

**ZONING BOARD OF APPEALS OF RIDGEFIELD**

**MINUTES OF MEETING**

**April 29, 2019**

**NOTE:** These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on April 29, 2019 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 special meeting to order at approximately 7:00 p.m. Sitting on the Board for the evening were: Glenn Smith (Chairman), Carson Fincham (Vice Chairman) Terry Bearden-Rettger, Sky Cole, and Robert Byrnes.

**ROTATION OF ALTERNATES**

The rotation for the meeting was: first, Mr. McNicholas; second Mr. Byrnes; third Mr. Stenko. Mr. Seavy was unable to attend and asked Mr. Byrnes to sit on his behalf. Thus, the rotation for the next meeting will be: first, Mr. McNicholas; second Mr. Stenko; third Mr. Byrnes.

**NEW PETITIONS**

**Appeal No. 19-008**  
**Kevin Manley**  
**20 Clayton Place**

Mr. Manley represented himself for the petition. He explained to the Board that he wished to expand his existing deck. The current deck was very narrow and not deep enough for lounge chairs. A 1996 variance granted a deck to 20 ft. in the setback, the closest point being the deck stairs to the lawn. The proposed plans place the expanded deck at 24.3 ft from the setback, so no increase in nonconformity. The house was just over one acre in the RAA zone with required 35 ft. setbacks. Mr. Manley also listed hardships as the shape of the house on the undersized lot. The Board reviewed the approved plans from the 1996 variance, #96-018.

No one appeared to speak for or against granting the petition and the hearing was concluded. A decision can be found at the end of these minutes.

**Appeal No. 19-009**  
**Robert Overlock**  
**99 Rock Road**

Mr. Overlock represented himself for the petition. He explained to the Board that he wanted a larger addition than was previously granted in #18-024. He detailed to the Board the newly submitted plans and compared them to what was previously granted. The plans showed a new roof line and a second story after losing the existing vaulted ceiling. The previous variance #18-024 was only for one section of the second floor, the current variance request expanded the second-floor addition. The existing house was partly in the setback so a setback variance was requested. Mr. Smith stated the proposed plans were no closer to the lot line as the footprint was not changing.

No one appeared to speak for or against granting the petition and the hearing was concluded. A decision can be found at the end of these minutes.

**Appeal No. 19-010**  
**Frank & Sarah Genova**  
**20 Dowling Drive**

Mr. Genova represented himself for the petition. He explained to the Board that he wanted to do several additions to his home, including a second story, 3<sup>rd</sup> garage bay, front porch and screened in porch. He was requesting setback, lot coverage and floor area ratio variances in the RAA zone. The house was surrounded by a lot of garage space including a former bus garage used by the previous owner who parked a tour bus and a two-car garage on the other side of the home. He distributed a handout to members listing hardships. For setbacks, he stated an undersized lot, a 1 acre in the RAA zone. The proposed 3<sup>rd</sup> garage bay required a setback variance for an additional 7 ft. For lot coverage and FAR he compared the size of neighboring lots and his frontage better suited to this type of expansion. Aesthetically, the proposed addition would fit with the characteristics of the neighborhood.

Mr. Smith stated that there was not a hardship presented for lot coverage and FAR. It was suggested that the 3<sup>rd</sup> garage bay be removed to eliminate the setback variance and reduce lot coverage. Mr. Genova replied that eliminating the garage bay would still require variances for FAR and lot coverage. Mr. Cole suggested moving back the proposed rear screened in porch to the area where the garage was located. Mr. Fincham agreed there was room to make revisions to the proposed plans. Mr. Smith told Mr. Genova he could revise the plans and present again at the next meeting. Brent and Greta Wise of 30 Dowling Drive attended the hearing, but they have not fully reviewed the proposed plans and did not have any comments.

The hearing was continued to the May 13 ZBA meeting to allow the applicant to revise his plans.

**DECISIONS**

**Appeal No. 19-008**  
**Kevin Manley**  
**20 Clayton Place**

REQUESTED: a variance of Section 3.5.H., setbacks, to allow the construction of a deck within the minimum yard setback; for property in the RAA zone located at 20 Clayton Place.

DATE OF HEARING: April 29, 2019  
DATE OF DECISION: April 29, 2019

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow the construction of a deck within the minimum yard setback; for property in the RAA zone located at 20 Clayton Place.

VOTE:	To Grant:	5	To Deny:	0
	<u>In favor</u>		<u>Opposed</u>	
	Bearden-Rettger, Byrnes,			
	Cole, Fincham and Smith			

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 located 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 lot was previously granted a 20' setback in variance #96-018. The proposed plans do not bring the deck closer to the lot line and do not increase the nonconformity. This, along with the shape of the undersized lot, creates 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. 19-009**

**Robert Overlock**

**99 Rock Road**

REQUESTED: a variance of 3.5.H., setbacks, to construct an addition that will not meet the minimum yard setback; for property in the RAA zone located at 99 Rock Road.

DATE OF HEARING: April 29, 2019

DATE OF DECISION: April 29, 2019

VOTED: To Grant, a variance of 3.5.H., setbacks, to construct an addition that will not meet the minimum yard setback; for property in the RAA zone located at 99 Rock Road.

VOTE: To Grant: 5 To Deny: 0

In favor

Bearden-Rettger, Byrnes,  
Cole, Fincham and Smith

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 located 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 hardships listed in variance #18-024 continue to apply to this petition. It is noted that the approved plans will not increase the nonconformity.
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 8:10 pm.

Respectfully submitted,

Kelly Ryan  
Administrator