

ZONING BOARD OF APPEALS OF RIDGEFIELD

MINUTES OF MEETING

April 25, 2016

NOTE: These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on April 25, 2016 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 7:30 p.m. Sitting on the board for the evening were: Glenn Smith (Chairman), Duane Barney (Vice Chairman), David Choplinski, Sky Cole, Carson Fincham and Dwayne Escola. Mr. Creamer was unable to attend the meeting and asked Mr. Fincham to replace him. Mr. Escola sat to hear a petition as outlined below.

ROTATION OF ALTERNATES

The rotation for the meeting was: first, Mr. Stenko; second, Mr. Fincham; third, Mr. Escola. Mr. Fincham continued to sit for Mr. Creamer who resigned from the Board effective April 25, 2016. Mr. Escola heard a petition for Mr. Smith as noted below. The rotation for the next meeting will be: first, Mr. Stenko; second, Mr. Escola; third, Mr. Fincham.

ADMINISTRATIVE

Appointment of a New Board Member

Mr. Creamer resigned from the Board effective April 25, 2016. Notices were placed in the Ridgefield Press for two weeks prior to the meeting and the Republican Town Committee was notified of the vacancy. Only one candidate for full member appeared: Carson Fincham, who was serving as an alternate to the Board. Mr. Choplinski nominated Mr. Fincham for full Board member. The motion was seconded by Mr. Cole and passed unanimously.

NEW PETITIONS:

**Appeal No. 16-005 – Petition of Douglas R. Carroll
14 Crescent Drive**

Douglas Carroll represented himself in this petition. Mr. Carroll explained to the Board that his application was for an addition and the plans are revised from plans approved by the Board in variance # 03-001. He further stated that the proposed addition was further away from the lot line as previously approved in #03-001. The Board reviewed the plans and decisions from variances #03-001 and # 03-028 both for 14 Crescent Drive. Mr. Cole asked what zone the house was located in. Mr. Carroll replied it was in the RA zone and nonconforming to setbacks. Mr. Smith stated that most of the revisions appear to be architectural and asked if the roof pitch was changed from the previous approved plans. Mr. Carroll replied that it appeared from the drawings that the roof pitch had changed. Mr. Smith asked about the hardships. Mr. Carroll stated the hardships were the same as previous variances, including the property being bi-sected by Crescent Drive, location of a right of way on the property, the shape of the lot and location of the house on the lot.

Jeff Florio of 18 Clearview Drive and Roger Grannis of 24 Clearview Drive spoke out in favor of granting the petition. Both Mr. Florio and Mr. Grannis stated that the plans were nice and would be in the character of the neighborhood. No-one appeared to speak against the petition, and the hearing was concluded. The decision may be found in the end section of these minutes.

Appeal No. 16-006 – Petition of Robert Hamil
213 Mimosa Circle

The following new petition was heard by, Mr. Barney, Mr. Choplinski, Mr. Cole, Mr. Fincham and Mr. Escola who was sitting for Mr. Smith who had recused himself from this petition.

Robert Hamil represented himself in this petition. Mr. Hamil explained to the Board that he wanted to construct a new deck to the back of the house which was located in the rear of the property. Mr. Hamil also explained that an old deck was recently torn down because of decay and its location was within 6 feet of the septic system. The new proposed location for the deck was further away from the septic system. Mr. Escola asked for confirmation that the new proposed setback would be 21.4 ft. up from 24.7 ft. Mr. Hamil confirmed the new setback number and further stated hardships as the front of the house had a great deal of ledge so that was likely why the house was constructed so far to the rear and the upzoning of the property from 1 acre to the RAA 2 acre zone

Mr. Fincham asked if a portion of the proposed deck could be clipped to make it 25 ft from the setback within the RA regulations. Mr. Hamil replied that the design could be re-done and built to the 1 acre setback. The Board agreed with this suggestion and asked Mr. Hamil if he would build the deck at a 25 ft. setback and no larger than 300 sq ft. Mr. Hamil agreed. The administrator entered into the file a letter from a neighbor Eileen Noonan at 87 Mimosa Circle which stated her concerns about the owners work on the property but did not oppose the variance.

No-one appeared to speak for or against the petition, and the hearing was concluded. The decision may be found in the end section of these minutes.

Appeal No. 16-007 – Petition of Roger Provey agent for Todd DiBattista
36 Ritch Drive

Roger Provey and Todd DiBattista represented themselves for this petition. Mr. Provey explained to the Board that the plans proposed a garage expansion in the front of the property including 2 ft overhangs to match the architecture and siding on the house. This proposed addition increased into the setback to 29.9 ft. from 31.9 ft. The house was located in the RAA zone with 35 ft setbacks so it was nonconforming already on the side setback.

Mr. Provey stated that the house was in a subdivision that was created in 1954 and was in a 1 acre zone, later upzoned to 2 acres. The house was also located on the western side of the lot, closer to the setback. Mr. Fincham asked for confirmation that the plans showed an increase from a 1 car garage to a 2-car garage, Mr. Provey confirmed.

No-one appeared to speak for or against the petition, and the hearing was concluded. The decision may be found in the end section of these minutes.

Appeal No. 16-008 – Petition of First Congregation Church of Ridgefield
103 Main Street

Robert Jewell an attorney for the Church along with architect John Doyle appeared on behalf of this petition. Mr. Jewell stated that the Church again was asking for FAR and lot coverage variances as the Church had revised their plans for additions granted in earlier variances. Mr. Jewell explained that the FAR and lot coverage regulations were primarily created for houses since churches are often much bigger. Mr. Doyle presented the proposed plans to the Board and outlined the plans and changes from the previous variance #15-009. Mr. Doyle stated that the plans show changes to the Church House including construction of a front entry vestibule for handicap entry, an increase of 500 sq ft. A terrace not requiring a variance was also planned on the Church's west side along with enlarged windows. Mr. Doyle stated that the architecture was close to the style of the Church. Mr. Smith stated that previous variances granted new space and additional buildings, this petition does not ask for additions besides the vestibule. Mr. Jewell stated the hardships as the Church being built being zoning was enacted in 1946, and other hardships as described in #15-009. Mr. Choplinski asked if granting this variance would void the previous variance 15-009. All parties agreed a new variance would void #15-009.

Rhonda Hill of the 1st Congregational Church spoke out in favor of granting the position and stated she was confident that these plans would not be changing.

No-one appeared to speak against the petition, and the hearing was concluded. The decision may be found in the end section of these minutes.

CONTINUED PETITION:

Appeal No. 16-003 – Petition of Christopher Sullivan
140 Bayberry Hill Road

The following petition was continued from the April 4, 2016 meeting:

Robert Jewell continued to represent the applicant, Christopher Sullivan who was also present. Mr. Jewell told the Board that they had ended the last hearing after being asked by the Board to consider downsizing the proposed garage expansion plans to meet an RA setback of 25 ft. Mr. Jewell stated that the applicant did not want to build within the RA setback and therefore did not change any plans. Mr. Jewell again listed the hardships for the property including the upzoning from RA to RAA, the topography, including wetlands on the property and the stream which restricted building within 75 ft. In addition, Mr. Jewell informed that Board again that the neighbor closest to the proposed addition approved of the plans.

Mr. Sullivan stated that he has been trying since 2013 to get this project started. The property filed a variance for a similar request in 2013, that petition was withdrawn. He further stated that the addition would not encroach on his neighbor and will improve the neighborhood. Mr. Sullivan stated that Mr. Smith's business placed a bid to do work on this project in 2013. Mr. Smith replied that he has no recollection on ever bidding for a job on this property.

Mr. Sullivan stated he would build the garage extension to 24 x 20 instead of the proposed 24 x 24 in order to move it more out of the setback. Mr. Smith asked applicants if they have discussed the property with the Inland and Wetland Department. Mr. Jewell and Mr. Sullivan replied no, but the land near the stream was very wet and swampy and likely not buildable. Mr. Smith agreed there was a hardship but applicants should at least propose plans with a 25 ft setback since a 35 ft. setback was required. Mr. Fincham stated that applicants should exhaust all wetlands reviews on the other side of the property and other building options before receiving a variance. Mr. Jewell replied building on the other side of the house would create two separate projects since the proposed plans showed additional living space near the garage expansion. Mr. Choplinski asked if the addition of a one-car garage could be moved forward and the living space be added to the rear of the addition. Mr. Sullivan stated that addition would be too close to the well. Mr. Choplinski then suggested pulling the addition even further up front away from the well. Mr. Sullivan replied that he appreciated the Board members suggestions but did not want to revise his plans. Mr. Sullivan again stated he would build the garage to 24 x 20. Mr. Cole suggested getting a confirmation of the exact location of the well. Mr. Sullivan stated that one of the submitted plans showed the correct location of the well. Mr. Barney stated he have no opposition to the proposed plans and stated it would be a nice addition to the property. Mr. Fincham stated that he agreed there were hardships, but there were alternatives for other plans on the property and changes could result in a 25 ft. setback. Mr. Sullivan replied that he had reviewed many alternatives for building the addition since 2013.

No-one appeared to speak for or against the petition, and the hearing was concluded. The decision may be found in the end section of these minutes.

DECISIONS

The Board voted the following actions:

Appeal No. 16-005 – Petition of Douglas R. Carroll
14 Crescent Drive

REQUESTED: A variance of Section 3.5.H, setbacks, to allow an addition to a single-family home, closer than permitted to the lot line; for property in the RA zone located at 14 Crescent Drive.

DATES OF HEARING: April 25, 2016

DATE OF DECISION: April 25, 2016

VOTED: To Grant, a variance of Section 3.5.H, setbacks, to allow an addition to a single-family home, closer than permitted to the lot line; for property in the RA zone located at 14 Crescent Drive.

VOTE: To Grant: 5 To Deny: 0

<u>In favor</u>	<u>Opposed</u>
Barney, Cole, Choplinski, Fincham and Smith	

CONDITION:

This action is subject to the following condition which 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. This application relates to revisions to plans approved in ZBA Variances #03-001 and # 03-028. The same hardships listed in #03-001 continue to apply to this 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. 16-006 – Petition of Robert Hamil
213 Mimosa Circle

REQUESTED: A variance of Section 3.5.H, setbacks, for construction of a deck closer than permitted to the lot lines; for property in the RAA zone located at 213 Mimosa Circle.

DATES OF HEARING: April 25, 2016
DATE OF DECISION: April 25, 2016

VOTED: To Grant, a variance of Section 3.5.H, setbacks, for construction of a deck closer than permitted to the lot lines; for property in the RAA zone located at 213 Mimosa Circle.

VOTE: To Grant: 5 To Deny: 0

<u>In favor</u>	<u>Opposed</u>
Barney, Choplinski, Cole, Escola and Fincham	

CONDITION:

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

1. The deck must be constructed no closer than 25' from the property line at any point and shall not be constructed larger than 300 sq. ft.

The Board voted this action for the following reasons:

1. The upzoning of the property from RA to RAA, the location of the house in the rear of the lot along with the location of the septic system, presents 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. 16-007 – Petition of Roger Provey agent for Todd DiBattista
36 Ritch Drive

REQUESTED: A variance a variance of Section 3.5.H, setbacks, for the expansion of an attached garage closer than permitted to the lot lines; for property in the RAA zone located at 36 Ritch Drive

DATES OF HEARING: April 25, 2016
DATE OF DECISION: April 25, 2016

VOTED: To Grant, a variance of Section 3.5.H, setbacks, for the expansion of an attached garage closer than permitted to the lot lines; for property in the RAA zone located at 36 Ritch Drive.

VOTE: To Grant: 5 To Deny: 0

In favor Opposed
Barney, Choplinski, Cole,
Fincham and Smith

CONDITION:

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 upzoning of the property and 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 addition will conform to the original 25' 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.

Appeal No. 16-008 – Petition of First Congregation Church of Ridgefield
103 Main Street

REQUESTED: Variances of Sections 3.5.F, lot coverage, and 3.5.G, FAR, to allow an addition to a church building that will not meet the lot coverage and FAR requirements. The building was originally granted FAR and lot coverage approval in ZBA variance #14-020 and was modified in variance #15-009; for property in the RA zone located at 103 Main Street.

DATES OF HEARING: April 25, 2016
DATE OF DECISION: April 25, 2016

VOTED: To Grant, variances of Sections 3.5.F, lot coverage, and 3.5.G, FAR, to allow an addition to a church building that will not meet the lot coverage and FAR requirements. The building was originally granted FAR and lot coverage approval in ZBA variance #14-020 and was modified in variance #15-009; for property in the RA zone located at 103 Main Street.

VOTE: To Grant: 5 To Deny: 0

In favor Opposed
Barney, Choplinski, Cole,
Fincham and Smith

CONDITIONS:

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

- 1. The additions shall be constructed exactly as shown on amended plans and drawings presented to the Board during the April 25, 2016 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 applicant, #15-009, shall be abandoned.

The Board voted this action for the following reasons:

- 1. The Church was constructed at this site before the enactment of zoning in Ridgefield. The enactment of the zoning ordinance in 1946, combined with the adoption of lot coverage regulations in 1990 and FAR regulations in 2000, presents an unusual hardship that justifies the grant of the variances requested in this case. In addition, hardship is found in the fact that lot coverage and FAR regulations were designed for single family residential properties and not for non-residential but permitted uses in the zone.
- 2. The additions are necessary for the mission of the Church and for the health and safety of the congregation.
- 3. 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. 16-003 – Petition of Christopher Sullivan
140 Bayberry Hill Road

REQUESTED: A variance of Section 3.5.H, setbacks, for construction of an attached 1.5 story, two-car garage, closer than permitted to the lot line; for property in the RAA zone located at 140 Bayberry Hill Road.

DATES OF HEARING: April 4 and 25, 2016
DATE OF DECISION: April 25, 2016

VOTED: To Deny, a variance of Section 3.5.H, setbacks, for construction of an attached 1.5 story, two-car garage, closer than permitted to the lot line; for property in the RAA zone located at 140 Bayberry Hill Road.

VOTE: To Grant: 3 To Deny: 2

<u>In favor</u>	<u>Opposed</u>
Barney, Choplinski,	Fincham, Smith
Cole	

The Board voted this action for the following reasons:

- 1. No hardship was presented to justify the grant of the variance sought in this petition. Applicant was found to have requested more than minimum relief.

As there was no further business before the board, the Chairman adjourned the hearing at approximately 9:20 pm.

Respectfully submitted,

Kelly Ryan
Administrator

