

**ZONING BOARD OF APPEALS OF RIDGEFIELD**

**MINUTES OF MEETING**

**November 4, 2019**

**NOTE:** These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on November 4, 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 meeting to order at approximately 7:00 p.m. Sitting on the Board for the evening were: Glenn Smith (Chairman), Carson Fincham, Sky Cole, Terry Bearden-Rettger, Mark Seavy and Robert Byrnes.

**ROTATION OF ALTERNATES**

The rotation for the meeting was: first, Mr. McNicholas; second Mr. Byrnes; third Mr. Stenko. Mr. Byrnes was asked to sit on continued hearings. The rotation for the next meeting will be decided after the November 5, 2019 municipal elections, as two alternate seats are on the ballot.

**NEW PETITION:**

**Appeal No. 19-030**  
**Alan L. Pilch**  
**11 Quail Drive**

Mr. Pilch appeared for his petition. He explained to the Board that a detached garage was built on his property in 2005 at 34 ft from the setback. He was able to build at 34 ft in the RAA zone using the drop-down provision. In August 2018 a tree fell on the garage and crushed it during a storm. Mr. Pilch received the necessary permits to rebuild the garage on the same foundation and it was rebuilt. The final as-built survey now placed the setback at 33.9 almost 1 inch further into the setback. Mr. Pilch was told he needed a variance to legalize the new garage. Mr. Smith stated it did not appear the surveyor measured up to the overhangs or eaves.

No one appeared to speak for or against the petition and the hearing was continued until December 9 to confirm if measurements were taken to the roof overhang.

**CONTINUED PETITIONS:**

**Appeal No. 19-023**  
**Ridgefield Workshop for the Performing Arts d/b/a The Ridgefield Theatre Barn**  
**37 Halpin Lane**

This petition was withdrawn prior to the meeting.

**Appeal No. 19-029**  
**Ashlea Andrews**  
**598 Danbury Road**

This petition was heard by: Mr. Smith. Mr. Fincham, Ms. Bearden-Rettger, Mr. Seavy and Mr. Brynes.

Permit coordinator Ashlea Andrews appeared again. She stated that a hardship for the free-standing sign was the fact that there was no other place on the building to place a sign as the roof was too low and roof signs are not allowed under the zoning regulations. Ms. Andrews also revised the requested square footage for the sign to now 4.5' x 5' a total of 45 sq. ft front and back. It was confirmed the sign could list up to four tenants and the street name and number were not included in the calculations. Mr. Smith stated that the variance would be conditioned to prohibit other signage on the building. Ms. Andrews agreed to that condition.

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

**NEW PETITIONS:**

**Appeal No. 19-032**  
**Paul E. Cockerill**  
**71 Prospect Street**

Mr. Cockerill represented himself for the petition. He stated to the Board that he proposed building a deck to the back of his house. The lot was in a R20 zone and nonconforming to setbacks as it was 12.9 ft from the west side setback. The proposed deck would be 15.5 ft at its closest point so no increase in nonconformity. The lot was also long and narrow. The house was built in 1951.

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

**Appeal No. 19-033**  
**Salvatore and Jennifer Bagliavio**  
**33 Twopence Road**

Mr. Bagliavio appeared for the petition. His builder, Mark Repen, also appeared. Mr. Bagliavio stated to the Board that he planned an addition above the existing garage and attaching that addition to the house. The lot was in the RAAA zone and the house currently was 20.8 ft from the side setback. The proposed plans put the setback at 20.1 ft from the lot line. Mr. Cole and Mr. Smith questioned if the survey included the total distance from the overhangs. Mr. Bagliavio could not confirm. Variance #97-045 previously granted to the property approved a setback at 19.8 ft from side setback, so the Board recommended the applicant confirm setback number with the surveyor and confirm if overhangs were included.

No one appeared to speak for or against the petition and the hearing was continued until December 9 to confirm measurements with surveyor.

**Appeal No. 19-034**  
**Speedi Signs, agent for FDG RF Propco, LLC**  
**55 Old Quarry Road**

Robert Mordente of Speedi Signs appeared for the applicants. The applicants were a senior living facility currently under construction. They were requesting a sign variance for a larger sign, 48 sq. ft total, to be placed in front of the facility on Old Quarry Road. 24 sq. ft total was allowed under the regulation. Mr. Mordente stated the hardship as residents and visitors needing a larger sign to identify the location. He further stated Old Quarry was a winding road and no sign was planned on the building. Mr. Fincham stated that Old Quarry was not a high-speed road and identification should not be an issue. Mr. Cole stated it was a very large building and landmarks like pillars should help with identification. The Director of Community for the senior living facility, Atria appeared and spoke in favor of granting the variance. She stated residents needed to see the sign since it was a short, quick road. Mr. Smith agreed health and safety could be considered.

Mitchell Fink, President of the Treetop Home Owners Association, a neighboring property spoke against the granting of the variance. He stated the HOA opposed the size of the building and the large sign that would be facing the Treetop units. The association was concerned about addition lighting from the sign. Mr. Mordente did not have details of the lighting for the proposed sign.

No one else appeared to speak for or against the petition and the hearing was continued until December 9 to confirm lighting of the proposed sign and for the applicants to establish a hardship.

**Appeal No. 19-035**  
**Daniel Oprea**  
**5 Danbury Road**

Mr. Oprea appeared for the petition. Mr. Oprea stated to the Board that he was the owner of the 3-floor building. The 3<sup>rd</sup> floor was an apartment, the first and second floors were for business use. He was requesting a variance to allow an apartment in the second floor. Mr. Oprea stated that currently the first and second floors of his building were not leased, likely due to traffic in the area and parking. He would like to change the use of the second floor and make it a one-bedroom apartment. The lot was in the B1 zone. The Board reviewed the 2011 variance that granted the 3<sup>rd</sup> floor use as an apartment. It was noted that the building was a residential home at one time.

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

**DECISIONS**

**Appeal No. 19-029**  
**Ashlea Andrews**  
**598 Danbury Road**

REQUESTED:           a variance of 7.2.E.8., type of sign, to allow a free-standing sign larger than 24 sq. ft for all sign faces; for property in the NBZ located at 598 Danbury Road.

DATES OF HEARING:           October 28 & November 4, 2019  
DATE OF DECISION:           November 4, 2019

VOTED:           To Grant, a variance of 7.2.E.8., type of sign, to allow a free-standing sign larger than 24 sq. ft for all sign faces; for property in the NBZ located at 598 Danbury Road.

VOTE:           To Grant:       5                           To Deny:       0

<u>In favor</u>	<u>Opposed</u>
Bearden-Rettger, Byrnes, Fincham, Seavy 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 sign shall be exactly as shown on plans and drawings modified during the hearing and made part of this decision, and the plans submitted for the sign application shall be the same as those modified and approved with the variance application.

- 2. No wall signs shall be installed on the building while this free-standing sign is in place on the property.

The Board voted this action for the following reasons:

- 1. The building design does not allow for wall signs. This creates an unusual hardship that justifies the granting of a variance for a larger freestanding sign
- 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. 19-032**  
**Paul E. Cockerill**  
**71 Prospect Street**

REQUESTED:           a variance of Section 3.5.H., setbacks, to construct a deck within the minimum yard setback; for property in the R20 zone located at 71 Prospect Street.

DATE OF HEARING:               November 4, 2019

DATE OF DECISION:             November 4, 2019

VOTED:           To Grant, a variance of Section 3.5.H., setbacks, to construct a deck within the minimum yard setback; for property in the R20 zone located at 71 Prospect Street.

VOTE:            To Grant:       5                               To Deny:       0

<u>In favor</u>	<u>Opposed</u>
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 upzoning of the lot from R10 to R20, along with the shape of lot, has created an unusual hardship that justifies the granting of a variance in this case. It is noted that the proposed plans do not increase the nonconformity, as the deck is no closer to the lot line than the existing stairs.
- 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. 19-035**  
**Daniel Oprea**  
**5 Danbury Road**

REQUESTED: a variance of Section 5.2.D.8.C., uses requiring special permit, to allow a higher residential density than what is permitted by increasing the dwelling units; for property in the B1 zone located at 5 Danbury Road.

DATE OF HEARING: November 4, 2019

DATE OF DECISION: November 4, 2019

VOTED: To Grant, a variance of Section 5.2.D.8.C., uses requiring special permit, to allow a higher residential density than what is permitted by increasing the dwelling units; for property in the B1 zone located at 5 Danbury Road.

VOTE: To Grant: 5 To Deny: 0

In favor

Bearden-Rettger, Cole,  
Fincham, Seavy and Smith

Opposed

The Board voted this action for the following reasons:

1. This property has a long history of use as both residential and business property, predating zoning. Such mixed use is permitted under the current zoning regulations, but the size of the property only allows 1.6 units.
2. The small size of this property presents an unusual hardship that justifies the granting of a variance in this case.
3. The public safety and welfare in the area will be improved with the reduced traffic associated with an increase in residential use and a decrease in business use.
4. 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 9:15 pm.

Respectfully submitted,

Kelly Ryan  
Administrator