

**ZONING BOARD OF APPEALS OF RIDGEFIELD**

**MINUTES OF MEETING**

**December 4, 2017**

**NOTE:** These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on December 4, 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), Duane Barney (Vice Chairman), Terry Bearden-Rettger, Sky Cole, Mark Seavy and alternate Michael Stenko.

**ROTATION OF ALTERNATES**

The rotation for the meeting was: first, Mr. Aposporis; second Mr. Sealy; third Mr. Stenko. Mr. Aposporis was no longer a member of the Board after the November 2017 election and will be replaced by John McNicholas. Mr. Sealy resigned his alternate seat after winning a full member seat at the November 2017 election. An alternate for this seat will be selected at the meeting. Mr. Barney has resigned his seat and will only hear the continued petition and has asked Michael Stenko to hear the new petitions. Therefore, the rotation for the next meeting will be: first, Mr. McNicholas; second, Michael Stenko. This rotation will remain until a replacement for Mr. Seavy is selected.

**CONTINUED PETITION**

The petition was heard by: Mr. Smith, Mr. Barney, Mr. Cole, Ms. Bearden-Rettger and Mr. Seavy. Ms. Bearden-Rettger, as a new Board member, replaced Carson Fincham. She noted that she had listened to the recording of the November 6 meeting, reviewed the file and visited the property. Mark Seavy as an alternate, was present at the November 6 meeting but did not sit. He would be hearing the continued petition replacing David Choplinski. Mr. Barney would hear the continued petition as noted above.

**Appeal No. 17-017**

**Petition of Patricia Valentino**

**83 Silver Spring Lane**

Ms. Valentino submitted new plans that showed the proposed attached garage further back away from the front property line, but closer to the side and rear setbacks. The plans were revised from the November 6 meeting after Board members and a neighbor expressed concerns about the new garage structure being close to the road and possibly obstructing the sight line of cars on Silver Spring Lane. Mr. Smith stated that the Board appeared willing to accept multiple setbacks violations rather than the extreme front setback originally proposed. Mr. Barney agreed that the revisions alleviate the neighbor's concerns. The new setback numbers are roughly 26 ft. to the front property line, 19 ft. to the side and 24 ft. to the rear. Mr. Smith also stated the small lot was .762 acres in the RAA zone which had 35 ft. setbacks. Ms. Bearden-Rettger asked for confirmation that the garage could not be built between the house and cottage because of the location of the septic. Ms. Valentino confirmed the septic was located between the two structures.

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**

The new petitions were heard by: Mr. Smith, Mr. Cole, Ms. Bearden-Rettger, Mr. Seavy and Mr. Stenko.

**Appeal No. 17-018**

**Petition of Scott Meserve, agent for Arden and Thomas Byrne**  
**35 Sky Top Road**

Mr. Meserve appeared for the petition representing the property owners. The submitted plans showed a screen-in porch to be constructed over an existing deck. Variance #86-068 was granted to the lot to build the deck at 27 ft. The deck however, was constructed at 28 ft. The proposed plans put the setback at 27 ft. with the roof overhangs. The 1.2 acre lot was located in the RAA zone with 50 ft. setbacks. Mr. Smith asked for confirmation that the porch would be built in the existing footprint except for the addition of the overhang. Mr. Meserve confirmed it would be in the same footprint with the overhang addition.

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. 17-019**

**Petition of Patricia Montero**  
**5 Blueberry Lane**

Ms. Montero represented herself in the petition. Ms. Montero explained to the Board that after she bought her condominium unit at Fox Hill in 2016 she built an 18" high deck out her front entrance to combat flooding in the area. After the deck was built, she was informed that the building permits required a survey. The resulting survey showed Ms. Montero's building within the setback and part of her unit in the setback. The newly constructed deck was 48.4 ft. from the setback in the MFDD zone which had a 50 ft. setback. Subsequent review by Ms. Montero revealed that the complex was originally all rental units then later subdivided into phases and sold as condominiums. This subdivision created interior property lines that explain the setback violation of Ms. Montero's unit. Mr. Smith stated that this was a strange situation since the subdivision created odd property lines with the three phases. Ms. Montero submitted a drawing of the whole Fox Hill complex with the subdivisions. She added that all phases have their own management board. She also submitted for the record a letter from the Phase III management that approved her addition of the deck to her unit.

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.

**ADMINISTRATIVE**

**Interviews and Appointment of an Alternate Board Member**

Mr. Seavy resigned his position as an alternate as a result of also being elected as a full member at the November 2017 election. Notices were placed in the Ridgefield Press for two weeks prior to the meeting and the Democratic Town Committee was notified of the vacancy. Only one candidate appeared and was interviewed: Robert Byrnes. After the interview, Mr. Cole nominated Mr. Byrnes for the alternate member position. The Motion was seconded by Mr. Stenko and passed unanimously.

**Interviews and Appointment of a New Board Member**

Mr. Barney resigned from the Board effective December 5, 2017. Notices were placed in the Ridgefield Press for two weeks prior to the meeting and the Republican Town Committee was notified of the vacancy. Only one candidate for full member appeared: Carson Fincham. After the interview, Mr. Cole nominated Mr. Fincham for the full Board member position. The Motion was seconded by Mr. Stenko and passed unanimously.

**DECISIONS**

The Board voted the following actions:

**Appeal No. 17-017**  
**Petition of Patricia Valentino**  
**83 Silver Spring Lane**

REQUESTED: A variance of Section 3.5.H., setbacks, to allow construction of a two-car garage and breezeway that will not meet the minimum yard setback; for property in the RAA zone located at 83 Silver Spring Lane.

DATES OF HEARING: November 6, 2017 and December 4, 2017  
DATE OF DECISION: December 4, 2017

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow construction of a two-car garage and breezeway that will not meet the minimum yard setback; for property in the RAA zone located at 83 Silver Spring Lane.

VOTE: To Grant: 5 To Deny: 0  
In favor Opposed  
Barney, Bearden-Rettger,  
Cole, 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 constructed exactly as shown on the revised 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 location of the house on the undersized lot creates an unusual hardship that justifies the granting of a variance in this case. It is noted that the final revision of the plans addresses the concerns of both the neighbor and the Board, as presented in the first session of the hearing.
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. 17-018**

**Petition of Scott Meserve, agent for Arden and Thomas Byrne**

**35 Sky Top Road**

REQUESTED: A variance of Section 3.5.H, setbacks, to allow construction of a screen-in porch within the minimum yard setback; for property in the RAAA zone located at 35 Sky Top Road.

DATES OF HEARING: December 4, 2017

DATE OF DECISION: December 4, 2017

VOTED: To Grant, a variance of Section 3.5.H, setbacks, to allow construction of a screen-in porch within the minimum yard setback; for property in the RAAA zone located at 35 Sky Top Road.

VOTE: To Grant: 5 To Deny: 0

In favor

Bearden-Rettger, Cole,  
Seavy, Smith and Stenko

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 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 same hardships that were found in variance #86-068 continue to apply to this petition, including the shape of the undersized lot and the location of the house on the lot. It should be noted that the requested 27-foot setback variance was likewise granted in #86-068.
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. 17-019**

**Petition of Patricia Montero**

**5 Blueberry Lane**

REQUESTED: A variance of Section 4.2.C.3., setbacks, to allow a deck to remain within the minimum yard setback; for property in the MFDD zone located at 5 Blueberry Lane.

DATES OF HEARING: December 4, 2017

DATE OF DECISION: December 4, 2017

VOTED: To Grant, a variance of Section 4.2.C.3., setbacks, to allow a deck to remain within the minimum yard setback; for property in the MFDD zone located at 5 Blueberry Lane.

VOTE:            To Grant:        5                      To Deny:        0

In favor

Bearden-Rettger, Cole,  
Seavy, Smith and Stenko

Opposed

The Board voted this action for the following reasons:

1. The establishment of interior lot lines through the Association's property during the developer's conversion of the property from rented apartments to individually owned condominiums, long after the buildings were constructed, resulted in this unit being partially located within a minimum yard setback. As such, the location of the unit 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.

As there was no further business before the Board, the Chairman adjourned the hearing at approximately 8:15 pm.

Respectfully submitted,

Kelly Ryan  
Administrator