

**ZONING BOARD OF APPEALS OF RIDGEFIELD**

**MINUTES OF MEETING**

**July 10, 2017**

**NOTE:** These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on July 10, 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), Duane Barney (Vice Chairman), David Choplinski, Sky Cole, and Carson Fincham.

**ROTATION OF ALTERNATES**

The rotation for the meeting was: first, Mr. Aposporis; second Mr. Sealy; third Mr. Stenko. Since no alternate was used for this meeting, the rotation will stay the same for the next meeting.

**NEW PETITIONS:**

**Appeal No. 17-012**

**Petition of James and Barbara Grimley**  
**34 Catoonah Street**

Reed Whipple of Heritage Home Construction represented the applicants. Mr. Smith asked the applicants if they wanted their petition to be heard with only four Board Members as Mr. Barney was late getting to the meeting. They agreed to have it heard by the four members.

Mr. Whipple explained to the Board that the Grimley's wanted to change the design of the detached garage that was granted in variance #16-014. A previous variance for an attached garage was also granted in 2007, #07-020. Applicants now wanted a porte-cochere style structure. The Board reviewed the previous variance granted for the detached garage. Mr. Smith explained to the applicant's that #16-014 would be abandoned if the new petition was granted. The applicants stated that they understood. Mr. Whipple stated that the current plans have the structure at 1 story, the approved garage plans in #16-014 was at 1.5 stories.

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. 17-013**

**Petition of Brooks and Falotico Associates, agents for Emmanuel Crabbe and Kerry Reinertsen**  
**61 Peaceable Hill Road**

Michael Benjamin of Brooks and Falotico Associates represented the applicants. Mr. Benjamin explained to the Board that 40% of the house was in the front and side setback. The house was built after a 2002 variance was granted listing the location of wetlands on the lot as a hardship. The applicants would like to build a fireplace with chimney in the front setback 41.4 ft. from the front property line. The lot was in the RAAA zone with 50 ft. setbacks. The house was built 28.8 ft. from the front setback. Mr. Smith asked if

there was anywhere else on the property, outside the setback, where the fireplace could be built. Mr. Benjamin replied that the applicants wanted the fireplace in the living room.

No one appeared to speak in favor of granting the petition. Martin and Sally Cohen at 74 Peaceable Hill Road appeared against the granting of the petition. Mrs. Cohen stated they were against the petition due to the chimney being close to their property line; an abundance of trees and shrubs on their property line and the concern that sparks from the chimney could cause a fire; also smoke from the chimney would prevent them from opening their house windows and prevent them from sitting on their deck. Mr. Benjamin confirmed that the fireplace would be wood burning and stated that the fireplace and chimney would be built to the building code with any required spark protectors. Mr. Smith told the Cohen's that the applicants could build a chimney 10 ft. away and not require a variance. Mr. Cohen stated that they understood that right to build outside the setback but they still objected to the petition.

Mr. Choplinski asked if the setback regulation was created to prevent fires from chimneys. Mr. Fincham stated the Town's 50 ft. setback regulation for the RAAA zone was more likely due to aesthetics, not fireplace safety. Previous variances granted to the property were reviewed along with the hardships, including #02-014 which granted the construction of the home in the setback.

No one else 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. 17-014**  
**Petition of R. Bruce and Anne Gallaway**  
**96 Stony Hill Road**

Mr. and Mrs. Gallaway represented themselves for the petition. Mr. Gallaway stated that the house built in 1966 with an attached garage that cannot be accessed from the inside of the house. The garage borders the living room wall so they cannot build an access door from that room. Their submitted plans show a front breezeway addition that would put the setback at 32 ft. in the RAA zone which was a 35 ft. setback. Mr. Gallaway further stated that the corner of the house was 29.9 ft. from the front property line. He also stated the property was upzoned from RA and the property was slightly over 1 acre. It was noted by the Board that the submitted plans meet the setbacks for the RA zone.

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. 17-012**  
**Petition of James and Barbara Grimley**  
**34 Catoonah Street**

REQUESTED: A variance of Section 3.5.F., lot coverage, to allow construction of a porte-cochere or car-port that will exceed the permitted lot coverage. The lot was originally granted lot coverage approval in ZBA variance #16-014; for property in the R 7.5 zone located at 34 Catoonah Street.

DATES OF HEARING: July 10, 2017  
DATE OF DECISION: July 10, 2017

VOTED: To Grant, a variance of Section 3.5.F., lot coverage, to allow construction of a porte-cochere or car-port that will exceed the permitted lot coverage. The lot was originally granted lot coverage approval in ZBA variance #16-014; for property in the R 7.5 zone located at 34 Catoonah Street.

VOTE: To Grant: 4 To Deny: 0

In favor  
Cole, Choplinski,  
Fincham and 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 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 previous variance granted to this property, # 16-014, shall be abandoned.

The Board voted this action for the following reasons:

1. The same hardships that the Board found in variance #07-020, continue to apply to this current petition.
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. 17-013**

**Petition of Brooks and Falotico Associates, agents for Emmanuel Crabbe and Kerry Reinertsen**  
**61 Peaceable Hill Road**

REQUESTED: A variance of Section 3.5.H., setbacks, to allow construction of an addition that will not meet the minimum yard setbacks; for property in the RAAA zone located at 61 Peaceable Hill Road

DATES OF HEARING: July 10, 2017

DATE OF DECISION: July 10, 2017

VOTED: To Deny, a variance of Section 3.5.H., setbacks, to allow construction of an addition that will not meet the minimum yard setbacks; for property in the RAAA zone located at 61 Peaceable Hill Road.

VOTE: To Grant: 3 To Deny: 2

In favor  
Barney, Choplinski,  
Fincham

Opposed  
Cole, Smith

The Board voted this action for the following reason:

1. No unusual hardships were presented that would justify the grant of the variance requested in this case, as minimum relief was granted in variance #02-014. Alternatives exist for addition elsewhere on property that would not require a variance.

**Appeal No. 17-014**  
**R. Bruce and Anne Gallaway**  
**96 Stony Hill Road**

REQUESTED: A variance of Section 3.5.H., setbacks, to allow construction of an addition that will not meet the minimum yard setbacks; for property in the RAA zone located at 96 Stony Hill Road.

DATES OF HEARING: July 10, 2017  
DATE OF DECISION: July 10, 2017

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow construction of an addition that will not meet the minimum yard setbacks; for property in the RAA zone located at 96 Stony Hill Road.

VOTE: To Grant: 5 To Deny: 0

In favor Opposed  
Barney, Cole, Choplinski,  
Fincham 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 lot, along with the upzoning of the property from RA to RAA, presents an unusual hardship that justifies the grant of the variance requested in this case. It is also to be noted that the setbacks requested will meet the requirements of 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.

As there was no further business before the Board, the Chairman adjourned the hearing at approximately 7:30 pm.

Respectfully submitted,

Kelly Ryan  
Administrator