

**MINUTES OF A MEETING OF THE  
VILLAGE OF AVON ZONING BOARD OF APPEALS  
TUESDAY, OCTOBER 27, 2020  
7:00 PM; VILLAGE HALL**

**I. ATTENDANCE**

Daniel Freeman, Chairman  
Christopher Conine  
James Gerace  
Richard Hite  
Ernest Wiard

**GUESTS**

Justin Gutzmer  
David Warner

**STAFF**

Anthony Cappello, Code Enforcement Officer  
Gary Margiotta, Deputy Clerk

**IV. NEW BUSINESS**

**A. Area Variance Appeal**

Side yard setback request  
10-foot setback required  
5-foot, 4-inch setback requested

**David & Patricia Warner**

121 Temple Street, Avon, NY

The Warner's house is 5-feet, 4-inches from their (north) side yard property line. Dennis and Patricia Davin of 59 Clinton Street own the adjoining property.

The Warner's would like to build a single-story, wood frame addition onto the back of their house, extending the house 17-feet, 6-inches back while maintaining the 5-foot, 4-inch side yard setback. Their property is in a Village Residential (VR) District. Chapter 30, Section 23, of the Municipal Code requires a 10-foot side yard setback in such a district.

The Planning Board reviewed Warner's appeal at a meeting Tuesday, October 20, and had issued a positive recommendation. The appeal was forwarded to the Zoning Board of Appeals for consideration. All persons in support of this appeal or objecting thereto had been invited to appear in person, by agent or attorney to be heard at this time.

Freeman read the public hearing notice and ascertained everyone was familiar with the property. He asked Warner to explain the appeal.

Twenty-five feet was the width of the house, Warner began. He and his wife were getting older and they were trying to get everything on one floor. The addition, he added, wouldn't impact anyone. Marjorie Houck at 57 Clinton Street had a back yard garden and the addition wouldn't shade that. The Davins, at 59 Clinton Street, didn't care, he added (notice had been sent to them).

**MOTION:** Conine noted the Planning Board had given a positive recommendation, he moved for approval of the application, seconded by Gerace. Voting in favor were: Freeman, Conine, Gerace, Hite and Wiard. Voting against were: none.

**CARRIED, 5 Ayes, 0 Nays**

**B. Area Variance Application**

Side yard setback request  
10-foot setback required  
9-foot setback requested

**Justin Gutzmer & Kaitlin Freeman**

117 South Avenue, Avon, NY

Gutzmer and Freeman's house was 7-feet from their (north) side property line. Deborah Yamonaco owned the adjoining property at 111 South Avenue (she had been sent notice).

Gutzmer and Freeman wanted to build a single-story wood frame addition onto the back of their house, extending the house 20 feet back with a 9-foot side yard setback. The property was in a VR District. Chapter 30, Section 23, of the Municipal Code required a 10-foot setback in such a district.

The Planning Board had reviewed the Gutzmer/Freeman appeal at a meeting October 20 and had issued a positive recommendation. The appeal had been forwarded to the Zoning Board of Appeals for consideration. All persons in support of this appeal or objecting thereto had been invited to appear in person or by agent or attorney to be heard at this time.

Freeman, father of Kaitlin Freeman, said he would abstain from voting on the appeal. He read the public hearing notice.

The house was 2-bedroom, Gutzmer told Board members. He and Freeman had a baby on the way and wanted to expand their kitchen and add a third bedroom.

**MOTION:** None of the members had expressed opposition, Conine noted, adding the Planning Board had issued a positive recommendation on the appeal. Conine moved for approval, seconded by Wiard. Voting in favor were: Conine, Gerace, Hite and Wiard. Voting against were: none with Freeman abstaining.

**CARRIED, 4 Ayes, 0 Nays, 1 Abstention****V. ADJOURNMENT**

**MOTION:** Gerace moved for adjournment at 7:10 PM, seconded by Hite. Voting in favor were: Freeman, Conine, Gerace, Hite and Wiard. Voting against were: none.

**CARRIED, 5 Ayes, 0 Nays**

Gary Margiotta  
Deputy Clerk