



ZONING BOARD OF APPEALS

TOWN OFFICES/BUCKLEY CENTER
AVON, MASSACHUSETTS 02322-1496
TEL. (508) 588-0414 - FAX (508) 559-0209

PUBLIC HEARING MINUTES - May 8, 2018 (continued to May 15, 2018)

Case # 18-4 Antione Jackson, 31 Nichols Avenue, Avon, MA

The Public Hearing was called to order at 7:34 p.m. by Charles Comeau.

The Public Hearing is the result of the Petition of Antione Jackson, 31 Nichols Avenue, Avon, Massachusetts.

The following were present: Appeal Board Members- Peter Crone, Jerry Picardi, Charles Comeau, Edward Mekjian.

Visitor's- Rose Stefani, Patricia Pepe, Bill Pepe, John Smith, Camille Najjar, Sabine Saleh (abutters); Roy Delano, Antoine Jackson, Neil Lefanne (Engineer, Applicant, and Builder); and Robert Borden, Building Inspector.

The members of the board and visitors introduced themselves and the board noted that the Public Hearing Notice(s) had appeared in the The Enterprise on April 24, 2018 and The Moneysaver on May 2, 2018 in the Legal Notice section.

Case #18-4 Antione Jackson, 31 Nichols Avenue

All business conducted regarding this Petition will here and forever be known as Town of Avon, Board of Appeals Case # 18-4 Antione Jackson will be referred to as the "Petitioner".

Notice is hereby given that a Public Hearing will be held in the Town Offices, Town of Avon, Massachusetts on Tuesday, May 8, 2018 at 7:30 p.m. to hear the following petition(s) requesting a Variance(s) from the Avon Zoning By-Laws to build a 22' x 26' garage. Case # 18-4 Petitioner, Antione Jackson of 31 Nichols Avenue, Avon, request relief in the form of a Variance under Section 9-2 "Nonconforming Uses, Structure Lots, Extension and Alteration" and a Variance under Section 6-4 "Dimensional and Density Regulations Table" for a residential zone A front and side yard setbacks at the property

located and known as 31 Nichols Avenue, Mbl D3/1/47 Avon, Massachusetts.

The Board of Appeals further advised the attendants that all abutters, as certified by the Town Board of Assessors, to the property located at 31 Nichols Avenue D3/1/47, Avon, Massachusetts and concerned parties had been notified of the intent of this hearing. All the requirements had been met with reference to notifications, publications, and postings, as mandated by Laws Governing the action of Public Hearings and the Board of Appeals (*Massachusetts General Laws, Ch. 40A § 11*); and, Town of Avon Board of Appeals Procedures for Applicant(s)/Petitioner(s), effective January 1, 2001.

The Board of Appeals advised the attendees of the format of the Public Hearing as follows:

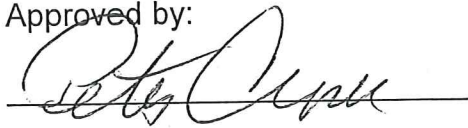
1. Petitioner's Presentation
 2. Comments, Open Discussion, Questions and Answers
 3. Decision and Vote of the Board of Appeals
-
1. Petitioner's Presentation: The Chair recognized the Petitioner, Antione Jackson who requests a Special Permit under Section 9-2 "Nonconforming Uses, Structure Lots, Extension and Alteration" and a Variance under Section 6-4 "Dimensional and Density Regulations Table" for a residential zone A front and side yard setbacks at the property. Roy Delano of John Delano and Associates introduced himself as the Engineer for the project and introduced Neil Lefanne of Empire Design Build as the Builder. Roy Delano presented the plan for the garage. He states that the actual proposed garage size is 22' x 23'. Antione Jackson has owned the property since 2002, the lot is approximately 7500 square feet and was built in 1960. He states that most houses are set back approximately 19-21 feet from the street and several homes on the street have either carports and garages which are approximately 4-8 feet from the side yard. He states that the owner is proposing a garage with storage on the second floor which could become living area as his family grows. He states the proposed side setback would be 4 feet and questions the front yard setback and notes that the lot is under the maximum lot coverage. The driveway would be moved away from the neighbor's property line – it is currently only 2 feet away and with the new driveway it would be approximately 4 – 6 feet further from the neighbor's yard. He states that the hardship is the lot size.
 2. Comments, Open Discussion, Questions and Answers: The Board of Appeals reviewed the plans and Charles Comeau requested clarification of the plans. The driveway was not included in lot coverage on the plans. Edward Mekjian had concerns as to water runoff and there were questions as to the septic system size. The abutters concerns included the size of the garage, the second floor bathroom and how it was going to be used, and the closeness to the neighbors. The Petitioner stated that he understands that the neighbors are

concerned with the proposed size or height of the garage and the second floor. Charles Comeau noted that the Petitioner should check with the Board of Health for clarification on the size of his septic. Charles Comeau asked if the abutters objected to the garage and the problem seemed to be the size and second floor. The Petitioner is withdrawing his application. It was noted that the Petitioner will review plans and check with the neighbors before coming back to the zoning board. Any further questions or concerns. See none.

3. Decision and Vote of the Board of Appeals: Charles Comeau made a motion to accept the request for withdrawal without prejudice, seconded by Gerald Picardi. Discussion. See none. Voted Unanimous.

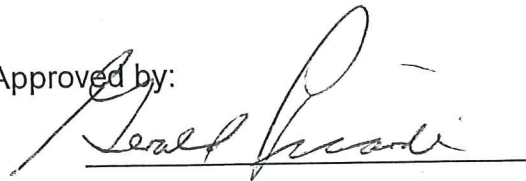
VOTED: Application withdrawn with out prejudice.

Approved by:

A handwritten signature in dark ink, appearing to read "Peter Crone", written over a horizontal line.

Peter Crone, Chairman

Approved by:

A handwritten signature in dark ink, appearing to read "Gerald Picardi", written over a horizontal line.

Gerald Picardi, Clerk

