

ZONING BOARD OF APPEALS OF RIDGEFIELD

MINUTES OF MEETING

NOVEMBER 1, 2010

NOTE: These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on November 1, 2010, in the Public Meeting Room, Town Hall Annex, 66 Prospect Street, Ridgefield. Copies of tapes of the meeting 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), Duane Barney, and Glenn Smith. Mr. Escola was not able to attend the meeting. Also present were alternates Henry Seemann who sat on continued cases and Steven Coury.

ROTATION OF ALTERNATES

The rotation for this meeting was: first, Mr. Coury; second, Mr. Stenko; third, Dr. Seemann. No new petitions were heard at this meeting, so no new alternate was needed. As Mr. Coury was appointed to the vacant full member seat, the rotation for the next meeting will be: first, Mr. Stenko; second, Dr. Seemann; third, vacant.

ADMINISTRATIVE

2011 Calendar

On a motion by Mr. Smith, seconded by Mr. Barney, and passed unanimously, the following meeting schedule was approved for the 2011 calendar year.

January	10 th and 24 th
February	7 th
March	7 th and 21 st
April	4 th and 18 th
May	9 th and 23 rd
June	6 th and 20 th
July	11 th and 25 th
September	12 th and 19 th
October	3 rd and 17 th
November	7 th and 21 st
December	5 th

Appointment of Board Member

The board appointed a member to fill the seat left vacant by the death of board member, Charles K. Campbell, Jr. The vacancy had been advertised in the Ridgefield Press for two weeks, and the Republican Town Committee had been notified of the vacancy.

Alternate member Steven Coury interviewed for the position. No other candidates presented themselves and on a motion by Dr. Seemann, seconded by Mr. Smith, and passed unanimously, nominations were closed. On a motion by Dr. Seemann and seconded by Mr. Smith, Mr. Coury was unanimously voted a full member of the board, to be effective on the day he is sworn into office by the Town Clerk, on a date no later than 30 days after the death of Mr. Campbell.

CONTINUED PETITIONS

The following petitions were continued from the October 18, 2010 meeting:

Appeal No. 10-037 – Petition of Dominick Colabella

All board members had visited the property at **18 Kimberly Court**, and had some additional questions or comments for Mr. Colabella.

Both Dr. Seemann and Mr. Smith were concerned that the applicant would have difficulty making the turn into the proposed garage, particularly because of the ledge outcroppings. Mr. Colabella agreed it would be tight but felt it would not be a problem for him. In any event, he would damage only his own property if he did have a problem. The garage might be used only 5 times a year, and as he planned to use a 20 ft. door, there would be plenty of swing room.

Mr. Smith felt that the lot was strangely shaped, and the garage would have no impact on the surrounding Girl Scout land.

Mr. Creamer noted that there was extensive ledge on the property, and confirmed with Mr. Colabella that the setbacks he was requesting included overhangs.

As Mr. Escola was not able to be present at the meeting, Mr. Creamer explained that the applicant could proceed with four board members who would all have to vote in favor of the application in order for the petition to be approved, or he could wait until the next meeting when Mr. Escola would be present. Mr. Colabella elected to proceed with four members.

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. 10-039 – Petition of Ann H. Vallerie

All board members had visited the property at **28 Tannery Hill Road**. Donald Vallerie represented his wife.

Dr. Seemann noted that there was a significant slope to a portion of the property and asked about water or run-off problems, particularly if water tabled on the flat area of the property. Mr. Vallerie said run-off from neighbors' properties created a watercourse on the slope during bad weather. A mini-lake had actually formed in the flat area at the edge of the slope during the last storm. Dr. Seemann noted that because of the water problem, it would not be possible to place the proposed shed behind the table area.

Mr. Creamer noted that the applicant was reducing the nonconformity on the property. The existing shed was at 20.5 ft. from the lot line, whereas the proposed replacement shed would meet the RA setbacks. He also noted that adjoining properties had structures closer to the lot line than the Valleries were proposing.

Mr. Barney noted that it was difficult to follow setbacks for garden sheds.

Again, as Mr. Escola was not able to be present at the meeting, Mr. Creamer explained that the applicant could proceed with four board members who would all have to vote in favor of the application in order for the petition to be approved, or he could wait until the next meeting when Mr. Escola would be present. Mr. Vallerie elected to proceed with four members.

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.

NEW PETITIONS

Because of an error in the Ridgefield Press which resulted in new petitions being advertised only once, the following petition could not be heard: **Appeal No. 10-041 – Petition of John Merola**. The petition will be re-advertised for the November 15, 2010 meeting.

DECISIONS

The board voted the following actions:

PETITION OF DOMINICK COLABELLA
PROPERTY LOCATED AT 18 KIMBERLY COURT
APPEAL NO. 10-037

REQUESTED: a variance of Section 3.5.H, setbacks, to allow a garage addition closer than permitted to the side lot line; for property in the RAAA zone located at **18 Kimberly Court**.

DATES OF HEARINGS: October 18 and November 1, 2010
DATE OF DECISION: November 1, 2010

VOTED: To Grant, with Condition, a variance of Section 3.5.H, setbacks, to allow a garage addition closer than permitted to the side lot line; for property in the RAAA zone located at 18 Kimberly Court.

VOTE: To Grant: 4 To Deny: 0 Not Voting: 1

In favor Opposed Not Voting
Barney, Creamer -0- Escola
Seemann, Smith

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 garage addition shall be constructed exactly as shown on plans and drawings presented to the board during the hearing and made part of this decision.

The board voted this action for the following reasons:

1. The shape of this lot, its topography and ledge rock outcroppings, all combine to present an unusual hardship that justifies the grant of the variance requested in this case.
2. The proposal will have no negative impact on surrounding properties; it is adjacent to considerable undeveloped land. It is in harmony with the general scheme of development and with the Town’s Plan of Conservation and Development.

PETITION OF ANN H. VALLERIE
PROPERTY LOCATED AT 28 TANNERY HILL RD
APPEAL NO. 10-039

REQUESTED: a variance of Section 3.5.H, setbacks, to allow a shed closer than permitted to the side lot line; for property in the RAA zone located at **28 Tannery Hill Road**.

DATES OF HEARINGS: October 18 and November 1, 2010
DATE OF DECISION: November 1, 2010

VOTED: To Grant, with Condition, a variance of Section 3.5.H, setbacks, to allow a shed closer than permitted to the side lot line; for property in the RAA zone located at 28 Tannery Hill Road.

VOTE: To Grant: 4 To Deny: 0 Not Voting: 1

<u>In favor</u>	<u>Opposed</u>	<u>Not Voting</u>
Barney, Creamer Seemann, Smith	-0-	Escola

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 shed shall be constructed exactly as shown on plans and drawings presented to the board during the hearing and made part of this decision.

The board voted this action for the following reasons:

1. This property was developed as a one-acre lot, and the proposed shed will meet the one-acre zone setbacks. Changes in the zoning ordinance, combined with the topography of this property, present an unusual hardship that justifies the grant of the variance requested in this case.
2. The existing shed, which will be removed as a result of this variance, is closer to the property line than the proposed shed, which results in a reduction in the nonconformity on this property.
3. The proposal is in harmony with the general scheme of development in the area and will have no negative impact on surrounding properties nor on the Town's Plan of Conservation and Development.

As there was no further business before the board, the Chairman adjourned the hearing at approximately 8:15 pm.

Respectfully submitted,

Marjorie Tippet
Administrator

Posted on the Town of
Ridgefield website on
November 2, 2010, at 11:40 am
