

**ZONING BOARD OF APPEALS OF RIDGEFIELD**

**MINUTES OF MEETING**

**April 2, 2018**

**NOTE:** These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on April 2, 2018 in the Public Meeting Room, Town Hall Annex, 66 Prospect Street, Ridgefield. Copies of recordings of the meeting may be obtained from the Administrator at cost.

The Chairman called the meeting to order at approximately 7:00 p.m. Sitting on the Board for the evening were: Glenn Smith (Chairman), Carson Fincham (Vice Chairman), Terry Bearden-Rettger, Sky Cole, and Mark Seavy.

**ROTATION OF ALTERNATES**

The rotation for the meeting was: first, Mr. McNicholas; second Mr. Stenko; third Mr. Byrnes. As no alternate was used at this meeting, the same rotation will apply to the next meeting.

**NEW PETITION**

**Appeal No. 18-003**

**Petition of Mary Ellen Palmiotto**  
**164 Shadow Lake Road**

Steve and Mary Ellen Palmiotto represented themselves for the petition. Mr. Palmiotto explained to the Board that they purchased the house in 1991 during an economic recession. The Palmetto's were requesting a setback variance to add a deck to the rear of the house, stating the recession initially prevented them from adding the deck. The house was located in a 40-acre subdivision with 15 lots built around 1988. Mr. Palmiotto submitted to the record a subdivision map from 1986. He also submitted a photo of a sliding glass door to the rear of his house that was stand alone, it did not lead onto a deck or stairs. They stated the slider door had a railing over it since the time they purchased the home. Also, there was an electric outlet and lighting features suggesting that the original design likely included a deck that was never built. When the house was constructed in 1988 the rear setback 25'. The house was built at 37.5' from the rear setback. The lots were later up zoned to a 35' rear setback in the RAA zone. Mr. Palmiotto entered into the file a zoning regulation from 1988 showing the 25' rear setback. The proposed deck addition would put the setback at 25' from the property line.

Mr. Palmiotto spoke about the letter opposing the granting of a variance from neighbors Bruno and Carol Maiolo of 136 Shadow Lake Road. Mr. Palmiotto stated the deck addition would improve the value of his property and in turn increase his neighbor's property value. He also stated that large trees block their view of the Maiolo's property, so the deck would not be seen. Mr. Smith noted other hardships like the topography on the lot and the location of the house to the rear of the lot. Mr. Cole stated it was obvious that a deck was originally intended to be built to the 25' setback. Mr. Fincham agreed the intent was to eventually build a deck and noted that a flat, stone patio could be built without a variance to the property line under the zoning regulations, so potential noise, a concern listed in the Maiolo's letter would not apply. Ms. Bearden-Rettger noted that the Maiolo's home was a good distance from the Palmiotto's house. Mrs. Palmiotto also stated that there was not an egress to the rear of the house, since the sliding door could not be used. So, the addition of a deck was a safety improvement. Mr. Palmiotto stated

the deck would likely be built with pressured treated wood in an earth tone color and would not be an eyesore.

No one appeared to speak for or against the petition and the hearing was concluded. A decision can be found at the end of these minutes.

**DECISIONS**

**Appeal No. 18-003**  
**Petition of Mary Ellen Palmiotto**  
**164 Shadow Lake Road**

The Board voted the following action:

REQUESTED:           A variance of Section 3.5.H., setbacks, to allow construction of a deck within the minimum yard setback; for property in the RAA zone located at 164 Shadow Lake Road.

DATES OF HEARING:           April 2, 2018  
DATE OF DECISION:           April 2, 2015

VOTED:                To Grant, a variance of Section 3.5.H., setbacks, to allow construction of a deck within the minimum yard setback; for property in the RAA zone located at 164 Shadow Lake Road.

VOTE:	To Grant:	5	To Deny:	0
	<u>In favor</u>		<u>Opposed</u>	
	Bearden-Rettger,			
	Cole, Fincham, Seavy and Smith			

CONDITION:

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

1. The deck shall be constructed exactly as shown on the plans and drawings presented to the Board during the hearing and made part of this decision, and the plans submitted for the building application shall be the same as those submitted and approved with the variance application.

The Board voted this action for the following reasons:

1. The change in the zoning regulations from a 25’ rear setback to 35’, along with the topography of the property and the location of the house to the rear of the lot, creates an unusual hardship that justifies the granting of a variance in this case. It is also noted that the deck addition will conform to the previous 25’ setback, and that the house appears to have been originally designed for a deck in the proposed location.
2. The proposal is in harmony with the general scheme of development in the area and will have no negative impact on surrounding properties or 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 7:35 pm.

Respectfully submitted,

Kelly Ryan  
Administrator

---

Filed with the Town Clerk on April 4, 2018  
Posted on Town's website April 4, 2018