

AVON PLANNING & ZONING COMMISSION
MEETING MINUTES – VIRTUAL MEETING ONLY
TUESDAY, JANUARY 18, 2022



1. CALL TO ORDER AND ROLL CALL

ACTION: THE VIRTUAL-ONLY MEETING WAS CALLED TO ORDER AT 5:04PM BY CHAIRPERSON BARNES.

A ROLLCALL WAS TAKEN, AND PLANNING COMMISSIONERS PRESENT WERE TREVOR MACALLISTER, JARED BARNES, SARA LANIOUS, MARTY GOLEMBIEWSKI, STEVE NUSBAUM, AND ANTHONY SEKINGER. ALSO PRESENT WERE TOWN MANAGER ERIC HEIL, AND PLANNING DIRECTOR MATT PIELSTICKER.

2. APPROVAL OF AGENDA

ACTION: COMMISSIONER NUSBUAM MOTIONED TO APPROVE THE AGENDA. THE MOTION WAS SECONDED BY COMMISSIONER GOLEMBIEWSKI, AND ALL WERE IN FAVOR. THE MOTION PASSED UNANIMOUSLY WITH A 6-0 VOTE.

3. DISCLOSURE OF ANY CONFLICTS OF INTEREST RELATED TO AGENDA ITEMS

THERE WERE NONE.

4. 3770 EAGLEBEND DRIVE / VARIANCE - PUBLIC HEARING – FRONT AND SIDE YARD SETBACK VARIANCE REQUESTS FOR A HALF-DUPLEX PROPERTY ON EAGLEBEND DRIVE. THE IMPROVEMENTS IN THE FRONT SETBACK INCLUDE CONVERSION OF CARPORT TO FULL SIZE ENCLOSED GARAGE, AND THE SIDE YARD SETBACK VARIANCE REQUEST INCLUDES A ROOF STRUCTURE COVERING PATIO. (PLANNING DIRECTOR MATT PIELSTICKER AND ARCHITECT ERIC JOHNSON).

PUBLIC COMMENTS: LESLIE BORK AND BONNIE HARDY MADE PUBLIC COMMENTS.

ACTION: COMMISSIONER NUSBAUM MOTIONED TO (PARTIALLY) APPROVE, WITH STAFF'S RECOMMENDED FINDINGS AND CONDITIONS. THE MOTION WAS SECONDED BY COMMISSIONER LANIOUS. COMMISSIONER BARNES SUGGESTED MODIFICATIONS TO THE FINDINGS, WITH ADDITIONAL LANGUAGE. THE MOTIONER AND SECOND APPROVED THE CHANGES. THE APPLICATION WAS APPROVED UNANIMOUSLY (6-0 VOTE) AS FOLLOWS:

FINDINGS:

1. THE DEVELOPMENT APPLICATION IS REVIEWED PURSUANT TO THE GENERAL REVIEW PROCEDURES SET FORTH IN AVON DEVELOPMENT CODE SECTION 7.16.110, *VARIANCE*, AND SECTION 7.16.020, *GENERAL PROCEDURES AND REQUIREMENTS*;
2. THE APPLICATION IS COMPLETE;
3. THE DEVELOPMENT APPLICATION PROVIDES SUFFICIENT INFORMATION TO ALLOW PZC TO DETERMINE THAT THE DEVELOPMENT APPLICATION COMPLIES WITH THE RELEVANT REVIEW CRITERIA;
4. A PUBLIC HEARING WAS CONDUCTED ON JANUARY 18, 2022, MEETING ALL NOTICING REQUIREMENTS;
5. THE DEVELOPMENT APPLICATION COMPLIES WITH THE GOALS AND POLICIES OF THE AVON COMPREHENSIVE PLAN;
6. THE DEMAND FOR PUBLIC SERVICES OR INFRASTRUCTURE EXCEEDING CURRENT CAPACITY IS MITIGATED BY THE DEVELOPMENT APPLICATION;
7. THE GRANTING OF THE FRONT SETBACK VARIANCE WILL NOT CONSTITUTE A GRANT OF SPECIAL PRIVILEGE INCONSISTENT WITH THE LIMITATIONS ON OTHER PROPERTIES CLASSIFIED IN THE SAME DISTRICT;
8. THE GRANTING SIDE YARD SETBACK WOULD BE A GRANT OF SPECIAL PRIVILEGE INCONSISTENT WITH THE LIMITATIONS ON OTHER PROPERTIES CLASSIFIED IN THE SAME DISTRICT. IN ADDITION, NO EXTRAORDINARY

CIRCUMSTANCES OR CONDITIONS EXIST ON THE SUBJECT PROPERTY THAT THAT DO NOT APPLY GENERALLY TO OTHER PROPERTIES IN THE SAME DISTRICT;

9. THE GRANTING OF THE FRONT SETBACK VARIANCE WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY OR WELFARE OR MATERIALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY;
10. THE FRONT SETBACK VARIANCE IS WARRANTED DUE TO THE PROPERTY CONTAINING THE MOST CONSTRICTED BUILDING ENVELOPE IN THE AREA DUE TO THE 30' METCALF DITCH EASEMENT; AND
11. THE FRONT SETBACK VARIANCE IS WARRANTED BECAUSE OTHER OWNERS IN THE SAME ZONE DISTRICT ENJOY ENCLOSED GARAGE SPACE WITHIN THE FRONT SETBACK AREA, AS PREVIOUSLY APPROVED BY PZC.

CONDITIONS:

1. SIDE YARD SETBACK IS NOT APPROVED.
2. THIS VARIANCE APPROVAL EXPIRES IF A BUILDING PERMIT IS NOT OBTAINED FOR THE FRONT GARAGE CONVERSION WITHIN ONE (1) YEAR OF THE APPROVAL.

5. CONSENT AGENDA

- 5.1. APPROVAL OF MINUTES FROM DECEMBER 21, 2021 PZC MEETING
- 5.2. RECORD OF DECISION AND FINDINGS OF FACT FOR MJR21008, McGRADY ACRES MAJOR DEVELOPMENT PLAN
- 5.3. RECORD OF DECISION AND FINDINGS OF FACT FOR SUB21006, McGRADY ACRES PRELIMINARY SUBDIVISION
- 5.4. RECORD OF DECISION AND FINDINGS OF FACT FOR AEC21008 & MNR21039, NORTH PARK RESTROOMS ALTERNATIVE EQUIVALENT COMPLIANCE AND MINOR DEVELOPMENT PLAN
- 5.5. RECORD OF DECISION AND FINDINGS OF FACT FOR AEC21009 & MJR, EAST HARRY A. NOTTINGHAM PARK IMPROVEMENTS ALTERNATIVE EQUIVALENT COMPLIANCE AND MAJOR DEVELOPMENT PLAN

ACTION: COMMISSIONER NUSBAUM MOTIONED TO APPROVE THE CONSENT AGENDA; SECONDED BY COMMISSIONER SEKINGER. THE MOTION PASSED UNANIMOUSLY WITH 6-0 VOTE.

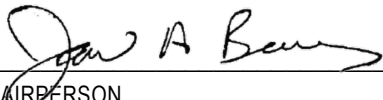
6. STAFF UPDATES

7. ADJOURN

ACTION: THE MEETING WAS ADJOURNED AT 6:35 PM.

THESE MEETING MINUTES ARE ONLY A SUMMARY OF THE PROCEEDINGS OF THE MEETING. THEY ARE NOT INTENDED TO BE COMPREHENSIVE OR TO INCLUDE EACH STATEMENT, PERSON SPEAKING OR TO PORTRAY WITH COMPLETE ACCURACY. THE MOST ACCURATE RECORDS OF THE MEETING ARE THE AUDIO RECORDING OF THE MEETING, WHICH CAN BE OBTAINED FROM THE TOWN CLERK'S OFFICE BY SUBMITTING A PUBLIC INFORMATION REQUEST.

APPROVED:



CHAIRPERSON