

ZONING BOARD OF APPEALS OF RIDGEFIELD

MINUTES OF MEETING

June 27, 2016

NOTE: These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on June 27, 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 7:00 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. Stenko; second, Mr. Escola; third, Mr. Aposporis. No alternate was needed for this meeting, so the rotation will stay the same.

NEW PETITIONS:

Appeal No. 16-018 – Petition of Margaret DeRose
196 High Ride Avenue

Ms. DeRose represented herself in this petition. Also present was her builder, Monica Brunen. Mrs. Brunen explained to the Board that her husband had suggested possible minor changes for the detached garage that was approved in variance #15-021, including eliminating the windows on the garage door to keep the cost lower. These suggested changes to a windowless garage door was administratively approved by the ZBA chairman at the request of the Brunen's and entered into the file. Mrs. Brunen stated however, that the garage was eventually constructed with windows as originally approved in ZBA variance #15-021. In November of 2015, the discrepancy was noticed by the zoning enforcement officer and sent back to the ZBA. Mr. Smith explained to the applicants that the ZBA had since decided to no longer approve any changes without a new application being brought before the full Board. Mr. Smith apologized to the applicant for this decision, explaining that she unfortunately got caught between the time frame the Board decided to make the change.

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. 16-014 – Petition of James and Barbara Grimley
34 Catoonah Street

Prior to the meeting, the applicants requested a postponement until the July 11, 2016 meeting.

Appeal No. 16-015– Petition of Joan E. Trainor
12 Rainbow Drive

Ms. Trainor represented herself in this petition. Ms. Trainor explained to the Board that her plans were to expand her existing deck by 2 feet on the left side. Her back yard, where the deck was located, slopes down and cannot be used. Ms. Trainor entered into the record, photographs of her backyard and the current deck. The proposed deck would be 16.1 feet from the property line so a setback variance was requested. She stated that

her plans showed the new deck to be 22x12, while the existing deck was 20x10 in the RA zone with 25ft setbacks. Ms. Trainor further stated that there were no neighbors boarding her rear property where the deck was located, the property borders Cross Hill Road. She listed her hardships as the severe topography with the slope, the size of the lot and the location of the house on the lot.

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. 16-016 – Petition of Caroline and Jeffrey Ertl
48 Soundview Road

Mr. and Mrs. Ertl represented themselves in this petition. Mrs. Ertl explained to the Board that their lot was less than ½ acre in the RA zone. They were planning a second floor addition and a deck addition on the north side of the property. The house was already within the 25-foot setback in the RA zone. The proposed deck plans and eaves would bring the setback to 22.4 feet for the eaves and 24 feet for the deck.

Mr. Choplinski asked the administrator if any neighbors commented on the application. The administrator responded that several neighbors including 37 Split Level, 316 Wilton Road West and 46 Soundview Road reviewed the application and had no concerns. Mr. Cole asked the applicants if the deck would be flush with the house. The Ertl's replied yes. Mr. Choplinski suggested the Board condition any variance so that any addition on the north side be limited to 22.4 feet from the property line, which was the closest point as shown on the submitted survey. Mr. Smith asked if the 22.4-foot setback included gutters. The Ertl's believed it did include gutters. Mr. Smith approved of the 22.4-foot condition as well. Mrs. Ertl asked that a glass door shown on the submitted plans near the rear sliding door be removed from the plans. The Board agreed to condition that change as well.

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. 16-017 – Petition of Peter Coffin agent for Glori and Richard Norwitt
143 High Ridge Avenue

Peter Coffin of Doyle Coffin Architecture represented the applicants. Mr. Coffin explained to the Board that the applicants wanted to install a pre-fabricated hot tub that under the zoning regulations was considered a structure. Therefore, a setback variance was requested since part of the hot tub would be within the setback of 25 feet in the RA zone. Mr. Coffin further explained that the closest neighbor to the hot tub addition would be a neighboring park, he listed the hardships as the unusual shape of the lot and wetlands restrictions on part of the property. Mr. Smith stated that the lot was likely created after a lot division and asked what year the house was built. Mr. Coffin replied he did not know the exact year but likely in the 1990's.

Mr. Cole asked why the hot tub could not be installed on the east side of the house near the deck overlooking the pool and be outside of the setback. Mr. Coffin replied that the owners wanted the hot tub closer to the pool and also since the other deck was risen off the ground it would have to be torn out to install the hot tub. Mr. Choplinski asked why the hot tub could not be installed further back towards the house to move it further out of the setback. Mr. Coffin stated there was not enough room to move it back and issues with door openings could arise from moving it back. Mr. Cole and Mr. Choplinski stated there were other locations outside the setback to install the hot tub. Mr. Fincham agreed there were other locations and stated the lot was oversized at 1.3 acres in the RA zone. Mr. Smith asked Mr. Coffin if he would like to discuss other locations for installation with his clients. Mr. Coffin asked to have the petition withdrawn.

No-one appeared to speak for or against the petition, and the hearing was concluded.

DECISIONS

The Board voted the following actions:

Appeal No. 16-018 – Petition of Margaret DeRose
196 High Ride Avenue

REQUESTED: Variances of Section 3.5.F, lot coverage and 3.5.G., floor area ratio, to alter a two-car garage, constructed in accordance with variance # 15-021, that will exceed the permitted lot coverage and floor area ratio; for property in the R 7.5 zone located at 196 High Ridge Avenue.

DATES OF HEARING: June 27, 2016
DATE OF DECISION: June 27, 2016

VOTED: To Grant, variances of Section 3.5.F, lot coverage and 3.5.G., floor area ratio, to alter a two-car garage, constructed in accordance with variance # 15-021, that will exceed the permitted lot coverage and floor area ratio; for property in the R 7.5 zone located at 196 High Ridge Avenue.

VOTE: To Grant: 5 To Deny: 0

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

The Board voted this action for the following reasons:

- 1. The same hardships that applied in ZBA variance # 15-021 continue to apply in 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. 16-015– Petition of Joan E. Trainor
12 Rainbow Drive

REQUESTED: A variance of Section 3.5.H., setbacks, for construction of a deck addition to a single family residence that will not meet the minimum yard setback; for property in the RA zone located at 12 Rainbow Drive.

DATES OF HEARING: June 27, 2016
DATE OF DECISION: June 27, 2016

VOTED: To Grant, with Condition, a variance of Section 3.5.H., setbacks, for construction of a deck addition to a single family residence that will not meet the minimum yard setback; for property in the RA zone located at 12 Rainbow Drive.

VOTE: To Grant: 5 To Deny: 0

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. The topography of the property, combined with the location of the house on the undersized lot, presents an unusual hardship that justifies the grant 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. 16-016 – Petition of Caroline and Jeffrey Ertl
48 Soundview Road

REQUESTED: A variance of Section 3.5.H., setbacks, for construction of an addition to a single family residence that will not meet the minimum yard setback; for property in the RA zone located at 48 Soundview Road.

DATES OF HEARING: June 27, 2016

DATE OF DECISION: June 27, 2016

VOTED: To Grant, with conditions, a variance of Section 3.5.H., setbacks, for construction of an addition to a single family residence that will not meet the minimum yard setback; for property in the RA zone located at 48 Soundview Road.

VOTE: To Grant: 5 To Deny: 0

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. As noted on the submitted plans, a glass door to the right of a rear sliding door, shall be removed.
2. No part of the addition shall be closer than 22.4 feet from the north property line
3. 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 change in zone and the resulting undersized lot, 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.

As there was no further business before the board, the Chairman adjourned the hearing at approximately 8:05 pm.

Respectfully submitted,

Kelly Ryan
Administrator

Filed with the Town Clerk on June 30, 2016

Posted on Town's website June 30 2016 at approximately 2:00pm