



ZONING BOARD OF APPEALS

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

PUBLIC HEARING MINUTES - September 18, 2018

CASE # 18-6; Empire Design/Build Inc; 31 Nichols Ave; Owned by Antoine Jackson

The Public Hearing was called to order at 7:10 P.M. by Charles Comeau.

The Public Hearing is the result of the Petition of Empire Design/ Build Inc. at the property located at 31 Nichols Ave, Avon, MA, owned by Antione Jackson.

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

Visitor's- Robert Borden (Building Inspector), Antoine Jackson (Owner of 31 Nichols Ave) Bill Pepe, Tricia Pepe, Niall Corbett, Sabine Saleh, Camille Najjar, Rose Stefani, John Smith, Yvel Joseph, Roy Delano, Neil Lefaivce .

The members of the board and visitors introduced themselves and the board noted that the Public Hearing Notice(s) had appeared in the Enterprise on August 28, 2018 and the Moneysaver on September 5, 2018 in the Legal Notice section.

Case #18-6; Empire Design/ Build Inc.

All business conducted regarding this Petition will here and forever be known as Town of Avon, Board of Appeals Case # 18-6, Empire Design/Build Inc. 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, September 11, 2018 at 7:00 PM to hear the following petition(s) requesting a Special Permit and Variance from the Avon Zoning By-Laws to build a 21' x 21' garage. Case # 18-6 Petitioner, Antoine Jackson of 31 Nichols Ave, Avon, Massachusetts, request relief in the form of 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 located and known as 31 Nichols Ave, Map/Block/Lot 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 Ave 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, Empire Design/Build Inc., requesting a Special Permit and Variance from the Avon Zoning By-Laws to build a 21' x 21' garage. The Petitioner 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. Per section 6-4 of the Zoning Bylaws, 25' is required for the front and 15' is required for the side yard. The Petitioner is proposing 22.2' at the front and 5' at the side yard. The Petitioner explains that the other lots in the neighborhood are small and non-conforming and many houses do not meet the front and side yard set-backs.
2. Comments, Open Discussion, Questions and Answers: The board of appeals opened the discussion to the visitors for questions and concerns. Rose Stefani, next door neighbor, voices her concern about the garage blocking her view from her porch and is worried about her safety. Other members of the neighborhood are concerned that it will make the lot less appealing and too close to the neighbor. The visitors are asking the owner to reduce the size of the garage from a two-car to a single car garage. The owner, Antoine Jackson, states that due to the size of his family and the number of cars that would be at the residence, it would be more beneficial to have a two-car garage and a single bay would be useless. The board members review the plans and the other lots in the neighborhood. Many of the other houses on the lots are non-conforming and do not meet the front and side yard set-backs.
3. Decision and Vote of the Board of Appeals: Edward Mekjian made a motion to grant 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 per the plans filed with the Board of Appeals, seconded by Gerald Picardi. The owner of the property located at 31 Nichols Ave, Antoine Jackson

will not build a second floor on this garage in the future. The owner will replace any damaged plants and shrubs (on Rose Stefani's property) that may be a result from construction. A window will be placed facing Rose's property and light sensors will be installed to help ensure safety. Voted Unanimous.

VOTED: to grant the Special Permit and Variance, as stipulated.

A motion was made by Gerald Picardi to accept the meeting minutes of September 6, 2018. Seconded by Edward Mekjian. All in Favor. Vote unanimous.

A motion was made by Charles Comeau to adjourn the public hearing at 8:40 pm, Seconded by Gerald Picardi. All in Favor. Vote unanimous.

Approved by:

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

Peter Crone, Chairman

Approved by:

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

Gerald Picardi, Clerk



**The Commonwealth of Massachusetts
Norfolk County
Board of Appeals**

Friday, October 12, 2018

**Certificate of Granting of Variance(s) and/or a Special Permit(s)
(General Laws Chapter 40A, Section 11)**

The Board of Appeals of the Town of Avon hereby certifies that Variance(s) and/or a Special Permit(s) have been granted:

To: Empire Design/Build Inc.
Owner: Antoine Jackson
Address: 31 Nichols Ave
City or Town: Avon, MA 02322

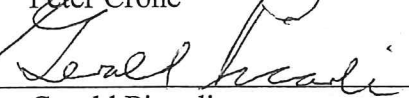
Affecting the rights of the owner with respect to land or buildings at
31 Nichols Ave

(As specified in Case #18-6 Public Hearing Minutes,
Dated: 9/18/2018

And the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said variance(s) and/or special permit(s), and that the copies of said decision, and of all plans referred to in the decision, have been filed with the planning board and the town clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town clerk that twenty-one days have elapsed after the decision has been filed in the office of the city or town clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or applicant.

Chairman: 
Peter Crone

Member: 
Gerald Picardi

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Avon, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Patricia C. Bessette, Town Clerk
Town of Avon, Massachusetts