

ZONING BOARD OF APPEALS OF RIDGEFIELD

MINUTES OF MEETING

February 5, 2018

NOTE: These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on February 5, 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, Terry Bearden-Rettger, Sky Cole, and Mark Seavy. Alternates Robert Byrne and John McNicholas were also present.

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.

ADMINISTRATIVE

Election of Chairperson and Vice Chairperson

One a motion by Mr. Fincham, seconded by Mr. Seavy and passed unanimously, Glenn Smith was elected Chairperson for a period of one year. One a motion by Mr. Cole, seconded by Mr. Seavy and passed unanimously, Carson Fincham, was elected Vice Chairperson for a period of one year.

NEW PETITIONS

Appeal No. 17-020

Petition of Stephen Porco

11 Marcardon Avenue

Mr. Porco represented himself for the petition. Mr. Porco explained to the Board that in preparation of putting his house for sale, he conducted a permit search that showed a permit was never taken out for the deck he rebuilt last year. Mr. Porco further stated that the previous deck, which was rebuilt in 2017, was in poor condition and needed to be rebuilt. He now was requesting a post-built variance since the deck was constructed 12.3 ft. from the side setback.

Mr. Cole asked if the deck was constructed bigger than the previous deck. Mr. Porco replied that it was built 22 inches larger and now covers the concrete slab that was beneath the previous deck. Mr. Porco listed his hardships as the shape of the narrow lot. His house was also .37 acres in the RA zone which required 25 ft. setbacks. The fireplace on the side of the house was built at 10.7 ft. so the deck would not increase the nonconformity of the property. Mr. Seavy asked why permits were not taken out prior to rebuilding. Mr. Porco replied that he was unaware permits were needed since it was almost the same footprint. He is now trying to correct any past mistakes on the property in preparation of sale.

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. 18-001

Petition of Doug Macmillan, agent for Anthony Labozzetta
36 Bloomer Road

Architect Doug MacMillan represented the applicant. Mr. MacMillan explained to the Board that the owners were renovating several structures on the property including the pool cabana which was located to the rear of the lot. He further detailed the plans that showed the pool cabana to be rebuilt on the same footprint with a revised roof line. The foundation and some walls would remain. The existing roof line was 13.8 ft from the property line, the submitted plans show it at 12.6 ft from property line, so the nonconformity of the structure would be decreased. The existing roof was flat, the new roof would be a pitch roof with gables. Mr. MacMillan listed the hardships as the structure being built in the 1930's prior to zoning. Also, the shape of the lot and location of the structure to the rear of the lot.

A 1969 variance for the property, #69-001, was reviewed by the Board. The Board concluded that the 1969 variance was not relevant to the current application and lacking in details. Mr. Cole asked if the property was on septic and if it had a well. Mr. MacMillan replied yes to both and also stated the electricity ran underground.

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. 18-002

Petition of Robert Jewell Esq., agent for Jason and Karen O'Brien
37 Harding Drive

Attorney Robert Jewell appeared for the hearing. Applicant Jason O'Brien was also present. Mr. Jewell explained to the Board that the applicants wanted to add a two-story addition to the rear of their property over their existing deck and build a new attached deck. The house was two stories. Mr. Jewell listed the hardships as the one-acre lot in the RAAA zone with 50 ft. setbacks. The current side setback was 41.7 from the side property line. Mr. Jewell detailed to the Board that the lot was subdivided in 1959 shortly before the subdivision regulations changed. At the time of subdivision, the zone was R1 or 25 ft front setback, 35 ft side setback. When the house was constructed in 1968 the zone was changed to RAA, but built under the RA regulations. In 1969 the lot was changed to the current RAAA. Connecticut did enact statute 8-26A which included the drop-down provision, allowing property owners to build according to the lower zone if previously upzoned. In 2004, the Town of Ridgefield dropped the drop-down provision and 8-26A was revised for use only in vacant lots. Copies of the former zoning regulations were submitted to the file.

Mr. Jewell stated that the lot calculations on the application needed to be edited. With the addition of gutters, the applicant was now asking for a 40 ft. side setback variance instead of the original 41.5 ft. Mr. O'Brien asked what his options were since the type of siding and windows have not been selected and listed on the submitted plans. Mr. Smith replied that siding would not be a ZBA issue, but the placement of windows must be the same as what was presented on the plans. If the applicants wanted to make changes in the future, they would need to return to the ZBA for another variance.

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. 17-020
Petition of Stephen Porco
11 Marcardon Avenue

REQUESTED: A variance of Section 3.5.H., setbacks, to allow a replacement deck, built larger than original deck, to remain within the minimum yard setback; for property in the RA zone located at 11 Marcardon Avenue.

DATES OF HEARING: February 5, 2018

DATE OF DECISION: February 5, 2015

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow a replacement deck, built larger than original deck, to remain within the minimum yard setback; for property in the RA zone located at 11 Marcardon Avenue.

VOTE: To Grant: 5 To Deny: 0

In favor

Opposed

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 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 creates an unusual hardship that justifies the granting of a variance in this case. It is noted that there is no increase in nonconformity as the deck is no closer to the property line than the existing house.
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. 18-001
Petition of Doug Macmillan, agent for Anthony Labozzetta
36 Bloomer Road

REQUESTED: A variance of Section 3.5.H, setbacks, to allow the rebuilding of a pool cabana located within the minimum yard setback; for property in the RAA zone located at 36 Bloomer Road.

DATES OF HEARING: February 5, 2018

DATE OF DECISION: February 5, 2018

VOTED: To Grant, a variance of Section 3.5.H, setbacks, to allow the rebuilding of a pool cabana located within the minimum yard setback; for property in the RAA zone located at 36 Bloomer Road.

VOTE: To Grant: 5 To Deny: 0
In favor Opposed
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 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 building was built in 1930's and pre-dates zoning regulations. The rebuilding will result in a decrease of nonconformity to the structure. These reasons, along with the shape of the lot and the location of the structure on the lot, creates an unusual hardship that justifies the granting of a variance in this case.
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. 18-002

Petition of Robert Jewell Esq., agent for Jason and Karen O'Brien
37 Harding Drive

REQUESTED: A variance of Section 3.5.H., setbacks, to construct an addition to a single-family residence that will not meet the minimum yard setbacks; for property in the RAAA zone located at 37 Harding Drive.

DATES OF HEARING: February 5, 2018
DATE OF DECISION: February 5, 2018

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to construct an addition to a single-family residence that will not meet the minimum yard setbacks; for property in the RAAA zone located at 37 Harding Drive.

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

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 the modified 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.
2. The site plan as modified during the hearing, now places the overhang and gutters 40 ft. from the side property line.

The Board voted this action for the following reasons:

1. The upzoning of this lot from RA to RAAA has created an undersized lot. This, along with the loss of the drop-down provision has created an unusual hardship that justifies granting a variance in this case. It is noted that the submitted plans meet the RAA setback.
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 8:10 pm.

Respectfully submitted,

Kelly Ryan
Administrator