

**ZONING BOARD OF APPEALS OF RIDGEFIELD**

**MINUTES OF MEETING**

**July 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 July 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 7:00 p.m. Sitting on the board for the evening were: Glenn Smith (Chairman), Dwayne Barney (Vice-Chairman) David Choplinski, Sky Cole, and Michael Stenko.

**ROTATION OF ALTERNATES**

The rotation for the meeting was: first, Mr. Aposporis; second, Mr. Robbins; third, Mr. Stenko. Mr. Barney was unable to attend the July 11 meeting and was replaced by alternate Michael Stenko. Mr. Stenko continued to sit at the July 25 meeting to hear a continued petition and to replace Carson Fincham, who was unable to attend. Thus, the rotation will remain the same for the next meeting.

**CONTINUED PETITION:**

**Appeal No. 16-014 – Petition of James and Barbara Grimley  
34 Catoonah Street**

This petition was continued from the July 11, 2016 meeting. Attorney Robert Jewell continued to represent the applicants. Mr. Jewell stated that the newly revised survey corrected the earlier version by showing that the proposed garage addition was under the FAR limit so therefore, a variance for FAR was no longer requested. Mr. Jewell further explained that the garage was downsized from 24x24 to 24x22. The garage loft was also resized, lowering the FAR total. The elimination of a breezeway attaching the house to the garage approved in the 2007 variance, also reduced the FAR. A lot coverage variance was now only requested.

Mr. Jewell provided some background of the variance history for this property to Mr. Barney, who did not attend the July 11 meeting. Mr. Barney reviewed the minutes from the July 11 meeting.

Mr. Jewell stated that the new plans propose less lot coverage than what was approved in the 2007 variance. Mr. Smith asked Mr. Jewell to update those calculations on the application. Mr. Jewell outlined the hardships from the 2007 variance as still relevant to the current petition, including the property's location in a mixed zone with surrounding commercial properties.

Mr. Smith stated he was concerned that the turnaround for the garage would involve running over the property to the rear. Mr. Grimley replied that the property line is further back than it appears and the trees currently in the rear are not the actual property line. Mr. Smith asked if applicants would consider moving the garage plans back towards the house. The proposed plans show the garage at 8ft from the property line. The property is in the R 7.5 zone. Mr. Grimley replied that that garage was already proposed at an angle and moving it back would encroach on the stone patio connected to the house.

Anya Radomyselski, the rear neighbor at 34B Catoonah Street spoke in favor of granting the petition. She stated she had no objections to the plans. No one appeared to speak against the petition and the hearing was concluded. A decision can be found at the end of these minutes.

**NEW PETITIONS:**

**Appeal No. 16-021 – Petition of Daniel Primavera**  
**60 Mimosa Circle**

Mr. Primavera represented himself for this petition. Mr. Primavera explained to the Board that he planned on expanding the footprint of a screened in porch to the edge of the house and converting it to living space consisting of a den and bathroom. The house was located to the rear of the property so a setback variance was needed in the RAA zone. The addition would bring the setback to 30 ft. from the property line. He detailed his hardships as the location of the house on the top of a hill and the location of the house to the rear of the lot. He further stated that the north side of the house would not be suitable for an addition since it was against a hill and contained a generator, underground propane line and air conditioning unit.

Mr. Choplinski asked what year Mr. Primavera purchased the home. Mr. Primavera replied in 2007. Mr. Choplinski asked about the previous variance for the property. The variance was for a deck addition to the rear of the house.

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. 16-022 – Petition of Brent and Katelvn Koning**  
**23 Douglas Lane**

Brent and Katelynn Koning represented themselves for this petition. Mr. Koning explained to the Board that their plans were to obtain more living space by enclosing an existing screened in porch and adding about 2 ft. to the footprint to make it flush with the edge of the house. They also had torn down an existing deck and planned to rebuild and expand it. The submitted survey showed the deck at 42.4 ft. from property line. The survey did not show the setback for the addition prior to construction which had already begun, the proposed new setback was 45.1 in the RAA zone requiring 50 ft. setbacks. Mr. Cole asked why the applicants did not get a variance prior to starting construction. Mr. Koning replied that neither he nor his builder Peter Wilczek knew a variance was needed. Mr. Koning further stated that the addition was completed but not internally since a stop work order was issued by the building department. Mr. Choplinski asked about the three sheds shown on the survey, two on the western side of the property to the rear. Mr. Koning replied that one shed was a temporary shed placed by his builder, the other will be removed. Another shed to the far rear of the property will remain, as the Town of Ridgefield allows one shed per property without a permit.

The Board realized that the legal advertisement for this petition was incorrect because it did not list a request for an addition, only a deck addition was listed. Since the ZBA does not meet in August the Board stated they will hold a special meeting on August 8 to allow the applicants to update their survey to show the setbacks prior to construction and the setback number once the construction would be completed.

No one appeared to speak for or against the petition and the hearing was continued until the special meeting on August 8.

**DECISIONS**

The Board voted the following actions:

**Appeal No. 16-014 – Petition of James and Barbara Grimley**  
**34 Catoonah Street**

REQUESTED: Variances of Section 3.G.F, lot coverage and 3.5.G., floor area ratio to construct a two-car, 1.5 story detached garage, that exceeds the maximum permitted lot coverage and maximum permitted floor area ratio. The lot was originally granted FAR and lot coverage approval in ZBA variance #07-020; for property in the R 7.5 zone located at **34 Catoonah Street**.

DATES OF HEARING: July 11, 25, 2016  
DATE OF DECISION: July 25, 2016

VOTED: To Grant, with Conditions, a variance of Section 3.G.F, lot coverage to construct a two-car, 1.5 story detached garage, that exceeds the maximum permitted lot coverage. The lot was originally granted FAR and lot coverage approval in ZBA variance #07-020; for property in the R 7.5 zone located at 34 Catoonah Street.

VOTE: To Grant: 5 To Deny: 0

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

**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.
2. The previous variance granted to this property, # 07-020, shall be abandoned.
3. This variance is for lot coverage only, the request for FAR was withdrawn.

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. 16-021 – Petition of Daniel Primavera**  
**60 Mimosa Circle**

REQUESTED: A variance of Section 3.5.H., setbacks, to allow the expansion and enclosure of a screened in porch within the minimum yard setback; for property in the RAA zone located at 60 Mimosa Circle.

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

VOTED: To Grant, with condition, a variance of Section 3.5.H., setbacks, to allow the expansion and enclosure of a screened in porch within the minimum yard setback; for property in the RAA zone located at 60 Mimosa Circle.

VOTE: To Grant: 5 To Deny: 0

In favor

Barney, Choplinski, Cole,  
Smith and Stenko

Opposed

**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 topography of the property, with the location of the house to the rear and on top of a hill, along with the upzoning of the property, represents 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 8:00 pm.

Respectfully submitted,

Kelly Ryan  
Administrator

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Posted on Town's website July 28, 2016 at approximately 11:00 am