



# A Sound Approval

Avon, CT 2016

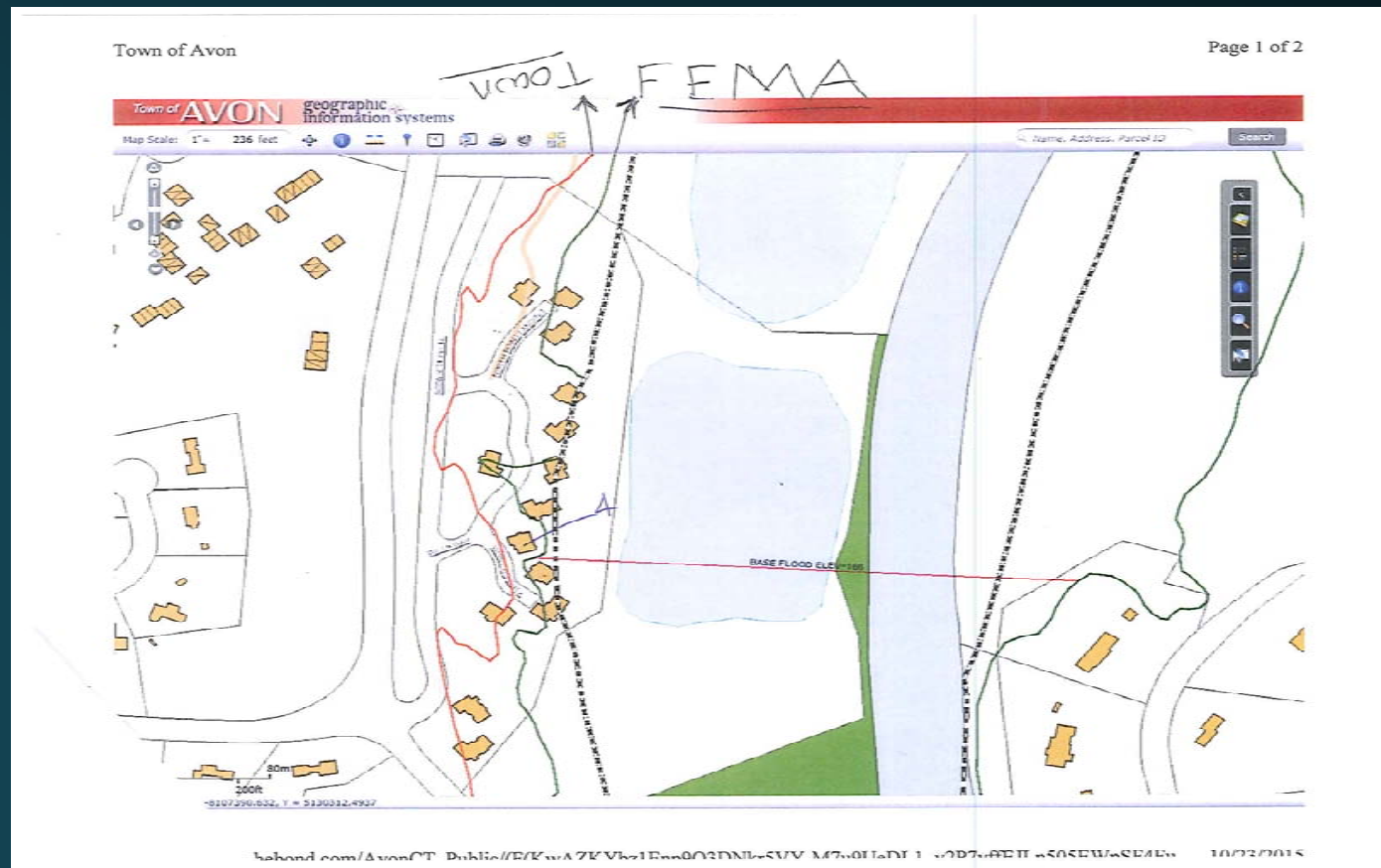
A Soggy Implementation  
RESOLVED



## Development Approved with Several Conditions in 2000

- No development below 100 year flood level
- No finished living area in 500 year flood plain
- No finished basements for units 3-14.

# Site Plan: (GIS) Town 500 yr/FEMA 100yr





Oblique site photo:



# Dwelling





Now the dwelling is for sale.

Owner is looking for a letter of zoning compliance for the new buyer.

Owner already has placed a deposit on a new home in Williamsburg, VA.

Inspection for zoning Compliance is set.

In the meantime, staff checks the real estate listing....



“Basement” Before Photos:



More before





More Before Photos:



# Access Door






# Notification:

- November 30, 2015 by CERTIFIED MAIL
- Re: Zoning Regulation and Flood plain violation at 4 Whaler's Walk.

- Dear Ms. H:

- I have spent considerable time researching and reviewing the facts surrounding the zoning violation about which you were notified on June 11, 2007. I have also spoken with the Town Engineer, Building Official, Zoning Enforcement Officer and the Connecticut Department of Energy and Environmental Protection (DEEP). In addition I have also spoken with Steve Kushner, the former Director of Planning who was the Planning Director when these violations were first discovered and made known to you.
- At this time the following is found to be true:
- The original approval for the development prohibited any finishing of basements in units 3-14. This prohibition includes your dwelling. The reason for this is that your basement floor is at elevation 166.5. The 100 year floodplain is at 166 in your location, however the 500 year flood elevation, which is the "Base Flood Elevation" as defined by the Avon Zoning Regulations is at 171.2. However a June 2013 email from David Whitney, P.E. indicates that this elevation is at 172.2. In this case the 171.2 elevation is to your benefit. This still means that everything except your basement ceiling is below the 500 year flood plain level.





Subsequently, in September 2006 you hired a contractor to finish the basement as shown on the current Zillow real estate for sale listing photograph. Clearly this finishing work violates the requirement placed on the development of your dwelling by the Planning and Zoning Commission in 2000 that the basement not be finished. The file on this matter indicates this violation was found and has been in existence since 2007. Several communications from this office were made with you at that time as indicated by evidence in the file. We have discussed this point as well.

- In order to determine the exact required extent of remediation needed, I have discussed the matter with DEEP Flood Plain staff and have determined that the only way to remedy this violation at this time is to take the following action:




- Remove all finish materials in the basement including:
  - All sheetrock
  - All wall insulation
  - All interior walls. Support studs may remain. Concrete walls may be painted but not finished in any way.
  - All carpeting is to be removed.
  - All trim work around doors, windows and fireplace is to be removed.
  - All wall paneling is to be removed.
  - All built-in bookcases and shelving back to the unfinished walls are to be removed.
  - All electrical work below the 500 year flood elevation: Lighting or electrical work which is shown to be below the 500 year flood level may remain if it is determined by the Town Engineer and Building Official to be flood proofed.
  - Support pillars which are more finished or decorative than the absolute bare minimum support studs are to be removed.



- The dropped ceiling and ceiling lighting may remain as long as it is above the 500 year flood elevation level of 171.1. Proof of this elevation will be required from a qualified registered surveyor.
- The basement is to remain unfinished but may be used for access to your dwelling, mechanicals and rough storage of less valuable items.
- In summary, the zoning violation which was made known to you in 2007 must be corrected at this time. The entire space shall be brought back to completely unfinished standards at this time. At this time you should schedule and inspection with the Avon Zoning Enforcement Officer and Building Official. The space will be inspected by the Avon Zoning Enforcement Officer and Building Official in 30 days (by December 31, 2015). If the space is still out of compliance at that time a notice to that effect will be filed on the Avon Land Records.





Ms. H, I sincerely regret having to make these findings and subsequent requirements. However this violation has been known to you since at least 2007. The violation must be corrected at this time.

After Photos:









## Final Letter:

- Please be advised that on January 15, 2016, James Sansone, Building Official, and I conducted a joint inspection of the basement area of 4 Whaler's Walk. The purpose of our inspection was to confirm that the portion of the basement which was previously finished has been brought back to completely unfinished standards; as directed and specified in the letter from Hiram Peck, Director of Planning and Community Development, dated November 30, 2015.
- This letter shall serve to confirm that, as of this date, your property at 4 Whaler's Walk, complies with the Zoning Regulations and floodplain restrictions.
- The basement is to remain unfinished but may be used for access to your dwelling, mechanicals and rough storage of less valuable items.
- Thank you for your immediate attention to this issue. If you have any additional questions, feel free to contact me at (860) 409-4328.
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- Sincerely,
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Tough but done!



More to come...

Want to guess how many of the remaining dwellings likely have the same issue? We shall see.





# Questions?

Hiram Peck, AICP, CFM

Director of Planning and Community Development

Avon, CT

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(860) 409-4328