

**ZONING BOARD OF APPEALS OF RIDGEFIELD**

**MINUTES OF MEETING**

**March 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 March 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 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, Sky Cole, Robert Byrnes and Michael Stenko.

**ROTATION OF ALTERNATES**

The rotation for the meeting was: first, Mr. McNicholas; second Mr. Byrnes; third Mr. Stenko. Mr. Seavy was unable to attend the meeting; Mr. Seavy requested that Mr. Byrnes sit of his behalf. Mr. Smith had a conflict with one petition and had to recuse himself; Mr. Smith asked that Mr. Stenko sit of his behalf. Thus, the rotation for the next meeting will be: first, Mr. McNicholas; second Mr. Stenko; third Mr. Byrnes.

**NEW PETITIONS**

The following new petition was heard by, Mr. Smith, Mr. Fincham. Mr. Cole, Ms. Bearden-Rettger and Mr. Byrnes.

**Appeal No. 19-001**

**Thomas and Gabriella Rubeo**  
**7 Sophia Drive**

Homeowner Thomas Rubeo represented himself for the petition. Gabriella Rubeo was also present. Mr. Rubeo stated to the Board that his house was part of a subdivision built in the 1960's consisting of 1 acre lots. His property was later upzoned to the RAAA zone with 50 ft setbacks. Mr. Rubeo submitted new plans to the Board that showed an addition to the side of the house that required a setback variance. The current house was nonconforming for setbacks and the revised plans show the addition placed at 42.6 ft, which was the same setback currently for the deck on the house. Mr. Rubeo submitted a letter in support of the variance application signed by several neighbors. Mr. Smith asked if the calculations for the setback included the gutters. Mr. Rubeo replied yes.

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

**Appeal No. 19-002**

**George Sposito and Rosemary-Hawkins-Sposito**  
**36 Christopher Road**

The following new petition was heard by, Mr. Fincham. Mr. Cole, Ms. Bearden-Rettger Mr. Byrnes and Mr. Stenko.

George Sposito represented himself for the petition. Rosemary Hawkins-Sposito was also present. Mr. Sposito explained to the Board that his current application asked for revisions to variance #16-024, which was previously granted. He stated they wished to revise the approved plans in 16-024. The newly submitted plans are similar but with an

extension of the overhang gutter bringing the setback on the side to 8.5 ft up from the 9.9 ft which was granted in 16-024. Also, the new plans show a 7x 7 vestibule entryway in the front of the house. The house was currently nonconforming in the RA zone, on the side and in the front after the 2016 variance. Mr. Sposito further stated the side neighbor to the proposed addition was a Lake Mamasasco community property so a direct neighbor would not be affected by the addition in any way.

Board members asked for clarification that the increase into the setback from what was granted in #16-024. was primarily due to the addition of overhangs. Mr. Sposito replied yes.

Neighbor Mary Jo Dalbey of 23 Christopher Road appeared to speak in favor of granting the petition. She stated to the Board that she reviewed the Sposito’s plans and liked the improvements to the house. It was stated that the Lake Mamasasco community association had no objections to the application

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

**DECISIONS**

**Appeal No. 19-001**  
**Thomas and Gabriella Rubeo**  
**7 Sophia Drive**

REQUESTED: a variance of Section 3.5.H., setbacks, to allow the construction of one-story addition that does meet the minimum yard setback; for property in the RAAA zone located at 7 Sophia Drive.

DATE OF HEARING: March 4, 2019  
DATE OF DECISION: March 4, 2019

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow the construction of one-story addition that does meet the minimum yard setback; for property in the RAAA zone located at 7 Sophia Drive.

VOTE: To Grant: 5 To Deny: 0  
In favor Opposed  
Bearden-Rettger, Byrnes, Cole,  
Fincham 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 undersized 1-acre lot located in the RAAA zone has created a hardship that justifies the granting of a variance in this case. It is noted that the addition does not increase the nonconformity of the lot and meets the setbacks for the RAA zone.

- 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. 19-002**  
**George Sposito and Rosemary-Hawkins-Sposito**  
**36 Christopher Road**

REQUESTED: a variance of Section 3.5.H., setbacks, to allow the construction of an addition to a single-family residence within the minimum yard setback; for property in the RA zone located at 36 Christopher Road.

DATE OF HEARING: March 4, 2019  
DATE OF DECISION: March 4, 2019

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow the construction of an addition to a single-family residence within the minimum yard setback; for property in the RA zone located at 36 Christopher Road.

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

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:

- 3. The hardships listed in variance #16-024 continue to apply to this petition.
- 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 7:55 pm.

Respectfully submitted,

Kelly Ryan  
Administrator