

**ZONING BOARD OF APPEALS OF RIDGEFIELD**

**MINUTES OF MEETING**

**November 5, 2018**

**NOTE:** These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on November 5, 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, Mark Seavy and Michael Stenko.

**ROTATION OF ALTERNATES**

The rotation for the meeting was: first, Mr. McNicholas; second Mr. Stenko; third Mr. Byrnes. Mr. Stenko continued to sit for the continued petition. Mr. Cole was unable to attend the meeting, so Mr. Stenko heard the new petitions for him. Mr. Fincham also heard the continued petition for Mr. Cole. Thus, the rotation for the next meeting will be: first, Mr. McNicholas; second Mr. Byrnes; third Mr. Stenko.

**ADMINISTRATIVE**

The first item on the agenda was adoption of the meeting schedule for calendar year 2019. The following dates were approved on a motion by Mr. Fincham, seconded by Ms. Bearden-Rettger, and passed unanimously.

January	7 <sup>th</sup>
February	4 <sup>th</sup>
March	4 <sup>th</sup>
April	1 <sup>st</sup> & 29 <sup>th</sup>
May	13 <sup>th</sup>
June	3 <sup>rd</sup> & 17 <sup>th</sup>
July	8 & 22 <sup>nd</sup>
September	9 <sup>th</sup>
October	7 <sup>th</sup>
November	4 <sup>th</sup>
December	9 <sup>th</sup>

**CONTINUED PETITION**

**Appeal No. 18-018**  
**RJR Builders LLC**  
**173 High Ridge Avenue**

Attorney Robert Jewell again represented the applicant who was also present. Engineer Frank Fowler submitted new plans for the proposed lots and accessways. He stated the Connecticut DOT requires accessways to be 20 ft. wide. The accessway for 167a High Ridge was improved by the removal of hemlock trees by a neighboring property, improving the sight line for safety. The other proposed accessway was for three lots. A letter from the police department was submitted to the file approving the submitted plans. Previously a letter from the fire department was submitted approving the plans. Mr. Jewell stated that the properties still needed a 2-lot subdivision waiver from Planning and Zoning.

Ms. Bearden-Rettger asked if the accessway would be wide enough for say a moving van to move thru. Mr. Fowler replied yes, that was one reason the DOT required newly constructed accessways to be 20 ft. Mr. Fowler also submitted a construction detail survey that showed the width of the accessway. Architect Doug MacMillan was also present and stated the fire department felt confident it could make the turn onto the accessway. It was also noted to the Board that south of Catoonah Street on High Ridge Avenue, where the other proposed accessway for 167a was located, was considered a local road and not subject to state requirements.

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.

### **NEW PETITIONS**

#### **Appeal No. 18-021**

**Doyle Coffin Architecture, agents for Andrei Ganea and Deborah Brown**  
**77 High Ridge Avenue**

Architect Peter Coffin represented the applicants. Mr. Coffin explained to the Board that the property was located in the Historic District and subject to Commission approval. The porch on the house needed to be totally rebuilt and the Historic District Commission approved the submitted ZBA plans. The submitted plans showed a porch addition with an additional 40 sq. ft. The lot was already over the maximum amount of lot coverage. Mr. Coffin submitted before and after renderings of the porch rebuild. The application was asking for an additional 40 sq. ft of coverage to add a turret to the front porch for symmetry. Mr. Smith asked if the porch was being rebuilt why the 40 ft. could not be taken off elsewhere so lot coverage variance would not be needed. Mr. Coffin replied that the historic district approved the submitted plans and stated that removing 40 ft. elsewhere may possibly alter the view from the street. Mr. Coffin stated that the rear lot was purchased and merged into one lot years ago, creating a nonconformity with two dwellings on the lot.

Mr. Smith stated that the lot was far over on lot coverage already and with the porch being rebuilt, 40 ft. could be removed. The Board was only supposed to provide minimum relief. Mr. Smith asked if one of the sheds on the property could be eliminated to make up the lot coverage needed for the addition. Mr. Coffin stated he would discuss with his clients removing a shed to cover the lot coverage needed.

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. 18-022**

**Doug MacMillan, agent for Sloan Cooper**  
**11 Ramapoo Road**

Architect Doug MacMillan appeared for the applicant. Mr. MacMillan explained to the Board that the applicant wanted to add a 1-story sunroom and mudroom addition to the rear of the house. The house built in 1910 and was located in the R20 zone. A setback variance was requested as the house was currently 10.7' from the property line at its closest point. The proposed addition would be at 14', so no increase in nonconformity. Mr. MacMillan submitted a photo of the rear of the house and a large tree in the backyard that the owners wished to retain. Mr. MacMillan listed the hardships as the undersized lot, .35 acres in the R20, the shape of the lot and position of house on the lot. Also, the house conforms to the R10 setback.

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. 18-023**

**Kevin Ambrosio, agent for Scott and Danielle Edwardson**

**7 Kendra Court**

Builder Kevin Ambrosio and Scott Edwardson appeared for the petition. Applicants wanted to construct a 14x24 pool cabana adjacent to a future in-ground pool. Mr. Edwardson stated that the house currently was compliant with all setbacks and FAR but was 135 sq. ft over on lot coverage. The submitted plans showed an addition of 336 square feet, so a lot coverage variance was requested. Mr. Edwardson listed a hardship of an undersized lot, as the lot was 1.2 acres in the RAA zone. Also, the house was constructed in 2003 prior to the 2007 zoning regulation change making lot coverage based on the size of the lot, not the zone. Mr. Edwardson remarked the house must have been legally within the zoning regulations when constructed. Applicants submitted a letter from the abutting neighbor, Dan Berta at 9 Kendra Court, approving the proposed plans. Mr. Smith stated that the lot, actually built as a PRD, had a lot of coverage but agreed a change in zoning could be a hardship. Mr. Smith stated that the Board was only supposed to grant minimum relief and this lot was already over for lot coverage.

The Board and applicants discussed what the regulations were at the time of construction and agreed to a continuance so the applicants could research land records and zoning regulations for a hardship.

No one appeared to speak for or against the petition and the hearing was concluded. A continuance was granted to the December 3 ZBA meeting.

**Appeal No. 18-024**

**Lyle Fishell, agent for Robert Overlock**

**99 Rock Road**

Architect Lyle Fishell and applicant Robert Overlock appeared at the hearing. Mr. Fishell explained to the Board that the applicants needed more space in their home and wanted to expand the 2<sup>nd</sup> floor along with some internal renovations including a courtyard enclosure. The proposed plans showed no change to the 1<sup>st</sup> floor footprint. The addition would vault the ceiling on the second story to 8 ft. This portion of the house was in the setback, so a setback variance was requested. Mr. Fishell stated that the lot was formerly in the RA zone, as the current setback was 24.8 at the eaves. No gutters or eaves were currently proposed at the addition sight. Mr. Fishell listed hardships as no height, lot coverage or FAR variances needed, addition was no closer to the lot line and the likely upzoning of the property from RA to RAA.

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.

The Board voted the following actions:

**Appeal No. 18-018**

**RJR Builders LLC**

**173 High Ridge Avenue**

REQUESTED: A variance of 3.2.C.5., interior lot or accessway, to construct an accessway that will serve four lots; for property in the R 7.5 zone located at 173 High Ridge Avenue.

DATES OF HEARING: September 17, October 1, November 5, 2018

DATE OF DECISION: November 5, 2018

VOTED: To Grant, a variance of 3.2.C.5., interior lot or accessway, to construct an accessway that will serve four lots; for property in the R 7.5 zone located at 173 High Ridge Avenue.

VOTE: To Grant: 5 To Deny: 0

In favor Opposed  
Bearden-Rettger,  
Fincham, Seavy, Stenko 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 accessway 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 granting of this variance provides a substantial improvement to the safety and welfare of the public over the permitted requirements by allowing fewer curb-cuts at one of the town's critical pedestrian and vehicular intersections. The substantial state road requirements and the small lot size allowed in the zone combine to create 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. 18-021**

**Doyle Coffin Architecture, agents for Andrei Ganea and Deborah Brown**  
**77 High Ridge Avenue**

REQUESTED: variances of 8.1.A.3., nonconforming conditions, to expand a nonconformity by increasing the size of one dwelling on a two dwelling property and 3.5.F., lot coverage, by exceeding the permitted lot coverage; for property in the RA zone located at 77 High Ridge Avenue.

DATES OF HEARING: November 5, 2018

DATE OF DECISION: November 5, 2018

VOTED: To Grant, a variance of 8.1.A.3., nonconforming conditions, to expand a nonconformity by increasing the size of one dwelling on a two dwelling property; for property in the RA zone located at 77 High Ridge Avenue.

VOTE: To Grant: 5 To Deny: 0

In favor Opposed  
Bearden-Rettger,  
Fincham, Seavy, Stenko 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 plans 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 same hardships listed in variance #88-094 still pertain to this petition, particularly the enactment of zoning in 1946 making the two-house lot nonconforming.
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. 18-022**  
**Doug MacMillan, agent for Sloan Cooper**  
**11 Ramapoo Road**

REQUESTED: a variance of 3.5.H., setbacks, to construct an addition to a single-family home that will not meet the minimum yard setback; for property in the R20 zone located at 11 Ramapoo Road.

DATES OF HEARING: November 5, 2018  
DATE OF DECISION: November 5, 2018

VOTED: To Grant, a variance of 3.5.H., setbacks, to construct an addition to a single-family home that will not meet the minimum yard setback; for property in the R20 zone located at 11 Ramapoo Road.

VOTE: To Grant: 5 To Deny: 0

In favor Opposed  
 Bearden-Rettger,  
 Fincham, Seavy, Stenko 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 plans 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 undersized lot, along with the lot shape and position of the house on the lot, creates an unusual hardship that justifies the granting of a variance in this case. It is noted that the house predates the town's zoning regulations, the proposed plans conform with the R10 setbacks, and there is no increase in 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.

**Appeal No. 18-024**  
**Lyle Fishell, agent for 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.

DATES OF HEARING: November 5, 2018

DATE OF DECISION: November 5, 2018

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 Opposed  
Bearden-Rettger,  
Fincham, Seavy, Stenko 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 property from RA to RAA and the location of the house on the undersized lot create an unusual hardship that justifies the granting of a variance in this case. It is noted that the approved plans do not increase the nonconformity of the lot, as the proposed addition is entirely above existing space.
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 9:35 pm.

Respectfully submitted,

Kelly Ryan  
Administrator

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