

ZONING BOARD OF APPEALS OF RIDGEFIELD

MINUTES OF MEETING

NOVEMBER 15, 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 15, 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, Steven Coury, Dwayne Escola, and Glenn Smith.

ROTATION OF ALTERNATES

The rotation of alternates from the November 1, 2010 meeting was as follows: first, Mr. Stenko; second, Dr. Seemann; third, vacant. No new alternate was needed at this meeting, so the rotation will remain the same for the December 6, 2010 meeting.

ADMINISTRATIVE

Appointment of Chairman and Vice Chairman

The first administrative item was the election of a Chairman and Vice Chairman, to serve for a period of one year. On a motion by Mr. Smith, seconded by Mr. Escola, Charles Creamer was unanimously elected Chairman. On a motion by Mr. Escola, seconded by Mr. Barney, Glenn Smith was elected Vice Chairman.

Interviews for Vacant Seat

The board then opened the meeting to interviews for the position of alternate member, to replace Mr. Coury who was appointed a full member at the November 1, 2010 meeting. No-one appeared to interview, so no appointment was made.

NEW PETITIONS

The following new petitions were heard:

Appeal No. 10-041– Petition of John Merola

Mr. Merola explained that he was seeking a setback variance to allow the addition of a 21 ft. by 32 ft. deck to the rear of his home at **19 Boulder Hill Lane**. He had chosen the location because of the internal layout of the home which had been constructed in the early 1960s. The house already violated the setback regulations and was 23 ft. from the lot line instead of the required 35 ft. Because the house was not parallel to the property line, the deck would be even closer to the line. However, the property was well screened on both sides and so would not intrude on the neighbors' privacy. In addition, there was a lot of separation distance between the houses.

Mr. Smith asked about the location of the septic system. Mr. Merola explained that the tank was very close to the house, but the fields were to the rear of the property near the barn. The deck would be at least 10 ft. from the tank location.

Mr. Smith commented that the board was required to grant the minimum relief necessary, but the deck was 650 sq. ft. He suggested that the applicant consider reducing the size before the next meeting.

Mr. Creamer asked why the deck needed to be so large, and Mr. Merola responded that it was to accommodate his large family. Mr. Creamer asked why a patio could not be used instead which would need no variance. Mr. Merola said he was concerned about the number of steps down from the house to the patio, particularly for older parents, and the deck would be more affordable.

Mr. Escola asked if the deck could not be angled so that it would need less of a variance. Mr. Merola said he had marked out such a deck, but it did not work.

Mr. Smith noted that the screening was actually on the neighbor's property, and again questioned whether the deck could be smaller.

No-one appeared to speak for or against the petition. Board members wished to visit the property, and the hearing was continued to December 6, 2010.

Appeal No. 10-042 – Petition of Daniel P. Briody

Mr. Briody explained that he wished to construct a garden shed on his property at **17 Mountain View Avenue**. It would be located 7 ft. from the rear line, and 12 ft. from the westerly lot line, and thus needed a setback variance.

Mr. Briody noted that his lot was unique in that he had an easement to access his house via a shared driveway on his neighbor's land. At the same time, approximately one-third of his neighbor's garage was located within the Briody property.

The house had an existing single bay garage on the southern side of the house. The applicant planned to use that space to expand his kitchen, which left the house without any storage area for maintenance equipment, bicycles, etc. Given the situation between the two houses and the location of his neighbor's garage, the proposed siting of the shed was the least offensive. It was actually less convenient for the Briody family, but was not visible from the Baldaserini property because of the garage or from the Silverman property.

Mr. Escola asked why the applicant could not locate the shed behind the garage. It would still need a variance, but would not be as close to the lines. Mr. Briody stated that the land sloped in that area and he had chosen a flatter location.

Mr. Briody noted that all three of the neighbors affected had given their support, and all agreed that the proposed location was the best. The house had been constructed in 1936 before zoning, as had most of the neighborhood, and all the neighboring properties had sheds or garages that violated current setbacks. The lots were all narrow, and so it was difficult to meet the setbacks.

No-one appeared to speak for or against the petition. As board members wished to visit the property, the hearing was continued to December 6, 2010.

Appeal No. 10-044 – Petition of Richard Manganiello

Paul Bauts, the contractor for the project, represented Mr. Manganiello. The applicant was seeking a setback variance for a covered porch on the side of his house at **15 Titicus Court**.

Mr. Bauts noted that the existing house was 51.6 ft. from the line. The covered porch would be 6 ft. from the house, with three steps from the porch which would add another 3 ft. If the steps counted, the setback requested would be 42 ft. from the line; if just the

porch, then it would be 45 ft. The property was in the RAA zone which required 35 ft. setbacks, which the porch would easily meet. However, it was the perimeter lot of a PRD subdivision, and thus was required to meet 50 ft. setbacks.

Board members noted that because of the layout of the PRD, this property resembled more an internal lot than a normal perimeter lot, and thus it was a hardship to have to maintain setbacks in excess of the RAA 35 ft.

No-one appeared to speak for or against the petition. The board did not feel it needed to visit the property, and the hearing was concluded. The decision may be found in the end section of these minutes.

Appeal No. 10-043– Petition of E. Hunter Harrison

This petition, concerning property at **11 Old Stagecoach Road**, was withdrawn by the applicant’s agent on November 12, 2010.

Appeal No. 10-045 – Petition of Jayne and Randy Johnson

Mr. Johnson explained that he wished to have an inground pool on his property at **128 Stonecrest Road**, one corner of which would encroach into the setbacks. In response to questions from board members, he advised that his lot was pie shaped, but immediately behind his house, the land sloped steeply, so he could not move the pool to the rear portion of the lot.

The property was adjacent to the Mimosa development, but because of the topography, his property could neither be seen nor accessed from that area. Mr. Johnson had sent notes to all three adjoining neighbors concerning the pool; one had called, another visited the property. Neither could see the pool from their properties and had no problem with the variance application.

Mr. Barney asked why the pool could not be rotated so that no variance would be needed. Mr. Johnson said he had discussed that possibility with the pool installer but was told that it would need a lot more excavation work and would possibly create drainage problems.

No-one appeared to speak for or against the petition. Board members wished to visit the property and the hearing was continued to December 6, 2010.

DECISIONS

The board voted the following actions:

PETITION OF RICHARD MANGANIELLO
PROPERTY LOCATED AT 15 TITICUS COURT.
APPEAL NO. 10-044

REQUESTED: a variance of Section 4.1.D.6.c, PRD perimeter lot setbacks, to allow a covered porch to be located closer than permitted to the side lot line; for property in the RAA zone located at **15 Titicus Court.**

DATE OF HEARING: November 15, 2010

DATE OF DECISION: November 15, 2010

VOTED: To Grant, with Condition, a variance of Section 4.1.D.6.c, PRD perimeter lot setbacks, to allow a covered porch to be located closer than permitted to the side lot line; for property in the RAA zone located at **15 Titicus Court.**

VOTE: To Grant: 5 To Deny: 1

In favor
Barney, Coury, Creamer
Escola, Smith

Opposed
-0-

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 porch 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. To require this particular property in the RAA zone to maintain a 50 ft. setback for an open side porch represents an unusual hardship that justifies the grant of the variance. The adjoining RAA properties are subject only to 35 ft. setback requirements.
2. The proposal is in harmony with the general scheme of development in the area and with the town's Plan of Conservation and Development. It will have no negative impact on the surrounding properties.

As there was no further business before the board, the Chairman adjourned the hearing at approximately 8:30 pm.

Respectfully submitted,

Marjorie Tippet
Administrator
