the placement as you proposed here tonight. I would suggest it might be helpful that we have a continuance of the hearing until next month.

Mr. McCahill said if they do relocate it so it requires an additional variance, we would have to have a new application and re-advertise it in fairness to the property owners behind them. We have never increased a variance, we have decreased them in an effort to try to resolve some concerns.

Ms. Soucy said she has talked to the neighbors in back, the front, and on the other side and they all agree with this location.

Casey McCormick, Brigitte's brother said if they didn't require a variance and put it where it could go, it would greatly affect the neighbors view. To be considerate they placed it back a little bit. They can move it forward and destroy the tree but it will affect their view even more. Their house does go forward on the property because the screened in porch is part of the structure of the house.

Mr. Drew said he can respect that, but we have some question where the stakes are relative to the house. I would suggest that they continue the hearing, then they can decide if they need a new application based on their discussion. If we deny the variance it makes it more difficult to reapply. The issue is that the proposed garage is 5' from the property line and the neighbor is not comfortable with that.

Mr. McCahill said it could be a continuance if they are going to address the same variances already requested. If they can't come to terms with what has been requested, they can withdraw the application and resubmit a new one. There

may be a requirement for the building department for a structure so close to the property line to have a fire rated wall for the fire hazard.

Ms. Crawford said Brigitte never discussed this application with her although she got signatures from the other neighbors. They live next door and are the most affected by this plan. She doesn't have a problem with the side yard variance but does with the rear yard variance. Two of her bedrooms are right there and will only see the side of the garage.

Ms. Soucy replied that last summer she talked to Ms. Crawford and said she wanted to build the garage toward the front of the house. Ms. Crawford indicated it would look nicer if built more parallel to your house.

Mr. Drew said this application will be continued, the Board agreed. There was no one else present. The Public Hearing closed at 8:25 p.m.

ZONING BOARD OF APPEALS MEETING

October 16, 2008

The Zoning Board of Appeals meeting was held following the Public Hearing.

Ms. Mozzicato made a motion to GRANT, seconded by Mr. Eschert the Application of Aaron Haines & Rose Ann McLaury (60 Old Wood Road) owners, Robert Haines IV applicant; requesting from the Avon Zoning Regulations Section IV.A.6., a 20' variance from the 25' side yard setback requirement, and an 8' variance from the 30' rear yard setback requirement along the revised property line, to permit a two car detached garage with storage above, located at 68 Old Wood Road in an R-40 zone. The vote was unanimous by Messrs. Drew, Eschert, Ladouceur, Ms. Coppola and Ms. Mozzicato.

Reason – To grant variance is in harmony and keeping with the purpose and intent of the regulations and would not be injurious to the neighborhood.

Hardship – To deny would deprive the owner of a reasonable use of the property.

Respectfully submitted,

Shirley C. Kucia, Clerk