

**ZONING BOARD OF APPEALS OF RIDGEFIELD**

**MINUTES OF MEETING**

**July 8, 2019**

**NOTE:** These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on July 8, 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), Terry Bearden-Rettger, Sky Cole, Michael Stenko and Robert Byrnes.

**ROTATION OF ALTERNATES**

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

**NEW PETITIONS**

**Appeal No. 19-013**  
**TL Fitness 3, LLC**  
**1 Ethan Allen Highway**

Business owner Lori Rung appeared for the applicants. She explained to the Board that her business wanted to install a 72 sq. ft building sign on their leased building. Under the zoning regulations, only a 25 sq. ft sign was allowed in the B1 zone. The building for their new business, Orange Theory Fitness was located 140 ft from Ethan Allen Highway. Ms. Rung passed out photos of the front of the business that were entered into the record. She stated that the business was new to the Connecticut area and the sign needed to be visible while traveling from both directions on Ethan Allen. Also, there was no freestanding sign on Ethan Allen for the business. Mr. Cole stated that the sign, if approved, still would not be seen from the road and a freestanding sign off the road would be better since the building and sign was so far back from the road. Ms. Rung stated the landlord did not approve a road sign and the leased space was formerly two businesses with two 25 ft signs. Board members questioned if a 50 ft. sign would be more appropriate. Mr. Smith and Mr. Byrnes stated the building was quite far back from the road and likely needed a large sign. Mr. Cole again stated a road sign would be better. Ms. Bearden-Rettger stated she saw no other signs in that area as large as 72 sq. ft. and illuminated.

At this time Board members reviewed the calculations for the 72 sq. ft sign. They concluded that the numbers provided did not equal 72. ft. At this time, Ms. Rung asked to contact the sign company for clarification. The hearing was continued to allow Ms. Rung to confirm the calculations. Ms. Rung later confirmed that the 72 sq. ft included what the designer referred to as dead space between the lettering, the actual amount of lettering for the sign was 64.67 sq. ft. as presented. The applicant was granted a continuance to the July 15 ZBA meeting to get a re-calculation of the sign and new plans.

No one appeared to speak for or against the petition and the hearing was concluded until July 15

**Appeal No. 19-014**  
**AJ Profix LLC**  
**8 Rustic Road**

Sebastian Jankowski and his wife represented themselves for the petition. Their property was owned by their LLC, AJ Profix LLC. Mr. Jankowski stated to the Board that they wanted to do an addition to the south of the house, raise the roof and add overhangs that would increase the setback in some areas. The house was already nonconforming to setbacks and was located in the RA zone. Mr. Jankowski further stated only a setback variance was needed and provided a letter from his architect updating the FAR on the lot to 2258 sq. ft. which was a lower number than on the variance application. Hardships were discussed as the location of the septic system and fields, the undersized lot, .24 in the RA zone and the location of the house on the lot. Ms. Bearden-Rettger noted that the front setback was increasing by .7 ft. Mr. Smith asked if that front setback could be modified to 25 ft. which was the setback for the RA zone. The Jankowski's stated they would keep a 25 ft. setback in the front 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 19-015**  
**Sotirios Panageas**  
**128 Silver Spring Road**

Sotirios and Cathy Panageas appeared for their petition. This petition was an appeal of a site plan approval by the Planning and Zoning Department, for the neighboring property at 128 Silver Spring Road, to build a detached garage in the front yard. The Panageas are abutting neighbors residing at 126 Silver Spring Road. They submitted to the file and the Board photos of the garage structure and trees taken from their property. Mr. Panageas stated three reasons why they objected to the garage. First, the garage obstructs the view from their kitchen window and the garage appeared very close to their property line. Two, architecturally it does not fit with the neighborhood as no other properties on Silver Spring Road have garages in the front yard, though a few have structures that were likely barns as one time. Three, the Panageas were not notified of the proposed structure prior to approval. Overall, the Panageas stated the garage hurts the beauty of the neighborhood and their property value. Mr. Smith asked if there was a zoning regulation the Town should have followed to not allow the garage structure. Mr. Panageas was not aware of a specific regulation, but stated he received a notification regarding another project on Silver Spring Road. Mr. Smith stated that project was not subject to a variance application with the ZBA.

Attorney for Planning and Zoning, Tom Beecher, along with the Director of Planning and ZEO, Richard Baldelli appeared. Along with assistant planner Daniel Robinson. Mr. Beecher distributed aerial images of the Panageas property prior to the construction at 128 Silver Spring Road. He stated that both Mr. Baldelli and Mr. Robinson reviewed the application for a site plan, which fell under zoning regulation 3.4.C.3. The garage would be located in the front yard 205 ft. from Silver Spring Road. The lot, that was recently subdivided, was 2.1 acres in the RAA zone. The garage was 24x24 with a height of 16 ft., 1 ½ story. With 35 ft. setback in the RAA zone, the garage was built at 44 ft. from the side setback. A brook and wetlands were located in the backyard of 126 Silver Spring Road and a pool was planned. These factors contributed to the approval of the site plan as it met all the zoning regulations under 9.1.C. The images presented also show a line of trees between the two properties.

Mr. Baldelli stated to the Board that notification to neighbors was not required under the statutes for a site plan approval. The notice the Panageas received was for a special permit application for another property. Mr. Baldelli further stated that he visited 128

Silver Spring Road numerous times during the construction phase of the home and observed trees bordering the property. In approving the site plan, he was more focused on the view of the garage from Silver Spring Road and landscape screening was added by the property owner, Thomas Sturges Construction, to block the front view. Mr. Smith asked if anyone could ask for a garage approval in the front yard. Mr. Baldelli replied yes, as long as the garage was compliant with the zoning regulations. Nothing in the regulations for site plan approval requires consideration of neighboring property values.

Robert Jewell, an attorney for Mr. Sturges spoke in favor of sustaining the decision for a site plan. Mr. Jewell stated that no public hearing was required for a site plan, that was why the neighbors were not notified of the proposed plan. He further stated that the approval was done correctly under section 9.1.C. The structure was compliant with all other zoning regulations and certain conditions were imposed like screening from the road. The contract purchaser for the property, Scott Task also spoke in favor of sustaining the decision for issuance.

Mr. Panageas stated the site plan was approved on May 8 under regulation 3.4.C.3, and was later removed from the regulations effective June 7. He questioned if the application for a site plan was rushed through in preparation of the regulation change. Mr. Stenko stated the garage met all regulations and the new house on the lot could have been built at the 44 ft or even closer up to 35 ft per the regulations. Mrs. Panageas asked if Mr. Sturges would put up screening between the garage and the property line. Mr. Sturges replied he previously offered to do so, but the offer was not accepted by Mr. Panageas.

No one else 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**

**Appeal No. 19-014**  
**AJ Profix LLC**  
**8 Rustic Road**

REQUESTED: a variance of Section 3.5.H., setbacks, to allow an addition to a single-family home that will not meet the minimum yard setback; for property in the RA zone located at 8 Rustic Road.

DATE OF HEARING: July 8, 2019  
DATE OF DECISION: July 8, 2019

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow an addition to a single-family home that will not meet the minimum yard setback; for property in the RA zone located at 8 Rustic Road.

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

**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 located exactly as shown on 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 modified and approved with the variance application.
2. The site plan as modified during the hearing, now places the overhangs 25 ft. from the west side property line such that no front setback variance is required.
3. The previous variance granted to this property, # 84-031, shall be abandoned.

The Board voted this action for the following reasons:

1. The location of the house on 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 19-015**  
**Sotirios Panageas**  
**128 Silver Spring Road**

REQUESTED: an appeal of the decision to issue a site plan approval for a detached garage located in the front yard; for property in the RAA zone located at 128 Silver Spring Road.

DATE OF HEARING: July 8, 2019  
DATE OF DECISION: July 8, 2019

VOTED: The Board voted to sustain the decision to issue a site plan approval for a detached garage located in the front yard.

VOTE: To Sustain: 5 To Reverse: 0  
In favor Opposed  
Bearden-Rettger, Cole  
Byrnes, Stenko and Smith

The reason for the vote is as follows:

1. It is the opinion of the Board that the garage structure was compliant with all zoning regulations and the site plan approval was therefore correct.

As there was no further business before the Board, the Chairman adjourned the hearing at approximately 9:35 pm.

Respectfully submitted,

Kelly Ryan  
Administrator