

ZONING BOARD OF APPEALS OF RIDGEFIELD

MINUTES OF MEETING

August 8, 2016

NOTE: These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield special meeting held on August 8, 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. Stenko continued to sit at the August 8 meeting to hear a continued petition. Thus, the rotation will remain the same for the next meeting.

CONTINUED PETITION:

**Appeal No. 16-022 – Petition of Brent and Katelyn Koning
23 Douglas Lane**

Brent Koning represented himself again for this petition. The petition was continued from the July 25 meeting after it was discovered that the legal advertisement failed to list an addition that was included in the submitted plans. The original advertisement was just for a deck expansion. The Zoning Enforcement Officer reviewed a revised survey which showed with more clarity the addition and the previous setback numbers along with the removal of sheds on the property. The setback for the addition was shown on the survey as 45.1 from the line and 42.4 for the deck expansion. Mr. Smith asked Mr. Koning for the hardships for the property. Mr. Koning listed the narrow lot and the 1-acre size of the lot in a RAAA zone. Mr. Koning also stated that the porch was not originally built well. Mr. Koning confirmed that of the 3 sheds shown on the original survey, one was already removed, another was the contractor's shed to be removed when construction was completed and one to the rear of the property will remain.

The Board asked about the construction that was already started as shown on the revised survey. Mr. Koning described the darker markings as recent construction. Mr. Choplinski asked how the applicant came to apply for a variance. Mr. Koning replied that he had started the construction without permits but was eventually inspected by the building department and told to proceed further before zoning. Mr. Choplinski asked for hardships again from the applicant. Mr. Koning stated that the well for the property was approximately 20-30 feet from the planned deck stairs and the septic was located in the front of the property. Mr. Choplinski stated the applicants could have added an addition to the rear of the house. Mr. Koning replied that they would likely have needed a variance there as well. Mr. Smith stated the size and shape of the lot were hardships and reviewed the variance granted to the property in 1986, #86-073. Mr. Smith stated that the 1986 decision was for lot size and area not setbacks as the variance stated the addition would be built to the 50 foot setbacks. Mr. Barney stated that the 1-acre lot was undersized by the upzone to RAAA. Mr. Barney further stated that the addition fits well with the neighborhood and the zoning laws limited the owners use of the property. Mr. Choplinski stated that any applicant could claim that the zoning laws took away owners' rights to use property as they wanted to. Mr. Smith stated that the applicant can no

longer use the drop down provision. Mr. Choplinski stated that the applicants had options to build elsewhere on the property outside of the setback. Mr. Koning stated that he will provide the administrator with a letter of support from his southern neighbors closest to the addition, the Miller's.

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.

DECISION:

The Board voted the following action:

**Appeal No. 16-022 – Petition of Brent and Katelyn Koning
23 Douglas Lane**

REQUESTED: A variance of Section 3.5.H., setbacks, to permit a deck and addition to remain within the minimum yard setback; for property in the RAAA zone located at 23 Douglas Lane.

DATES OF HEARING: July 25, August 8, 2016
DATE OF DECISION: August 8, 2016

VOTED: To Grant, with condition, a variance of Section 3.5.H., setbacks, to permit a deck and addition to remain within the minimum yard setback; for property in the RAAA zone located at 23 Douglas Lane.

VOTE: To Grant: 5 To Deny: 0
In favor Opposed
Barney, Choplinski, Cole,
Smith and Stenko

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 undersized lot, up-zoned to RAAA without the previously available drop-down provision, combined with the shape of the lot, present an unusual hardship that justifies the granting of a variance in this case. It is also to be noted that the setbacks requested will meet the requirements of the R-AA zone, despite the lot being 1 acre in size.
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

Filed with the Town Clerk on August 10, 2016

Posted on Town's website August 10, 2016 at approximately 2:00 pm