

**ZONING BOARD OF APPEALS OF RIDGEFIELD**

**MINUTES OF MEETING**

**October 5, 2020**

**NOTE:** These minutes are intended as a rough outline of the web-based Zoom proceedings of the Board of Appeals on Zoning of Ridgefield held on October 5, 2020. Copies of recordings of the meeting may be obtained from the Administrator at cost.

The Chairman called the web-based meeting to order at approximately 7:00 p.m. Sitting on the Board for the evening were: Glenn Smith (Chairman), Sky Cole, (Vice Chairman) Terry Bearden-Rettger, Mark Seavy, and Joseph Pastore.

**ROTATION OF ALTERNATES**

The rotation for the meeting was first Mr. Byrnes, second Mr. Lockwood, third Mr. Stenko. No alternate was needed, so the rotation will stay the same for the next meeting.

**CONTINUED PETITIONS:**

**Appeal No. 20-014**

**John P. Farnham**

**79 West Lane**

The applicants withdrew their petition prior to the meeting.

**Appeal No. 20-015**

**Robert DeRoma**

**40 Mountain Road**

Mr. DeRoma again appeared for his petition. Mr. DeRoma submitted a revised site plan that now showed the shed moved up against the house and meeting the roof line at 24 ft. from the front setback at its closest point. The shed was no longer proposed in the front yard so only a setback variance was required. Mr. DeRoma stated he will temporarily remove the well head to shift the shed from its current location to the newly proposed location if approved. The 2017 variance granted the shed 17.8 ft from the front property line. Mr. DeRoma stated no trees would be removed when moving the shed but some branches may be removed to avoid hitting the house roof. Mr. DeRoma stated he would accept a condition if the variance was granted, that no trees shall be removed during relocation, unless getting approval first from the Inland Wetland agent from Ridgefield.

Lynne Petrocelli of 74 Mountain Road spoke to Board about her concerns with the proposed shed relocation. Ms. Petrocelli stated she was pleased with the proposed new orientation of the shed and condition of approval but questioned if Mr. DeRoma would be required to get a building permit for the shed structure. Mr. DeRoma replied that he would apply for a building permit after receiving the variance. Ms. Petrocelli also asked if the shed should be placed even further from the flood plain on the property. Mr. Smith replied that there was no setback number for a flood plain zone and the new site plan places it even further from the flood plain than previous plans.

No one else 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. 20-020**

**Richard and Andrea Lovett**

**36 North Valley Road**

Mr. Lovett appeared for the petition. He stated to the Board that the submitted plans were for a 14 x 31 ft. inground swimming pool in the rear of the house. The proposed location was 20.4 ft from the rear property line so a setback variance was requested. The lot was in the RAA zone with 35 ft. setbacks. Mr. Lovett stated the location in the rear was selected because one side of the lot was near the well, driveway, garage and closer in view to the neighboring property. The other side was closer to the road and too far from the house. Mr. Smith agreed a pool was ideal closest to a house, not near a garage. Mr. Smith thought the lot had hardship with the shape and location of the house on the lot. Mr. Seavy agreed and Mr. Pastore stated it was promising that the closest neighbor did not notify the Board of any objections. Ms. Bearden-Rettger stated the property was large and it was possible to move the proposed location to an area that did not require a variance or needed less than 14ft. into the setback. Mr. Cole agreed.

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. 20-021**

**Petition of Donald Cantillo, agent for Peter A. Keuls**

**17 Pin Pack Road**

Architect Donald Cantillo appeared for the petition. He explained to the Board that the owners wished to add a small bar addition to the home. Approximately 84 sq. ft. The lot was undersized, 1 acre in the RAA zone. The addition would not be any closer to the lot line than the existing home. The house was located towards one side of the lot. The addition would be 26.9 ft to the line at its closest point. The house was built in 1929. The addition would be one-story.

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. 20-022**

**Stephen Bradley**

**41 Thunder Hill Lane**

Owner Stephen Bradley and builder Valmar Franca appeared for the petition. Mr. Bradley stated he was proposing a garage 10 ft. from the side property line. It was the only suitable location due to the lot having severe topography issues, including many slopes. Therefore, a setback variance was requested. Lot was 1.6 acres in the RAA zone with 35 ft. setbacks. A 2001 granted the property a garage 10 ft. from the line, but the current design differed from what was approved. A neighbor's letter in support of the proposed plans was entered into the record. Mr. Smith stated that property was on a dead-end street and the location was far from the neighboring home.

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

**DECISIONS**

**Appeal No. 20-015**

**Robert DeRoma**

**40 Mountain Road**

REQUESTED:           variances of Sections 3.5.H., setbacks and 3.4.C.2., permitted by special permit, to allow an accessory outbuilding to be located within the minimum yard setback and in a front yard; for property in the RA zone located at 40 Mountain Road.

DATE OF HEARING:                 September 14, 2020, October 5, 2020

DATE OF DECISION:                September 14, 2020, October 5, 2020

VOTED:           To Grant, a variance of Sections 3.5.H., setbacks to allow an accessory outbuilding to be located within the minimum yard setback; for property in the RA zone located at 40 Mountain Road.

VOTE:            To Grant:       5                               To Deny:       0

**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 shed shall be located exactly as shown on plans and drawings modified during the hearings and made part of this decision, and the plans submitted for the building application shall be the same as those modified and approved with the variance application.
2. The site plan as modified during the hearings, now places the shed 24 ft. from the front property line and in a different location.
3. No trees will be removed during the relocation of the shed without prior consultation with the Inlands and Wetlands Agent.

The Board voted this action for the following reasons:

1. The presence of a brook and wetlands on the property, presents an unusual hardship that justifies the grant of a variance requested in this case. It is noted that the approved relocation of the shed is less nonconforming and further away from the flood plain than what was approved in variance #17-009.
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. 20-020**

**Richard and Andrea Lovett**

**36 North Valley Road**

REQUESTED:           a variance of Section 3.5.H., setbacks, to allow construction of an in-ground pool within the minimum yard setback; for property in the RAA zone located at 36 North Valley Road.

DATE OF HEARING:                 October 5, 2020

DATE OF DECISION:                October 5, 2020

VOTED:           To Deny, a variance of Section 3.5.H., setbacks, to allow construction of an in-ground pool within the minimum yard setback; for property in the RAA zone located at 36 North Valley Road.

VOTE:            To Grant:       3                               To Deny:       2

The Board voted this action for the following reason:

1. The hardships presented to the Board by the applicant did not justify the granting of the variance sought in this petition. The Board felt that alternatives exist that may lessen the scale of the variance requested, if not eliminate the need for a variance altogether.

**Appeal No. 20-021**

**Petition of Donald Cantillo, agent for Peter A. Keuls**

**17 Pin Pack Road**

REQUESTED: a variance of Section 3.5.H., setbacks, to allow construction of an addition to a single-family residence within the minimum yard setback; for property in the RAA zone located at 17 Pin Pack Road.

DATE OF HEARING: October 5, 2020

DATE OF DECISION: October 5, 2020

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow construction of an addition to a single-family residence within the minimum yard setback; for property in the RAA zone located at 17 Pin Pack Road.

VOTE: To Grant: 5 To Deny: 0

**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 undersized lot, 1 acre in the RAA, along with the location of the house on the lot, present an unusual hardship that justifies the granting of a variance in this case. It is noted that the addition is no closer to the lot line than the house on the property.
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.

**Appeal No. 20-022**

**Stephen Bradley**

**41 Thunder Hill Lane**

REQUESTED: a variance of Section 3.5.H., setbacks, to construct an accessory structure within the minimum yard setback; for property in the RAA zone located at 41 Thunder Hill Lane.

DATE OF HEARING: October 5, 2020

DATE OF DECISION: October 5, 2020

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to construct an accessory structure within the minimum yard setback; for property in the RAA zone located at 41 Thunder Hill Lane.

VOTE: To Grant: 5 To Deny: 0

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:

2. The undersized lot, along with the severe topography on the lot, present an unusual hardship that justifies the granting of a variance in this case. It was noted that there was no other location on the lot where a garage could be located.
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 8:35 pm.

Respectfully submitted,

Kelly Ryan  
Administrator