

ZONING BOARD OF APPEALS OF RIDGEFIELD

MINUTES OF MEETING

MARCH 6, 2006

NOTE: These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on **March 6, 2006**, in the Public Meeting Room, Town Hall Annex, 66 Prospect Street, Ridgefield. They are not intended to replace verbatim transcripts of the meeting which may be obtained from the Administrator at cost.

The Chairman called the meeting to order at approximately 7:30 p.m. Sitting on the board for the evening were: Charles Creamer (Chairman), Edward Odachowski, Henry Seemann and Glenn Smith. Also present were alternates Michael Stenko and Andrew Pisanelli.

Rotation of alternates: The rotation from the last meeting was: first, Mr. Pisanelli; second, Mr. Collins; third, Mr. Stenko. Alternates were needed to sit on new petitions for Mr. Odachowski and Mr. Campbell. Mr. Stenko and Mr. Pisanelli were available. As Mr. Collins had submitted his resignation to be effective March 20, 2006, the rotation for the next meeting will be: first, Mr. Pisanelli; second, Mr. Stenko.

The following petitions were continued from the February 13, 2006 meeting.

Appeal No. 06-005– Petition of Paul and Theresa Toms

Mr. and Mrs. Toms were not able to be present and were represented by Virginia Toms. All board members had visited the site at **108 Peaceable Street**.

Mr. Odachowski asked if there would be changes to the exterior. Ms. Toms said there would not; part of the floor area of the second floor would be removed to create a two-storey space and the rest of the second floor would become storage space only.

Mr. Creamer asked about the original use. Ms. Toms explained that the house had originally been a cottage on the Doubleday Estate. The barn to the rear had been used for horses and cows. Six years earlier, the barn had collapsed, and her son (Paul Toms) had reconstructed the barn as the main house on the property.

Mr. Stenko asked about the use of the basement. Ms. Toms said it contained the oil burner, and as the floor was stone and concrete, the rest of the space would be storage only.

Dr. Seemann asked how the heating unit for the second floor would be dismantled. Ms. Toms responded that all the pipes had burst, so the heating for the entire house had already been. New baseboard heating would be installed on the first floor only.

The following people spoke in favor of the variance:

Ralph Willemson, a real estate agent, was interested in preserving Ridgefield's history and character, and did not want to see the house destroyed.

Christopher Braga stated that he drove past the property frequently and was in favor of preserving the house.

No-one else appeared to speak for or against the petition and the hearing was concluded. The decision may be found in the end section of these minutes.

Appeal No. 06-006 – Petition of Toll Brothers, Inc.

Attorney Matthew Ranelli represented the applicants. Jack Lannamann of Toll Brothers was also present. All board members had visited the site at **638 Danbury Road**.

Mr. Ranelli reviewed the number and type of signs requested on this particular property.

Mr. Creamer asked about the use of the property. Mr. Ranelli explained that there would be 74 age-restricted townhouses, together with a meeting house with water but no kitchen facilities. The rest of the property would consist of open space with walking trails. Although ownership was separate, the use would tie in with that of the adjoining Benchmark property.

Mr. Creamer did not believe any statutory authority existed under 8-2 of the Connecticut General Statutes for the Planning and Zoning Commission to regulate the types of signs Mr. Ranelli was requesting. Mr. Ranelli felt the process of getting the development approved by the P&ZC had been high profile, and noted that the applicant was trying to work with the town and its regulations.

Dr. Seemann commented that one of the signs, labeled B, was located within a stone wall and fence. He received confirmation that the wall and fence would not need variances if they did not contain the sign. However, he questioned the need for the site sign (F).

Mr. Ranelli responded that the sign would pick up any people who had missed the first signs and would only be seen by people who were lost. The sign was out of view, except for those people approaching the town houses, so there was no clutter of signs, and thus this sign was within the intent of the regulations. Mr. Ranelli noted that the board could consider things other than hardship under the statutes, such as that substantial justice was done and there was due consideration for the public health, safety and welfare. An unmarked entrance would lead to confusion.

Mr. Odachowski noted that the signs contained slightly different names and that sign F appeared to be an advertising sign. Mr. Ranelli felt the slight differences in the names could be an oversight.

Mr. Stenko questioned how close the sign was to the first proposed townhouse. If someone driving saw the first townhouse, he would know where he was. Mr. Ranelli conceded that the signs could have been done differently, but felt the ones proposed were sound planning and within the intent of the regulations.

No-one appeared to speak for or against the petition and the hearing was concluded. The decision may be found in the end section of these minutes.

Appeal No. 06-007 - Petition of Toll Brothers, Inc. Agent for IREIF III Ridgefield SH LLC, dba Ridgefield Crossings, Benchmark Assisted Living

Attorney Matthew Ranelli represented the applicants. Jack Lannamann of Toll Brothers was also present. All board members had visited the site at **640 Danbury Road**.

Mr. Ranelli explained that this application covered the number of signs and the size of permitted directional signs. Directional signs were permitted at 3 sq. ft. Toll Brothers were asking for 4.4 sq. ft. There were three entranceways to the three properties very close together, and the applicant wanted to keep traffic moving. None of the signs were visible from off-site.

Mr. Odachowski questioned the wording on one of the signs: “Regency Luxury Townhouses by Toll Brothers. Mr. Lannamann stated that the name was “Regency at Ridgefield”, but felt the word “Townhouses” was needed on the sign.

Dr. Seemann felt that the first D sign might be obscured by white pines. The second D sign was very close to two large B signs for the entrance. Mr. Ranelli noted that the signs could be more appropriately spaced, and offered to work with the town's emergency services departments to field locate them.

Mr. Odachowski felt the first D sign was also next to a sign for a different use. Mr. Ranelli noted that at that time there were only two uses on the three properties. When the third was added, it would be a more active community. The board would not set any precedent in approving the signs because the three parcels were unique in Ridgefield.

Mr. Creamer asked about the use of this particular parcel. Mr. Ranelli stated that this was the Assisted Living portion of the complex. Mr. Creamer noted that the uses were identified as Ridgefield Harbor and Ridgefield Crossings. Mr. Lannamann explained that the property was one business entity but offered two levels of care.

Mr. Ranelli also noted that the applicants were creating a consistent theme with the signs on the three properties.

No-one appeared to speak for or against the petition and the hearing was concluded. The decision may be found in the end section of these minutes.

Appeal No. 06-008 – Petition of Toll Brothers, Inc., Agent for Athena Holdings, LLC/Laurel Ridge Health Care

Attorney Matthew Ranelli represented the applicants. Jack Lannamann of Toll Brothers was also present. All board members had visited the site at **642 Danbury Road**.

Mr. Ranelli explained that on this property, the applicant was looking for variances for the size, number and location of the signs. Two A signs were needed at the main entrance to the property from Route 7, one to be visible to traffic driving north, and the other to those driving south. The signs were under 10 ft., but totaled over 12 ft.

Mr. Creamer asked why there would not be a traffic light at the location. Mr. Ranelli explained that his client had approached DOT, and the property had a long history with DOT spanning 14 years. State Representative John Frey supported the traffic light, but DOT had found that the site did not meet "warrant analysis", that there was not enough volume to justify the light. The light was not likely to be built because DOT considered it too close to the set of lights at Routes 35 and 7.

Mr. Creamer noted that the entrance structure was 7 ft. high and might obstruct the vision of those exiting the property. Mr. Ranelli agreed the structure might be pulled back, but also noted that DOT would not approve anything that might interfere with the line of sight.

Mr. Stenko asked if the existing signs would be removed. Mr. Ranelli noted that on this particular property, only one sign existed in the median.

Mr. Creamer noted that other signs for Laurel Ridge existed on the property. Mr. Ranelli confirmed that all existing signs would be replaced by the new ones.

No-one appeared to speak for or against the petition and the hearing was concluded. The decision may be found in the end section of these minutes.

The following new petitions were heard:

Appeal No. 06-009 – Petition of Christopher R. Braga

Mr. Braga explained that his house at **19 Ritch Drive** was located 37.8 ft. from the front line whereas the current requirements were 50 ft. He wished to update the front of his house, which was 50 years old, to install new windows, siding and weatherproofing. The front was asymmetrical; the front door was not centered. He was seeking a variance to allow the construction of a front porch to correct the problems which would project an additional five feet towards the front line.

Mr. Creamer noted that the area had been upzoned from one-acre to two-acres, and none of the houses were conforming.

No-one appeared to speak for or against the petition and the hearing was concluded. The decision may be found in the end section of these minutes.

Appeal No. 06-010 – Petition of Stephen R. and Gail J. Tobin

Mr. and Mrs. Tobin were represented by Attorney Robert Jewell on their property at **400 Silver Spring Road**. Mr. Jewell noted that the house had been constructed on this large property in 1740, long before zoning regulations existed. There was also a barn, woodshop and various accessory structures. The house was small, 1600 sq. ft., with two bedrooms and a bathroom that needed to be updated.

The applicants wished to construct an addition to the rear of the house that would provide storage, a laundry room and an additional bathroom. However, because the existing house was totally within the setbacks, the rear addition would require a front setback variance.

In terms of hardship, Mr. Jewell felt this arose from the adoption of zoning regulations in 1946 and subsequent changes to those regulations. The house was barely usable by modern standards, with no closet space. It was unique, one of the oldest houses in Ridgefield, but needed modernization. Also, as the addition was entirely to the rear of the house, it would not further encroach into the front setback area.

No-one appeared to speak for or against the petition and the hearing was concluded. The decision may be found in the end section of these minutes.

Appeal No. 06-011 – Petition of John Silvestri

The applicant was represented by Attorney Robert Jewell. His client wished to construct an addition to his home at **30 Dowling Drive**.

Mr. Jewell explained that his client's property had been conforming until the State amended the statutes on June 1, 2004. It consisted of a home with 4 sheds which were all legally nonconforming. If all four sheds were removed, his client could construct the addition and the property would become more conforming both as to coverage and setbacks (but not as to FAR). However, his client would prefer to retain one of the sheds. The addition consisted of 728 sq. ft.; the sheds 785 sq. ft.

In terms of history, the area had been zoned R1 (one-acre) in 1946 and remained that way until the subdivision of which this house was part was approved in 1966. Ten days after the subdivision was approved, the Planning and Zoning upzoned the area to two-acres. The subdivision lots were protected until the State changed the law in 2004.

After the addition was constructed, the house would consist of 5,137 sq. ft. which represented an FAR of 11.7%. This was in excess of both the one and two-acre requirements. The hardship was found in the definition of FAR, which included all floors except the basement, cellars and attics. For most homes, the basement was underground and thus did not count towards FAR. However, this was a raised ranch, and raised ranches typically were only one-third underground. So for raised ranches, the basements

were included in the FAR. Mr. Jewell felt it was incongruous to apply the FAR definition to this particular house. He also referred to Adolphson, which held that a strict finding of hardship was not necessary if a nonconformity were being reduced.

The following people spoke in support of the proposal:

Mary Morrisroe of 20 Dowling Drive noted that the addition would extend towards her house, but the height would remain the same and the house would not be closer to the property line.

Joanne Sullivan, the abutting property owner, felt it would be a nice addition.

John Morrisroe of 20 Dowling Drive felt the plans would enhance the house. He did not feel all four sheds should be removed, but that the applicant should be left with one or two.

A letter in support from also received from neighboring property owner Robert MacDonald.

Mr. Jewell asked, if the board were so inclined, that the frame shed closest to the house be allowed to remain. It was the newest of the four.

There were no further comments and the hearing was continued to March 20, 2006 to allow board members to visit the property.

Appeal No. 06-012 – Petition of Eppoliti Realty Inc.

This application was postponed to April 3, 2006.

Appeal No. 06-013 – Petition of James and Mary Lott

James Lott explained that he wished to construct a front porch on his house at **69 Saint John's Road**. The porch would help prevent water coming into his house and basement. He showed the board photographs of the damage caused by water, and his prior attempts at sealing the foundation. These had failed, and the porch would solve the problem by moving the water away from the front.

Dr. Seemann asked if this was Mr. Lott's own assessment, or that of an expert. Mr. Lott responded that he had worked with a landscaper who had excavated and put in drainage first. The land had been graded, and well covers had been put in all windows, but this had not solved the problem.

Mr. Stenko and Mr. Smith asked about other methods the applicant had attempted to control the water.

Dr. Seemann asked about the size of the porch. Mr. Lott said it would extend 8 ft.

Mr. Pisanelli asked if the water problem should not be solved before the porch was added. Mr. Lott advised that the water was coming through the window wells.

John Keegan, the builder for the proposed porch, stated that water was not coming through the siding.

Dr. Seemann noted that with the porch over the windows, the windows would not be usable. Mr. Lott stated that they would be used only for ventilation.

No-one appeared to speak for or against the petition, and the hearing was continued to March 20, 2006 to allow board members to visit the property.

Appeal No. 06-014 – Petition of Kevin Coffey

Kevin and Chris Coffey appeared with their builder, Ward Hahn. They explained that they wished to enclose an existing deck on their house at **41 Marcardon Avenue** to create a three-season room (i.e. an enclosed room with no heating). The footprint of the deck would actually be decreased by 2 ft. to meet required setbacks from the septic system.

Dr. Seemann noted that the applicant was actually decreasing the existing nonconformity.

No-one appeared to speak for or against the petition and the hearing was concluded. The decision may be found in the end section of these minutes.

The board voted the following actions:

PETITION OF PAUL AND THERESA TOMS
PROPERTY LOCATED AT 108 PEACEABLE STREET
APPEAL NO. 06-005

REQUESTED: a variance of 318.0.B.4, accessory dwelling units, maximum floor area, to allow an accessory apartment in a detached building that will be greater than 900 sq. ft; for property in the RAA zone located at **108 Peaceable Street.**

DATES OF HEARINGS: February 13 and March 6, 2006

DATE OF DECISION: March 6, 2006

VOTED: To Grant, with Condition, a variance of 318.0.B.4, accessory dwelling units, maximum floor area, to allow an accessory apartment in a detached building that will be greater than 900 sq. ft; for property in the RAA zone located at **108 Peaceable Street.**

VOTE: To Grant: 5 To Deny: 0

<u>In favor</u>	<u>Opposed</u>
Creamer, Odachowski, Seemann	-0-
Smith, Stenko	

NOTE:

It is particularly noted that this variance applies solely to the size of the accessory apartment. No other requirement of the accessory apartment regulations was considered or varied.

The variance applies only to the front structure on this property, the building immediately fronting on Peaceable Street

CONDITION:

This action is subject to the following condition which is an integral and essential part of the decision. Without this condition, the variance would not have been granted:

The size of the apartment shall be no greater than 1,116 sq. ft., as requested. There shall be no outside modifications to the house, but the interior shall be modified as shown on floor plans presented to the board during the hearing and annotated by the board for additional clarity, in order to reduce its current size to the 1,116 sq. ft. requested.

The board voted this action for the following reasons:

1. This structure, the original dwelling unit on the property, was constructed in 1810. The accessory apartment regulations were enacted in 2003, allowing the building residential use under certain conditions, one of which is that it not exceed 900 sq. ft. The applicant has made a substantial effort to reconfigure the interior of the house to reduce the living area to the extent possible without removing portions of the exterior structure. Because of the age and architecture of the original structure, it would be an undue hardship to require the applicant to destroy part of that architecture. This justifies the grant of the variance requested in this case.
2. The proposed size of the accessory apartment, 1,116 sq. ft., is in harmony with the intent of the regulations. As no changes are proposed for the exterior of the house, it will have no negative impact on the surrounding area.

PETITION OF TOLL BROTHERS, INC.
PROPERTY LOCATED AT 638 DANBURY ROAD
TAX ASSESSOR MAP G09-0024
APPEAL NO. 06-006

REQUESTED: a variance of Section 305.01.E(11)(d), number of freestanding signs, to allow more freestanding signs than permitted; for property in the RCDD zone located at **638 Danbury Road**, also known on the Tax Assessor’s Maps as G09-0024.

DATES OF HEARINGS: February 13 and March 6, 2006
DATE OF DECISION: March 6, 2006

VOTED: To Grant, with Condition, a variance of Section 305.01.E(11)(d), number of freestanding signs, to allow more freestanding signs than permitted; for property in the RCDD zone located at **638 Danbury Road**, also known on the Tax Assessor’s Maps as G09-0024.

VOTE:	To Grant:	4	To Deny:	1
	<u>In favor</u>		<u>Opposed</u>	
	Odachowski, Seemann		Creamer	
	Smith, Stenko			

CONDITION:
This action is subject to the following condition which is an integral and essential part of the decision. Without this condition, the variance would not have been granted:

This variance refers to two signs at the entrance to the Toll Brothers property, shown as type B. Both signs are approved at the size presented to the board during the hearing and shown on a plan which is made part of this variance. As agreed by the applicant during the hearing, the signs approved under this variance shall replace all existing freestanding signs on the property. The existing signs shall be removed prior to the issuance of sign permits for the new signs.

The board voted this action for the following reasons:

1. This property is part of a complicated parcel consisting of three properties in separate ownership sharing a common drive. As the three different uses of the parcels serve mainly the elderly, there is a need for clear signage directing residents and their guests to the appropriate areas. This is an unusual hardship that justifies the grant of the variance requested in this case.

- 2. The aggregate square footage of the two signs is less than the 12 square feet that would be permitted for one freestanding sign.
- 3. The proposal enhances the public health, safety and welfare. As the signs are all internal and not visible from the state highway, there will be no negative impact on the surrounding properties.

Mr. Creamer, voting in opposition, wrote:

No variance is required in this case since no statutory authorization exists under CGS 8-2 that permits a zoning commission or combined planning and zoning commission to control the number of signs. Section 8-2 permits regulation of only “the height, size, and location of advertising signs and billboards.” See Capalbo v. Zoning Board of Appeals, 208 Conn. 480 (1988).

PETITION OF TOLL BROTHERS, INC.
PROPERTY LOCATED AT 640 DANBURY ROAD
TAX ASSESSOR G09-0023
OWNER OF PROPERTY: IREIF III RIDGEFIELD SH LLC,
DBA RIDGEFIELD CROSSINGS, BENCHMARK ASSISTED LIVING
APPEAL NO. 06-007

REQUESTED: variances of Section 305.01.E(11)(d), number of signs, to allow more freestanding signs than permitted; and of Section 305.01.E(12), directional signs, to allow directional signs larger than permitted; for property in the RCDD zone located at **640 Danbury Road**, also known on the Tax Assessor’s Maps as G09-0023.

DATES OF HEARINGS: February 13 and March 6, 2006

DATE OF DECISION: March 6, 2006

VOTED: To Grant, with Conditions, variances of Section 305.01.E(11)(d), number of signs, to allow more freestanding signs than permitted; and of Section 305.01.E(12), directional signs, to allow directional signs larger than permitted; for property in the RCDD zone located at **640 Danbury Road**, also known on the Tax Assessor’s Maps as G09-0023.

VOTE:	To Grant:	4	To Deny:	1
	<u>In favor</u>		<u>Opposed</u>	
	Odachowski, Seemann		Creamer	
	Smith, Stenko			

CONDITIONS:

This action is subject to the following conditions which are an integral and essential part of the decision. Without these conditions, the variance would not have been granted:

- 1. This variance allows two directional signs (type D), and two entry signs (type C). It does not include a fifth sign, a site sign type F. The four signs are approved at the sizes presented to the board during the hearing and as shown on a plan which is made part of this variance.
- 2. The two directional signs, type D, shall be site located with the approval of the Fire Marshal and other appropriate town emergency personnel.
- 3. As agreed by the applicant during the hearing, the signs approved under this variance shall replace all existing freestanding signs on the property. The existing signs shall be removed prior to the issuance of sign permits for the new signs.

The board voted this action for the following reasons:

1. This property is part of a complicated parcel consisting of three properties in separate ownership sharing a common drive. As the three different uses of the parcels serve mainly the elderly, there is a need for clear signage directing residents and their guests to the appropriate areas. This is an unusual hardship that justifies the grant of the variance requested in this case.
2. The two entry signs are needed to identify the entrances to the Benchmark Assisted Living portion of the property.
3. The two directional signs will facilitate movement internally within the site, and with the above condition No. 2 will have no negative impact.

Mr. Creamer, voting in opposition, wrote:

No variance is required in this case since no statutory authorization exists under CGS 8-2 that permits a zoning commission or combined planning and zoning commission to control the number of signs. Section 8-2 permits regulation of only “the height, size, and location of advertising signs and billboards.” See Capalbo v. Zoning Board of Appeals, 208 Conn. 480 (1988).

PETITION OF TOLL BROTHERS, INC.
PROPERTY LOCATED AT 642 DANBURY ROAD
TAX ASSESSOR #G09-0014
OWNER OF PROPERTY : ATHENA HOLDINGS, LLC
LAUREL RIDGE HEALTH CARE
APPEAL NO. 06-008

REQUESTED: variances of Sections 305.01.E(11)(a), freestanding sign, 305.01.E(11)(c), size of freestanding sign, and 305.01.E(11)(d), number of signs, to allow more freestanding signs than permitted, two of which will exceed 12 sq. ft; for property in the RCDD zone located at **642 Danbury Road**, also known on the Tax Assessor’s Maps as G09-0014.

DATES OF HEARINGS: February 13 and March 6, 2006
DATE OF DECISION: March 6, 2006

VOTED: To Grant, with Conditions, variances of Sections 305.01.E(11)(a), freestanding sign, 305.01.E(11)(c), size of freestanding sign, and 305.01.E(11)(d), number of signs, to allow more freestanding signs than permitted, two of which will exceed 12 sq. ft; for property in the RCDD zone located at **642 Danbury Road**, also known on the Tax Assessor’s Maps as G09-0014.

VOTE:

On Sections 305.01.E(11)(a) and 305.01.E(11)(c):

To Grant:	5	To Deny:	0
	<u>In favor</u>		<u>Opposed</u>
	Creamer, Odachowski, Seemann Smith, Stenko		-0-

On Section 305.01.E(11)(d):

To Grant:	4	To Deny:	1
	<u>In favor</u>		<u>Opposed</u>
	Odachowski, Seemann Smith, Stenko		Creamer

CONDITIONS:

This action is subject to the following conditions which are an integral and essential part of the decision. Without these conditions, the variance would not have been granted:

1. This variance refers to two signs labeled type A, and one sign labeled type E. It does not include the sign labeled type G which is a temporary sign not included in the variance request. All signs are approved at the sizes presented to the board during the hearing and shown on a plan which is made part of this variance.
2. As agreed by applicant during the hearing, the signs approved under this variance shall replace all existing freestanding signs on the property. The existing signs shall be removed prior to the issuance of sign permits for the new signs.

The board voted this action for the following reasons:

1. This property is part of a complicated parcel consisting of three properties in separate ownership sharing a common drive. As the three different uses of the parcels serve mainly the elderly, there is a need for clear signage directing residents and their guests to the appropriate areas. This is an unusual hardship that justifies the grant of the variances requested in this case.
2. The two entrance signs approved (type A) are needed to provide visible identification to traffic traveling both north and south on the busy state highway serving this property (Route 7), and will replace the one sign that now exists in the center of the driveway. This will improve the public health, safety and welfare, and will have no negative impact on the surrounding properties.
3. The third sign (type E) is needed to identify the entrance to the Laurel Ridge Health Care facility. As this is visible only from within the property, it will have no negative impact.

Mr. Creamer, voting in opposition to a variance of Section 305.01.E(11)(d), wrote:

No variance is required in this case since no statutory authorization exists under CGS 8-2 that permits a zoning commission or combined planning and zoning commission to control the number of signs. Section 8-2 permits regulation of only “the height, size, and location of advertising signs and billboards.” See Capalbo v. Zoning Board of Appeals, 208 Conn. 480 (1988).

PETITION OF CHRISTOPHER R. BRAGA
PROPERTY LOCATED AT 19 RITCH DRIVE
APPEAL NO. 06-009

REQUESTED: a variance of Section 402.0G, setbacks, to allow a front porch addition closer than permitted to the lot line; for property in the RAA zone located at **19 Ritch Drive.**

DATE OF HEARING: March 6, 2006
DATE OF DECISION: March 6, 2006

VOTED: To Grant, with Condition, a variance of Section 402.0G, setbacks, to allow a front porch addition closer than permitted to the lot line; for property in the RAA zone located at **19 Ritch Drive.**

VOTE: To Grant: 5 To Deny: 0

<u>In favor</u>	<u>Opposed</u>
Creamer, Pisanelli, Seemann	-0-
Smith, Stenko	

CONDITION:

This action is subject to the following condition which is an integral and essential part of the decision. Without this condition, the variance would not have been granted:

This variance shall apply only to the existing house. The front porch addition shall be constructed exactly as shown on plans and drawings presented to the board, which are made part of this decision.

The board voted this action for the following reasons:

1. The upzoning of this area from one-acre to two-acres, combined with the change in state law and the loss of the drop down provision in 2004, has imposed an unusual hardship on this property that justifies the grant of the variance in this particular case.
2. The proposed front porch meets all the bulk size requirements of the underlying two-acre zone and meets all the setback requirements of the original one-acre zone. It has minimal additional encroachment into the front setback area.
3. The setback proposed is consistent with the setbacks of other homes in the area, and will have no adverse impact on the public health, safety and welfare, nor on the convenience and property values of the neighborhood.

PETITION OF STEPHEN R. AND GAIL J. TOBIN
PROPERTY LOCATED AT 400 SILVER SPRING ROAD
APPEAL NO. 06-010

REQUESTED: a variance of Section 402.0G, setbacks, to allow an addition closer than permitted to the lot line; for property in the RAA zone located at **400 Silver Spring Road.**

DATE OF HEARING: March 6, 2006
DATE OF DECISION: March 6, 2006

VOTED: To Grant, with Condition, a variance of Section 402.0G, setbacks, to allow an addition closer than permitted to the lot line; for property in the RAA zone located at **400 Silver Spring Road.**

VOTE: To Grant: 5 To Deny: 0

<u>In favor</u>	<u>Opposed</u>
Creamer, Pisanelli, Seemann	-0-
Smith, Stenko	

CONDITION:

This action is subject to the following condition which is an integral and essential part of the decision. Without this condition, the variance would not have been granted:

The variances shall apply only to the existing house. The addition shall be constructed exactly as shown on plans and drawings presented to the board, which are made part of this decision.

The board voted this action for the following reasons:

1. This house was constructed in 1740, long before zoning in Ridgefield, and is located entirely within the front setback area. As the addition in this case is to the rear of the house yet requires a front setback variance, the enactment of zoning in 1946, combined with subsequent upzonings, has imposed an unusual hardship on this property that justifies the grant of the variance requested in this case.
2. As the addition is to the rear of the house, it will be no closer to the front lot line than any part of the existing house.
3. The proposal is in harmony with the general scheme of development in the area and is not contrary to the public health, safety and welfare, nor to the convenience and property values of the neighborhood.

PETITION OF KEVIN COFFEY
PROPERTY LOCATED AT 41 MARCARDON AVENUE.
APPEAL NO. 06-014

REQUESTED: a variance of Section 403.0G, setbacks, to allow an addition closer than permitted to the lot line; for property in the RA zone located at **41 Marcardon Avenue.**

DATE OF HEARING: March 6, 2006
DATE OF DECISION: March 6, 2006

VOTED: To Grant, with Condition, a variance of Section 403.0G, setbacks, to allow an addition closer than permitted to the lot line; for property in the RA zone located at **41 Marcardon Avenue.**

VOTE:	To Grant:	5	To Deny:	0
	<u>In favor</u>		<u>Opposed</u>	
	Creamer, Pisanelli, Seemann		-0-	
	Smith, Stenko			

CONDITION:
This action is subject to the following condition which is an integral and essential part of the decision. Without this condition, the variance would not have been granted:

The variances shall apply only to the existing house. The addition shall be constructed exactly as shown on plans and drawings presented to the board, which are made part of this decision.

The board voted this action for the following reasons:

1. The applicant in this case will remove an existing, nonconforming deck and replace it with a three-season room that will be farther from the setback line, thereby reducing the nonconformity. It is the purpose of zoning to reduce or remove nonconformities to the extent possible, and thus to prevent the proposed reduction of the nonconformity represents a hardship that justifies the grant of the variance requested in this case.
2. The original deck became nonconforming as the result of changes to the zoning ordinance after it was constructed. These changes also represent an unusual hardship in this case.

3. The proposal is in harmony with the general scheme of development and is not contrary to the public health, welfare or safety, nor to the convenience and property values of the neighborhood.

As there was no further business before the board, the Chairman adjourned the hearing at approximately 10:25 pm.

Respectfully submitted,

Marjorie Tippet
Administrator

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