

ZONING BOARD OF APPEALS OF RIDGEFIELD

MINUTES OF MEETING

February 6, 2017

NOTE: These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on February 6, 2017 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), Evangelos Aposporis, Sky Cole, and Carson Fincham.

ROTATION OF ALTERNATES

The rotation for the meeting was: first, Mr. Aposporis; second, Mr. Stenko; third, Mr. Robbins. Mr. Aposporis sat for Mr. Choplinski who was unable to attend the meeting. Thus, the rotation for the next meeting will be first, Mr. Stenko; second, Mr. Robbins; third, Mr. Aposporis.

NEW PETITIONS:

Appeal No. 17-001
Petition of Robert Bailor
17 Old Town Road

Robert Bailor represented himself for the petition. Mr. Bailor explained to the Board that he wanted to add two porticos over the front doors of the two-family dwelling and presented drawings of the proposed plans. Mr. Bailor stated a hardship as needing the porticos to prevent ice from forming on the steps. Mr. Bailor also stated that the plans included a rear deck expansion to serve both units of the dwelling. Mr. Smith confirmed that since the property was located in the B-1 zone but allowed residential use under a previous variance, any construction project would have to be approved by the ZBA. Mr. Smith further confirmed after reviewing the submitted survey, that the proposed plans meet the lot coverage and FAR regulations for the B-1 zone.

A letter was entered from the neighbor at 13 Old Town Road. The letter requested the deck expansion be in the easterly direction towards Route 7 and not closer to her property. The Board confirmed that the plans showed the deck expanding towards the east.

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. 17-002
Petition of Michael Harmon
14 Twopence Road

Owner Michael Harmon and landscape architect Dean Pulshar appeared at the hearing for this petition. A detached two-car garage was being constructed on the property when a survey showed it at 2 ft. into the setback. Mr. Pulshar stated that the lot was 1 acre in a RAAA zone and the topography had grade changes and steep slopes. He further stated that many homes in the area had two-car garages so the project was in the character of the

neighborhood. Mr. Harmon and Mr. Pulshar further stated that the plans originally submitted for building permits showed the garage as 20 x 24. However, the architect drew plans for a 24 x 24 garage. Later, while in the field, the architect felt the foundation would not fit in the space the surveyor outlined, so the width was reduced to 23 x 24. The subsequent construction however, placed the garage within the setback. Mr. Cole asked if the plans showed the garage extremely close to the setback why they did not apply for a variance since the property had hardship. Mr. Harmon replied that they thought it would fit outside the setback. Mr. Smith suggested that with the addition of gutters, the amount into the setback be set at 2.5" ft. or 47.5" from the property line. The applicant agreed with that setback number.

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. 17-003
Petition of J. Gerard Rooney
605 Ethan Allen Hwy

Owner J. Gerard Rooney represented himself for this petition. Mr. Rooney explained to the Board there was a business sign on the ground in the front of the building he has owned for 20 years. A drunk driver hit the sign last year and Mr. Rooney was then told by the state DOT to remove the sign from the front of the building. The DOT claimed that the sign was partially on state property. Therefore, Mr. Rooney was asking for a variance to install a sign on the roof of the building. The location on Ethan Allen Highway was located in the RAA residential zone, though Mr. Rooney was operating a business at the location thru previous variances. Mr. Rooney further stated that the proposed sign was smaller than what was on the ground now and would be installed on the 10-ft. roof.

Mr. Fincham stated that the Board should assure that any approved sign be within the sign regulations for the business district. Mr. Smith reviewed the zoning regulations and concluded that roof signs were not permitted in residential or business districts, though there may be some located in the Town due to special permits or variances. Mr. Smith asked what the hardship was. Mr. Rooney stated that the damaged sign partially located on Route 7, should be removed for safety issues. While further reviewing the regulations, Mr. Smith stated that the property may be only eligible for a 5 x 5" sign. The proposed plans showed a 6 x 8" sign. Mr. Smith stated that the Board may feel uncomfortable interpreting the Town sign regulations and may want to hear more detail from the zoning enforcement officer. Mr. Barney stated he was not in favor of granting the variance since roof signs were not allowed under residential or business regulations. The Board then discussed with Mr. Rooney if he would accept a condition on granting a variance that the sign would meet requirements for a non-residential zone, with the exception of the roof location. This could result in the removal of two smaller roof signs currently on the building. Mr. Rooney agreed and stated he would discuss sign details within the regulations with the zoning enforcement officer.

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.

DECISIONS

The Board voted the following actions:

Appeal No. 17-001
Petition of Robert Bailor
17 Old Town Road

REQUESTED: a variance of Section 8.1.A.3, nonconforming conditions, to allow the addition of two front porticos and a rear deck expansion to a nonconforming two-family residence; for property in the B-1 zone located at 17 Old Town Road.

DATES OF HEARING: February 6, 2017
DATE OF DECISION: February 6, 2017

VOTED: To Grant, with Condition, a variance of Section 8.1.A.3, nonconforming conditions, to allow the addition of two front porticos and a rear deck expansion to a nonconforming two-family residence; for property in the B-1 zone located at 17 Old Town Road.

VOTE: To Grant: 5 To Deny: 0
In favor Opposed
Aposporis, Barney, 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 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 pre-existing non-conforming use of the property presents an unusual hardship that justifies the granting of a variance in this case. It is noted that granting this variance will not expand the non-conforming use of the property.
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. 17-002
Petition of Michael Harmon
14 Twopence Road

REQUESTED: a variance of Section 3.5.H., setbacks to allow a garage under construction to remain within the minimum yard setback; for property in the RAAA zone located at 14 Twopence Road.

DATES OF HEARING: February 6, 2017
DATE OF DECISION: February 6, 2017

VOTED: To Grant, with Condition, a variance of Section 3.5.H., setbacks to allow a garage under construction to remain within the minimum yard setback; for property in the RAAA zone located at 14 Twopence Road.

VOTE: To Grant: 5 To Deny: 0

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| <u>In favor</u> | <u>Opposed</u> |
| Aposporis, Barney, 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 garage shall be located and completed as shown on the revised plans and drawings presented to the Board during the hearing and made part of this decision, 47.5' from the property line with a 2.5' encroachment into the setback. The plans submitted for the building application shall be the same as those approved with the variance application.

The Board voted this action for the following reasons:

- 1. The undersized lot of 1 acre in the RAAA zone, the topography of the property, and the existing location of the house on the 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. 17-003
Petition of J. Gerard Rooney
605 Ethan Allen Hwy

REQUESTED: variances of Section 7.2.D.2., signs permitted in residential districts and 7.2.F.4., sign location and construction, to permit the installation of a sign above the roof in a residential zone; for property in the RAA zone located at 605 Ethan Allen Hwy.

DATES OF HEARING: February 6, 2017
DATE OF DECISION: February 6, 2017

VOTED: To Grant, with Condition, variances of Section 7.2.D.2., signs permitted in residential districts and 7.2.F.4., sign location and construction, to permit the installation of a sign above the roof in a residential zone; for property in the RAA zone located at 605 Ethan Allen Hwy.

VOTE: To Grant: 4 To Deny: 1

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

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:

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. Excepting the approved roof location, all signage on the property shall conform to the zoning regulations and requirements applicable to a Non-Residential District.

The Board voted this action for the following reasons:

1. The pre-existing, nonconforming use in a residential zone, the location of the building on the lot, and the shape of the lot, create an unusual hardship that justifies the granting of a variance in this case. The Board also found that the roof was the safest location for a sign on the lot due to the close proximity of Route 7.
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 8:55 pm.

Respectfully submitted,

Kelly Ryan
Administrator

Filed with the Town Clerk on February 10, 2017

Posted on Town's website February 10, 2017 at approximately 12:00 pm