

ZONING BOARD OF APPEALS OF RIDGEFIELD

MINUTES OF MEETING

April 24, 2017

NOTE: These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on April 24, 2017 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), Dwayne Barney (Vice-Chairman), David Choplinski, Sky Cole, and Carson Fincham.

ROTATION OF ALTERNATES

The rotation for the meeting was: first, Mr. Stenko; second, Mr. Robbins; third, Mr. Aposporis. Mr. Robbins resigned as an alternate effective April 19, 2017. Therefore, the rotation for the next meeting will be first, Mr. Stenko; second Mr. Aposporis. This rotation will remain until a replacement for Mr. Robbins is selected.

NEW PETITIONS:

Appeal No. 17-006

**Petition of GRC Property Investment and Development LLC
Turner Road**

Attorney Robert Jewell represented the applicants who were present. Mr. Jewell explained to the Board that the property owners wanted to build a single-family home on the lot that was located in the CDD zone. The regulations for CDD or Corporate Development District require a lot to be at least 20 acres. The lot owned by applicants was 1.17 acres and therefore not within the regulations to be developed as a CDD property. He entered an 1858 map that showed the Turner Hill area along with a current tax and zoning map. Using zoning maps, Mr. Jewell listed the changes in zone for the property since the enactment of zoning in Ridgefield:

- 1946 R1
- 1950 R1
- 1964 LIP, an early version of the CDD requiring a minimum of 20 acres for development
- 1966 RAA
- 1968 RAAA
- 1983 CDD
- 1987 lot still located in CDD but surrounding area changed to RAA by 1993

Mr. Jewell stated that these frequent changes in zoning and the failure of P&Z to include that lot in the last zone change had created a hardship. He also stated that since the city of Danbury was to the north, the boundary line can never be changed, therefore it could never be a 20 acre lot. Also, the surrounding area was residential. The proposed plans were for a single-family house with water and septic being served by the city of Danbury.

Mr. Smith asked if the owners currently owned the property adjacent to the north, Mr. Jewell replied no. Mr. Barney asked what the bordering property in Danbury was zoned. Mr. Jewell was not positive, but believed it was an industrial zone.

Members of the Turner Hill Homeowners Association had questions for the applicants. They asked how the road to the lot would be accessed. Mr. Jewell replied that it was a Town road but the applicant would have to bare the cost of paving it and would work with the highway department. One member asked if the residence would be advertised, when up for sale, as a part of the Association. Mr. Jewell replied that the lot was not part of that development. Tom Lefebvre of 7 Howes Court stated that he saw a real estate advertisement stating it was part of the association. Mr. Jewell said he had no control over how the property would be advertised, but this lot was not part of the 73 homes in the association. Diana Glubiak of 32 Lynn Place asked if the owners have been paying their taxes on the property. Mr. Jewell replied that they were and the property was assessed at \$ 762, 800.

Mr. Choplinski asked if the lot and surrounding area was possibly left a CDD zone to act as a buffer. Mr. Jewell replied he was 100% certain it was not intended to act as buffer and the zoning enforcement officer informed him it was likely an error this area was not rezoned. Mr. Choplinski asked how long the current owners owned the property, they replied since 2012. Mr. Smith stated that when building the Turner Road development, the lots in question probably did not get rezoned because the developers of Turner Hill did not own these additional lots and simply did not care if they were included.

Mr. Smith asked the members of the association if they now had any objections to the application. Members asked if a landscape buffer would be created to shield the property from the association community pool. Mr. Jewell replied that there were no landscaping plans yet and stated that there were numerous trees on Town property that would also act as a buffer. Another member asked if the road to the house would be widened as it is currently only the width of one car. Mr. Smith stated that would be a highway department issue, not within the jurisdiction of the ZBA. A member asked the size of the proposed house, the owners replied approximately 2700 sq. ft. Association members stated that most homes in the area were approximately the same square footage. Members also asked about the current gate in front of the lot restricting access to the unpaved road. Mr. Jewell replied the Town likely will move the gate likely past the direct access to the lot.

Mr. Jewell again stated the hardships as the frequent changes in zoning leaving the lot unusable under its current regulation. Also, the proposed plans fit in the largely residential neighborhood.

There were no further questions or comments. A decision can be found at the end of these minutes.

Appeal No. 17-007
Petition of Darrin McGuire
172 Old Sib Road

Tim Williams of New England Home Interiors represented the applicant. Mr. Williams told the Board that the submitted plans called for a bedroom addition to be constructed over the existing garage. A 12" eave would be added bringing the setback to 33.7" in the RAA zone. Mr. Williams said the eave was required for ventilation. Mr. Smith asked if the gutters were included in the calculation, Mr. Williams replied yes. Mr. Williams stated the hardships as the 1 acre lot in the RAA zone and the location of the house in the front of the lot.

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.

Appeal No. 17-008
Petition of Rachel Marino agent for Jeanne Pinto
32 Harding Drive

Rachel Marino and Ed Calhoun represented the applicant. Ms. Marino explained to the Board that after purchasing the house she planned on adding a second story but a subsequent survey showed the house at 4 ft. into the setback, so a variance was now required. She further stated that their 1 acre lot was in the RAAA zone upzoned from RA. Mr. Choplinski and Mr. Smith noted that the submitted plans appeared to conflict with each other and the totals do not match. Also, the front porch does not appear correctly on the survey. Mr. Choplinski stated that the applicants should redo their plans and appear again, but Mr. Smith stated the survey could be amended at the hearing to reflect the change. With the approval of Ms. Marino, the survey was amended to set the setback as 43.5 from the side yard. The setback was previously listed as 45.2. Mr. Smith asked Ms. Marino and Mr. Calhoun to stake the property before construction. They stated they would stake prior to starting the addition.

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

The Board voted the following actions:

Appeal No. 17-006
Petition of GRC Property Investment and Development LLC
Turner Road

REQUESTED: Variances of Sections 5.5.C., permitted uses, 5.5.D., uses requiring special permits, 5.5.E., dimensional standards, to permit the construction of a single-family residence on a non-conforming parcel that will not meet some dimensional standards; for property in the CDD zone located at Turner Road, map number, B01, lot number 0002.

DATES OF HEARING: April 24, 2017
 DATE OF DECISION: April 24, 2017

VOTED: To Grant, variances of Sections 5.5.C., permitted uses, 5.5.D., uses requiring special permits, 5.5.E., dimensional standards, to permit the construction of a single-family residence on a non-conforming parcel that will not meet some dimensional standards; for property in the CDD zone located at Turner Road, map number, B01, lot number 0002.

VOTE: To Grant: 5 To Deny: 0

In favor
Barney, Choplinski, Cole,
Fincham and Smith

Opposed

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 addition shall be constructed exactly as shown on 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 various changes in zoning over many years has resulted in no possible use of the lot under the current CDD zone. This has created an unusual hardship that justifies the granting of a variance in this case. It is noted that the proposed plans comply with the zoning regulations for the RA zone.
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.

Appeal No. 17-007
Petition of Darrin McGuire
172 Old Sib Road

REQUESTED: A variance of Section 3.5.H., setbacks, to allow an addition to a single-family residence that will not meet the minimum yard setbacks; for property in the RAA zone located at 172 Old Sib Road.

DATES OF HEARING: April 24, 2017
DATE OF DECISION: April 24, 2017

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow an addition to a single-family residence that will not meet the minimum yard setbacks; for property in the RAA zone located at 172 Old Sib Road.

VOTE:	To Grant:	5	To Deny:	0
	<u>In favor</u>			<u>Opposed</u>
	Barney, Choplinski, Cole			
	Fincham, 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 addition shall be constructed exactly as shown on 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 location of the house on the undersized lot, presents an unusual hardship that justifies the granting of a variance in this case. It is noted that the proposed plans comply with the RA zoning setbacks.

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.

Appeal No. 17-008

Petition of Rachel Marino agent for Jeanne Pinto

32 Harding Drive

REQUESTED: A variance of Section 3.5.H., setbacks, to allow construction of a 2nd story to a single-family residence that will not meet the minimum yard setbacks; for property in the RAAA zone located at 32 Harding Drive.

DATES OF HEARING: April 24, 2017

DATE OF DECISION: April 24, 2017

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow construction of a 2nd story to a single-family residence that will not meet the minimum yard setbacks; for property in the RAAA zone located at 32 Harding Drive.

VOTE: To Grant: 5 To Deny: 0

In favor

Barney, Choplinski, Cole
Fincham, Smith

Opposed

CONDITIONS:

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

1. The addition shall be constructed exactly as shown on plans and drawings amended 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.
2. The survey as amended during the hearing, now places the setback at 43.5'

The Board voted this action for the following reasons:

1. The undersized lot, developed before the upzone to RAAA status, along with the location of the house on the lot, presents an unusual hardship that justifies the grant of the variance requested in this case. It is noted that the proposed addition meets the setbacks for RAA and RA.
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 8:20 pm.

Respectfully submitted,

Kelly Ryan
Administrator

Filed with the Town Clerk on April 27, 2017

Posted on Town's website April 27, 2017 at approximately 3:00pm

