

ZONING BOARD OF APPEALS OF RIDGEFIELD

MINUTES OF MEETING

June 6, 2016

NOTE: These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on June 6, 2016 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), David Choplinski, Sky Cole and Dwayne Escola. Mr. Fincham was unable to attend the meeting and Mr. Stenko was also unable to attend, therefore Mr. Escola sat for Mr. Fincham.

ROTATION OF ALTERNATES

The rotation for the meeting was: first, Mr. Stenko; second, Mr. Escola. Mr. Stenko was unable to sit for Mr. Fincham, so Mr. Escola sat for him. The rotation for the next meeting will be: first, Mr. Stenko; second, Mr. Escola. This will remain until a new alternate is selected.

ADMINISTRATIVE

Interviews and Appointment for a Alternate Board Member

Mr. Fincham resigned his position as an alternate to the Board effective May 9, 2016. Notices were placed in the Ridgefield Press for two weeks prior to the meeting and the Republican Town Committee was notified of the vacancy. One candidate for alternate member appeared and was interviewed at the May 9th meeting, Evangelos Aposporis. Following the interview on May 9th, Mr. Smith stated that the Board will continue to interview any interested candidates at the June 6, 2016 meeting and vote at that meeting.

No other candidates appeared at the June 6 meeting. On a motion by Mr. Cole and seconded by Mr. Escola, Evangelos Aposporis was unanimously appointed as an alternate to the board.

NEW PETITIONS:

Appeal No. 16-011 – Petition of Peter Coffin agent for James M. Prusko

Architect Peter Coffin appeared for the applicants. Mr. Coffin presented to the Board an enlarged site plan of the property that showed a carriage house 1.3 feet from the side south property line. He detailed to the Board, that applicants would like to expand the dormers on the carriage house for more room on the second floor and construct a stone areaway that does not require a variance. The dormers would be within the setback so a variance was requested. Mr. Coffin also stated the footprint of the building would stay the same. Mr. Smith asked what the owners used the building for. Mr. Coffin stated it was built as a guest house but the owners planned on using it for an office and a pool house. A pool was not yet built, but approved by the Historic District Committee.

No-one appeared to speak in favor of the petition. A neighbor at 160 Main Street, Mrs. M. Johnson appeared with her architect, Elizabeth DiSalvo. Ms. DiSalvo expressed concerns about privacy, noise control and re-sale value for the Johnson's property if the variance was granted. She stated that previous tenants of the carriage house were quiet, but worried about any future tenants. The Johnson's were also concerned that the dormers would be facing their property along with other windows. Mr. Escola asked why the plans called for dormers in the rear of the building. Mr. Coffin replied that the owners wanted to open up those rooms for more space. He also stated that if the current owners wanted to rent out the carriage house that they would need to apply for a separate special permit with the Planning and Zoning Commission and at that time the Johnson's could make their concerns known. Mr. Smith asked how the applicants could respond to the neighbors concerns about privacy. Mr. Coffin stated that he could revise the plans on the south side by removing two of the three windows. Mrs. Johnson and Ms. DiSalvo approved of the windows being removed from the plans.

The hearing was then concluded. The decision may be found in the end section of these minutes.

Appeal No. 16-012– Petition of Doug MacMillan agent for Mike Pambianchi

Architect Doug MacMillan represented the owner. Mr. MacMillan explained to the board that the owner wanted to add three dormers to an existing garage. One of the dormers was 30 feet from the property line so it was within the 35 foot setback for the RAA zone in which the house was located. Mr. MacMillan stated the hardships as the position of the house on the lot and the upzoning of the property from RA to RAA. He also stated that approximately 8 years ago the state decided to no longer allow the drop down provision for properties that were upzoned. Mr. MacMillan further stated that the property was neighbored by open land owned by the Land Conservancy of Ridgefield and was designated as open space. Also, the lot conforms to FAR and lot coverage regulations. Mr. Smith asked for confirmation that the other two dormers are 35 feet or more from the property line. Mr. MacMillan confirmed they were over 35 feet.

No-one appeared to speak for or against the petition, and the hearing was concluded. The decision may be found in the end section of these minutes.

Appeal No. 16-013 – Petition of Roger Provey agent for Philip Rosenzweig and Pauline Tully

Mr. Barney recused himself from this petition since he had worked previously on this property for the owners. Another alternate could not sit for this petition as Mr. Escola was already sitting for Mr. Fincham and Mr. Stenko was not available. Mr. Provey agreed to be heard with four board members.

Roger Provey represented the owners Philip Rosenzweig and Pauline Tully. Mr. Provey presented to the Board a handout that showed the ledge line with the difficult topography on the property near where the owners wanted to build an attached garage on the front side of the property. The ledge was approximately 3 feet from the proposed garage. A side setback variance was requested as the plans showed the garage at 19.5 ft from the property line. Mr. Provey stated that other locations were considered on the property but those locations would also require a variance. Photos taken of the property and the ledge were entered into the record. Mr. Smith stated that the topography and the shape of the lot as hardships. Mr. Provey stated that a stream was located 32 feet from the house in the RAA zone. Mr. Choplinski asked the administrator if any neighbors had any concerns. The administrator replied that two neighbors had reviewed the plans and had no concerns. The Board asked for confirmation that the 19.5 feet includes overhangs. Mr. Provey confirmed.

No-one appeared to speak for or against the petition, and the hearing was concluded. The decision may be found in the end section of these minutes.

ADMINISTRATIVE

Consideration of 34B Catoonah Street of accepting application and hearing again before 6 months rule (Section 8-6 of CT General Statutes.):

The Board agreed by a vote of 5 – 0, to allow the owners of 34B Catoonah Street to re-file a new petition to be heard before the 6 month rule (Section 8-6 of CT General Statutes.)

DECISIONS

The Board voted the following actions:

Appeal No. 16-011 – Petition of Peter Coffin agent for James M. Prusko
188 Main Street

REQUESTED: A variance of Section 3.5.H., setbacks, to construct an addition to a two-story accessory outbuilding that will not meet the minimum yard setback; for property in the RA zone located at 188 Main Street.

DATES OF HEARING: June 6, 2016

DATE OF DECISION: June 6, 2016

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to construct an addition to a two-story accessory outbuilding that will not meet the minimum yard setback; for property in the RA zone located at 188 Main Street.

VOTE: To Grant: 5 To Deny: 0

<u>In favor</u>	<u>Opposed</u>
Barney, Choplinski, Cole, Escola and Smith	

CONDITIONS:

This action is subject to the following conditions which are an integral and essential part of the decision. Without these conditions, the variance would not have been granted:

1. The addition shall be constructed exactly as shown on the amended plans and drawings presented to the Board during the hearing and made part of this decision.
2. Two of the three south-facing windows shall be eliminated, as agreed upon by the applicant and the adjacent neighbor.
3. The addition shall result in no increase in F.A.R. as defined by the zoning regulations.

The Board voted this action for the following reasons:

1. The outbuilding predates the enactment of zoning in the Town, and the location of the outbuilding on the lot, less than 2 feet from the property line, 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. 16-012 – Petition of Doug MacMillan agent for Mike Pambianchi
15 Old Washington Road**

REQUESTED: A variance of Section 3.5.H., setbacks, to construct new dormers above a existing garage that will not meet the minimum yard setback; for property in the RAA zone located at 15 Old Washington Road.

DATES OF HEARING: June 6, 2016
DATE OF DECISION: June 6, 2016

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to construct new dormers above a existing garage that will not meet the minimum yard setback; for property in the RAA zone located at 15 Old Washington Road.

VOTE: To Grant: 5 To Deny: 0

CONDITION:

 This action is subject to the following condition which 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. Changes in the zoning from one-acre to two-acre since the development of the property and the loss of the drop down provision, combined with the location of the house on the lot, present an unusual hardship that justifies the grant of the variance requested in this case.
2. It is noted that the addition will conform to the 25’ setback and will have no impact on the closest neighboring property, as it is designated open space.
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.

Appeal No. 16-013 – Petition of Roger Provey agent for Philip Rosenzweig and Pauline Tully - 29 Buck Hill Road

REQUESTED: A variance of Section 3.5.H., setbacks, for construction of an addition to a single family residence that will not meet the minimum yard setback; for property in the RAA zone located at 29 Buck Hill Road.

DATES OF HEARING: June 6, 2016
DATE OF DECISION: June 6, 2016

VOTED: To Grant, a variance of Section 3.5.H., setbacks, for construction of an addition to a single family residence that will not meet the minimum yard setback; for property in the RAA zone located at 29 Buck Hill Road.

VOTE: To Grant: 4 To Deny: 0

CONDITION:

This action is subject to the following condition which is an integral and essential part of the decision. Without this condition, the variance would not have been granted:

2. 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 severe topography of the property, along with the location of the house on the lot and shape of the lot, present an unusual hardship and justify the granting of a variance in this case.
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 8:10 pm.

Respectfully submitted,

Kelly Ryan
Administrator