

ZONING BOARD OF APPEALS OF RIDGEFIELD

MINUTES OF MEETING

December 3, 2018

NOTE: These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on December 3, 2018 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, Mark Seavy and Michael Stenko.

ROTATION OF ALTERNATES

The rotation for the meeting was: first, Mr. McNicholas; second Mr. Byrnes; third Mr. Stenko. Mr. Stenko continued to sit for the continued petition for Mr. Cole who was not present at the last meeting. Thus, the rotation for the next meeting will be: first, Mr. McNicholas; second Mr. Byrnes; third Mr. Stenko.

ADMINISTRATIVE

Election of Chairperson and Vice Chairperson

One a motion by Mr. Fincham, seconded by Ms. Bearden-Rettger and passed unanimously, Glenn Smith was elected Chair for a period of one year. One a motion by Ms. Bearden-Rettger, seconded by Mr. Stenko and passed unanimously, Carson Fincham, was elected Vice Chairperson for a period of one year.

CONTINUED PETITION

The following petition was heard by Mr. Smith, Mr. Fincham, Ms. Bearden-Rettger, Mr. Seavy and Mr. Stenko

Appeal No. 18-023

Kevin Ambrosio, agent for Scott and Danielle Edwardson
7 Kendra Court

Mr. Ambrosio continued to represent the applicants. A letter outlining the hardships and history of the property was submitted just prior to the meeting. The letter stated that the lot was subdivided in 1994 when lot coverage was based on lot size, not zone. The house built in 2003, was now nonconforming for lot coverage because of the zoning regulation change that occurred in 2004.

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.

NEW PETITIONS

The following petition was heard by Mr. Smith, Mr. Fincham, Ms. Bearden-Rettger, Mr. Cole and Mr. Stenko.

Appeal No. 18-025
Robert and Jillian Rae
17 Main Street

Gary Doski represented the applicants. The proposed plans showed the removal of a garage built around 1910 and replacing it with a 3-car garage attaching to the main house with a breezeway type structure. The current garage structure was 4 ft from the side setback line, the proposed plans place the new structure 13 ft from the side setback, so a setback variance was requested. The lot was in the RA zone with a required 25 ft setback. Mr. Doski also submitted to the file a letter from the Historic District Commission approving the plans. Mr. Doski pointed to a Town owned sewer line that ran thru the property, making an addition to the rear of the house difficult. Mr. Fincham stated the proposed plans decrease the nonconformity of the lot by moving the setback farther away from the property line

Neighbor Peter Lichten of 55 Hayes Avenue appeared with questions for the applicants. He was shown the proposed plans and asked if the garage structure would now be higher. Mr. Doski replied it would be approximately 8ft higher than the current garage.

No one else 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. 18-026
Christopher Neuhs
14 Tenth Lane

Applicants Christopher Neuhs and engineer Matt Girona appeared. Mr. Girona stated the proposed plans included a one-story addition. The proposed addition was placed at 10 ft from the side setback at its closest point. The house was located in the Lake Mamansco area and was likely upzoned to RA making the lot nonconforming. Built in 1956, the tax accessor did not have the zone listed on previous tax cards. Letters of support for the proposed plans from two neighbors were entered into the file.

Mr. Fincham stated that the proposed setback did not meet the R10 setback in which the lot was likely up zoned from. Mr. Smith agreed the 14ft setback was excessive and stated the Board could only grant minimal relief. Mr. Smith also reminded the applicants to considered gutters and eaves towards the setback. Mr. Cole asked if the addition could be scaled back to 12 ft to meet the R10 side setback. Applicants decided they would alter the plans to move the addition 12 ft from setback to follow the R10 setback regulation. Plans would be modified.

No one else 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. 18-027
George and Pam Gugliotta
198 Ramapoo Road

Architect Doug MacMillan represented the applicants, Mr. Gugliotta was also present. The property was recently granted a setback variance, #18-014, to build an addition. The lot consists of two single family homes. The previously approved plans pushed the addition backwards, farther from the setback, the new application moves the addition further to the front of lot. The proposed plans show the setback at 27.5 ft from setback. The lot was in the RAA zone with 35 ft. setbacks. The former variance files and decisions were reviewed by the Board. Mr. Gugliotta stated that the house was hundreds of years old and the previous plans made the house lose appeal and charm by making the addition obvious. Mr. MacMillan listed the hardships as the loss of the drop-down provision when the lot was upzoned and the location of the house on the lot. He also

stated the plans were in line with the RA setback regulation and no neighbors would be affected by the addition.

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. 18-028

Susan Limoncelli

23 Barry Avenue

Architect Doug MacMillan represented the applicants. Mr. MacMillan stated that the lot was granted variance #12-043 to build an attached garage. That addition was never built. The owners did internal renovations to their kitchen and added windows where the garage was to be attached to the house. If they completed the approved plans, the garage addition would now block the windows. So, the current application would place the garage farther back on the lot. A setback variance was requested. The proposed plans would place the garage 2 ft from side property line in the R20 zone. Mr. MacMillan further stated the abutting neighbor was the St. Mary's school parking lot and no other neighbors would be affected.

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.

DECISIONS

Appeal No. 18-023

Kevin Ambrosio, agent for Scott and Danielle Edwardson

7 Kendra Court

REQUESTED: a variance of 3.5.F., lot coverage, to permit the construction of a pool cabana that will exceed the permitted lot coverage; for property in the RAA zone located at 7 Kendra Court.

DATES OF HEARING: November 5, 2018, December 3, 2018

DATE OF DECISION: December 3, 2018

VOTED: To Grant, a variance of 3.5.F., lot coverage, to permit the construction of a pool cabana that will exceed the permitted lot coverage; for property in the RAA zone located at 7 Kendra Court.

VOTE: To Grant: 5 To Deny: 0

In favor

Bearden-Rettger,

Fincham, Seavy, Stenko 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. A 2004 change in zoning regulations for lot coverage occurred after the house was built in 2003. In a PRD, 10%, met coverage requirements at the time the lot was developed. This creates an unusual hardship that justifies granting the 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. 18-025
Robert and Jillian Rae
17 Main Street

REQUESTED: a variance of 3.5.H., setbacks, to allow construction of an attached garage that will not meet the minimum yard setback; for property in the RA zone located at 17 Main Street.

DATE OF HEARING: December 3, 2018

DATE OF DECISION: December 3, 2018

VOTED: To Grant, a variance of 3.5.H., setbacks, to allow construction of an attached garage that will not meet the minimum yard setback; for property in the RA zone located at 17 Main Street.

VOTE: To Grant: 5 To Deny: 0

In favor
Bearden-Rettger, Cole
Fincham, Stenko 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 existence of a sewer line to the rear of the property creates an unusual hardship that justifies the granting of a variance in this case. It is noted that the structures on the lot were built prior to the enact of zoning in Ridgefield and the approved plans reduces the nonconformity of the garage by placing it farther from the side setback line.
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. 18-026
Christopher Neuhs
14 Tenth Lane

REQUESTED: a variance of 3.5.H., setbacks, to allow an addition to a single-family residence that will not meet the minimum yard setback; for property in the RA zone located at 14 Tenth Lane.

DATE OF HEARING: December 3, 2018
DATE OF DECISION: December 3, 2018

VOTED: To Grant, a variance of 3.5.H., setbacks, to allow an addition to a single-family residence that will not meet the minimum yard setback; for property in the RA zone located at 14 Tenth Lane.

VOTE: To Grant: 5 To Deny: 0
In favor Opposed
Bearden-Rettger, Cole
Fincham, Seavy 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 the modified 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 RA, presents an unusual hardship that justifies the granting of a variance in this case. It is noted that the modified plans comply with the zoning regulations for the R10 zone.
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. 18-027
George and Pam Gugliotta
198 Ramapoo Road

REQUESTED: variances of Section 3.5.H., setbacks and 8.1.B.2&4, nonconforming conditions and structures, to expand a single-family residence on a nonconforming lot with a proposed addition that does not meet the minimum yard setback; for property in the RAA zone located at 198 Ramapoo Road.

DATE OF HEARING: December 3, 2018
DATE OF DECISION: December 3, 2018

VOTED: To Grant, variances of Section 3.5.H., setbacks and 8.1.B.2&4, nonconforming conditions and structures, to expand a single-family residence on a nonconforming lot with a proposed addition that does not meet the minimum yard setback; for property in the RAA zone located at 198 Ramapoo Road.

VOTE: To Grant: 5 To Deny: 0
In favor Opposed
Bearden-Rettger, Cole
Fincham, Seavy 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. The hardships listed in variance #18-014 continue to apply to 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. 18-028

Susan Limoncelli

23 Barry Avenue

REQUESTED: variances of Section 3.5.H., setbacks and 3.5.F., lot coverage, to construct an addition that will not meet the minimum yard setback and exceed the permitted lot coverage; for property in the R20 zone located at 23 Barry Avenue.

DATE OF HEARING: December 3, 2018

DATE OF DECISION: December 3, 2018

VOTED: To Grant, variances of Section 3.5.H., setbacks and 3.5.F., lot coverage, to construct an addition that will not meet the minimum yard setback and exceed the permitted lot coverage; for property in the R20 zone located at 23 Barry Avenue.

VOTE: To Grant: 5 To Deny: 0

In favor

Bearden-Rettger, Cole

Fincham, Seavy 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:

2. The hardships listed in variance #12-043 continue to apply to this petition.
3. 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 8:35 pm.

Respectfully submitted,

Kelly Ryan
Administrator
