

**ZONING BOARD OF APPEALS OF RIDGEFIELD**

**MINUTES OF MEETING**

**May 8, 2017**

**NOTE:** These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on May 8, 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), Evangelos Aposporis, 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. Mr. Barney was unable to attend the meeting. Mr. Stenko was unable to attend so Mr. Aposporis sat for Mr. Barney. 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.

**Interviews for an Alternate Board Member**

Mr. Robbins resigned his position as an alternate to the Board effective April 19, 2017. Notices were placed in the Ridgefield Press for two weeks prior to the meeting and the Democratic Town Committee was notified of the vacancy. Only one candidate for alternate member appeared and was interviewed, Mark Seavy.

After the interview, on a motion by Mr. Cole and seconded by Mr. Fincham, Mr. Seavy was unanimously appointed as an alternate to the board.

**NEW PETITIONS:**

**Appeal No. 17-009**

**Petition of Robert Deroma**  
**40 Mountain Road**

Engineer Dainius Virbickas represented the applicant who was also present. Mr. Virbickas presented an enlarged site plan to the Board. He stated that the house was built in 2000 after receiving variances for setbacks and construction. The site plan showed various colored lines on the property highlighting, flood lines, wetlands, septic systems and setbacks. The application was requesting the shed on the property be moved forward 3.5 ft. out of the flood zone placing it 8.2 ft. from the front property line, so a setback variance was requested. This placement would also be partially in the front yard, so another variance was requested for the placement. The shed was 224 sq. ft. Mr. Deroma stated that the previous owner removed a shed from the property that was in the wetlands, Mr. Deroma put a shed back onto the property but it was now partially located in the flood zone, so it needed to be moved according to the Town's Wetlands Department.

Mr. Choplinski asked if the shed could be relocated to the rear of the property. Mr. Virbickas replied that the septic system was located in one portion of the back yard and the only rear area was across the brook. Also, the proposed relocation was simplest since the shed could be moved forward with a forklift. The chairman reviewed the previous

variances for the property and read the decisions to the board members. Mr. Choplinski asked if the shed could be moved so it would not be in the front yard. Mr. Cole agreed that the shed could be moved closer to the house and not in the front yard, so one of the variances would not be needed. Mr. Choplinski asked for confirmation that the shed could not be in the flood plain. Mr. Virbickas replied that any structure was usually not permitted in a flood plain, but it may be allowed after studies and calculations were conducted. In this situation, he stated, moving the shed would be preferable. Mr. Choplinski asked Mr. Virbickas to outline the hardships. Mr. Virbickas stated the presence of a brook and wetlands on the property and the location of the septic system limit the use of the property.

No one appeared to speak for or against the petition. Chris McQuilkin of Nod Road asked if the septic pipes went underneath the brook to the fields. Mr. Virbickas replied yes, the pipes were under the brook. Mr. Smith asked the applicant if they wanted to modify their plans to move the shed out of the front yard so the Board could grant only minimum relief. Mr. Deroma agreed and Mr. Virbickas re-scaled the site plan to re-locate the shed closer to the house, out of the front yard and now with a setback of 17.8 from the front property line. The house was in the RA zone with a required 25ft. setback. With this modification, only the setback variance would be needed.

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

**DECISIONS**

The Board voted the following actions:

**Appeal No. 17-009**  
**Petition of Robert Deroma**  
**40 Mountain Road**

REQUESTED: A variance of Sections 3.5.H., setbacks, to allow an accessory outbuilding to be located within the minimum yard setback; for property in the RA zone located at 40 Mountain Road.

DATES OF HEARING: May 8, 2017  
DATE OF DECISION: May 8, 2017

VOTED: To Grant, a variance of Sections 3.5.H., setbacks, to allow an accessory outbuilding to be located within the minimum yard setback; for property in the RA zone located at 40 Mountain Road.

VOTE: To Grant: 5 To Deny: 0  
  
In favor Opposed  
Aposporis, Choplinski, Cole,  
Fincham 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 shed shall be moved exactly as shown on plans and drawings modified during the hearing and made part of this decision, and the plans submitted for any additional permits shall be the same as those modified and approved with the variance application.

2. The site plan as modified during the hearing, now places the shed 17.8 ft. from the front property line and in a different location. The shed shall not be placed in the front yard.

The Board voted this action for the following reasons:

1. The presence of a brook and wetlands on the property, along with the location of the septic system, presents an unusual hardship that justifies the grant of the variance requested 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.

As there was no further business before the Board, the Chairman adjourned the hearing at approximately 7:45 pm.

Respectfully submitted,

Kelly Ryan  
Administrator

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Filed with the Town Clerk on May 11, 2017

Posted on Town's website May 11, 2017 at approximately 12:00pm